COMMONWEALTH
PAYROLL & HR

I-9 Compliance: Are You Doing It Right?

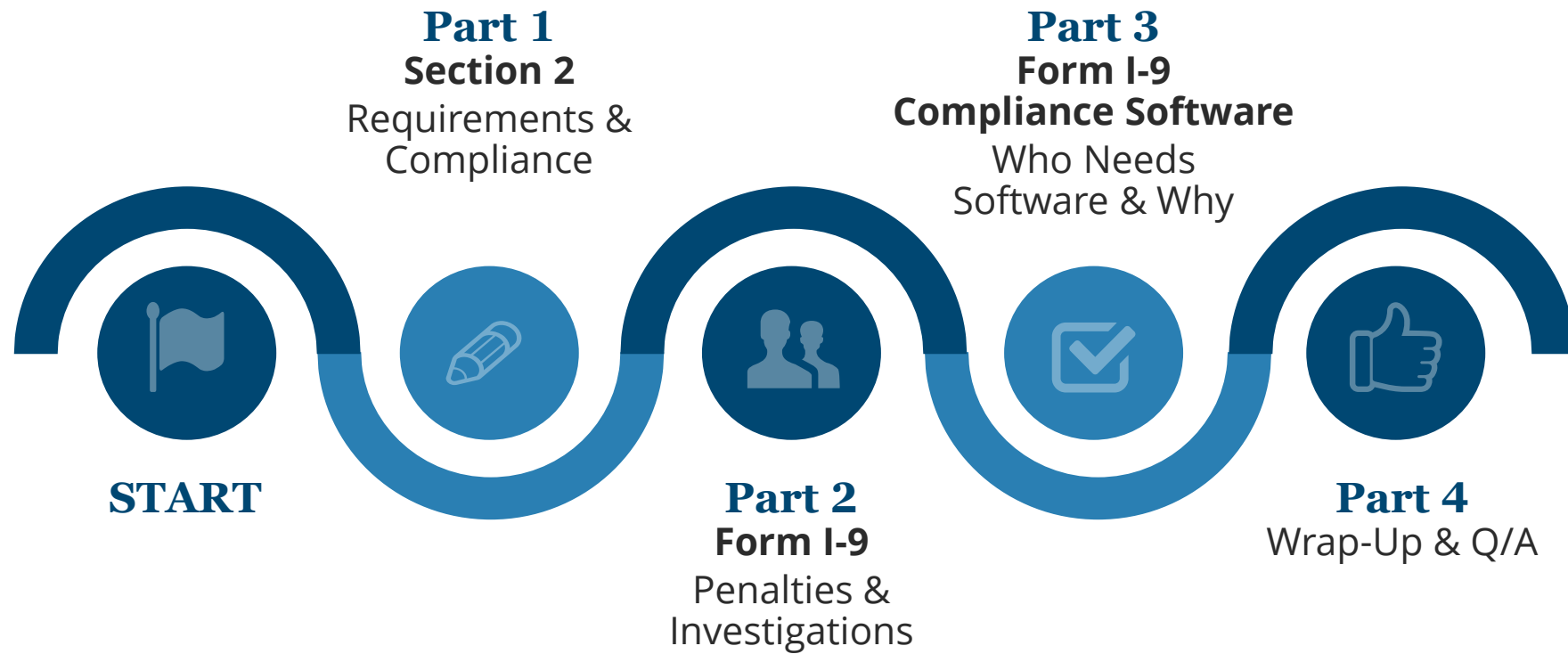February 10, 2026

Introductions

Jeff Plakans
Founder & President
Commonwealth Payroll & HR

Melissa Prentice
President
Clear I-9

I-9 Roadmap – What You Need To Know!

Part 1
Section 2
Requirements & Compliance

Part 3
Form I-9
Compliance Software
Who Needs Software & Why

START

Part 2
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Penalties & Investigations

Part 4
Wrap-Up & Q/A

Employment Verification – The Basics!

For all employees hired after November 6, 1986

To comply with the employment eligibility verification provisions, **ALL employers must**:

- Verify the identification documents.

- Verify the employment authorization documents.

- Complete and retain a Form I-9.

- Refrain from discriminating against individuals based on actual or perceived national origin, citizenship or immigration status.

Form I-9 Requirements

Use the Correct Version

- As of 2025, you can only use Form I-9 with the 1/20/2025 revision date for all new hires and reverifications.
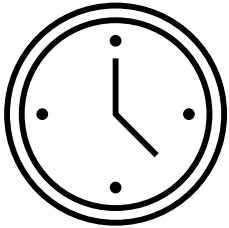
On or After November 6, 1986

- Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

Employer Liability

- You may delegate the authority to complete Form I-9 to an authorized representative however, you will retain liability for any errors.
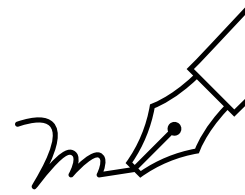
Section 2: Employer Certification

3 Business Days to Complete

Employer completes Section 2 no later than 3 business days after the employee begins working for pay.

Examine, Date, and Sign

The person that examines the original, unexpired documents in the presence of, or virtually with, the employee must fill out, sign, and date Section 2.

Complete Date Fields

Enter Today's date and the first date of employment.

Section 2: Document Review

- You **must** accept a document presented by an employee if it reasonably appears to be genuine and relates to the individual presenting it.

- The document must be original – photocopies are **NOT** acceptable, except for a certified copy of a birth certificate.

**The Lists of Acceptable Documents
(Based on Citizenship Status)**

Your employees CHOOSE which documents to present:

- One document from **List A**;

- Or one document from **List B** in combination with one document from **List C.**

Preventing Discrimination

The Anti-Discrimination provision of The Immigration & Nationality Act (INA) prohibits four types of discrimination:

- **Status:** Discrimination based on citizenship or immigration status.

- **National Origin:** Actual or perceived national origin discrimination.

- **Documents:** Unfair documentary practices during the Form I-9 process.

- **Retaliation:** Employers must not retaliate against employee rights.

Section 2: Receipt Rules!

Accept Receipts:
- You may accept a receipt showing the employee has applied to replace a document that was lost, stolen or damaged.

Agency Issued:
- The receipt must always be issued by the originating agency.

Within 90 Days:
- Employee must present replacement document(s) within 90 days of hire.

Never Accept:
- Receipts should never be accepted if employment lasts less than 3 business days.

E-Verify Delay:
- If using E-Verify, delay case until replacement document is provided.

Section 2: Copying Documents

You may choose to make copies of documents employees present for Section 2:

If you choose to photocopy documents:

- **BE CONSISTENT** and copy ALL documents employee provides.
- Keep all copies of documents stored in a secure area and destroy when the related Form I-9 is purged.

E-Verify employers must photocopy the following documents if voluntarily provided by the employee for Form I-9 Section 2:

- U.S. Passport or Passport Card
- I-551 Lawful Permanent Resident Card
- I-766 Employment Authorization Document

Section 3: Reverification

☑ **When Employers Must Reverify**
- Reverify an employee using Form I-9 Supplement B if their temporary employment authorization or temporary employment authorization document has expired.

☑ **When Employers May Reverify**
- Rehire the employee within 3 years of the date your first completed Form I-9; or update the employee's biographic information.

☑ **What Employers Should Not Do**
- DO NOT create a new E-Verify case for an existing employee you are reverifying.

Reverification Documents

Reverify:

- Expired Permanent Resident Card presented with Form I-797
- Form I-94 with temporary I-551 stamp
- Unexpired foreign passport with temporary I-551 stamp
- An Employment Authorization Document (Form I-766) with an expiration date

DO NOT Reverify:

- U.S. citizens and noncitizen nationals
- U.S. passports or passport cards
- List B Documents
- Permanent Residents who present an unexpired Permanent Resident or Alien Registration Receipt card (Form I-551)

Remote Hiring & DHS Alternative Procedure

Remote Hiring Requirements

**U.S. Employers - Remote Workforce...**

82%

of companies now offer Remote Work options & 72% have adopted Permanent Remote Work Policies (meaning they regularly hire or allow remote roles)

- Section 2 must be completed by the employer (or "Employer Representative") within 3 days of work for pay.

- The person who completes Section 2 must also examine identification and work authorization documents.

- Form I-9 must be retained for 3 years after the date of hire, or 1 year after employment terminates, whichever is later.

- All forms and supporting documents may need to be available for each employee within 3 days of an official notice of inspection.

- The person who examines Section 2 documents must be physically present with the employee or viewed virtually using the DHS Alternative Procedure.

Remote I-9: Convenient I-9 Agent Options

- Safely provide access to anyone outside of your organization to help complete Section 2 of the I-9 without the need for them to login to your company's dashboard, all while providing an intuitive experience.

- **Build a Reusable I-9 Agent Network:** Create a reusable network of authorized I-9 agents to help complete Section 2.

- **Use Employer or Employee I-9 Agents:** Easily designate a company or employee chosen I-9 representative to complete Section 2.

- **Access a National Network of Virtual I-9 Agents:** Access a national network of Virtual I-9 Agents trained on completing the I-9 and our system.
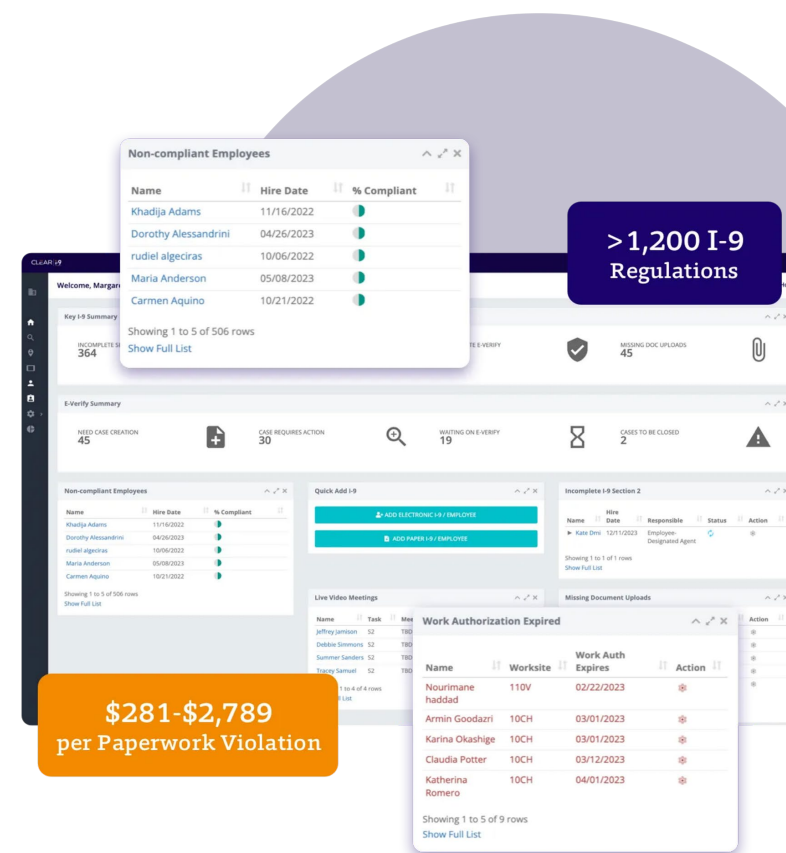
What is the DHS Alternative Procedure?

It is a **voluntary option** created by DHS (through USCIS) that permits employers to **verify identity and work authorization documents remotely** using electronic methods, **instead of physical inspection**.

This procedure became permanent **in August 2023** and replaced the COVID-era temporary flexibilities.

Who Can Use It

An employer **must be enrolled in E-Verify** and in good standing for the hiring site using the alternative procedure.

**If you are not enrolled in E-Verify → you must perform physical inspection.**

DHS Alternative Procedure

There are a few things that are critically important for your virtually completed forms.

You must be in good standing with E-Verify.

- You must examine the front and back of all two-sided documents, or acceptable receipts.

- You must retain copies of the documents presented and examined.

- You must conduct a live video interaction with the individual presenting the document.

- The Employee **MUST** first submit a copy of the documents to you BEFORE the completion of Section 2.

- You **MUST** indicate (on the form) that you used the Alternative Procedure in the Additional Information field in Section 2.

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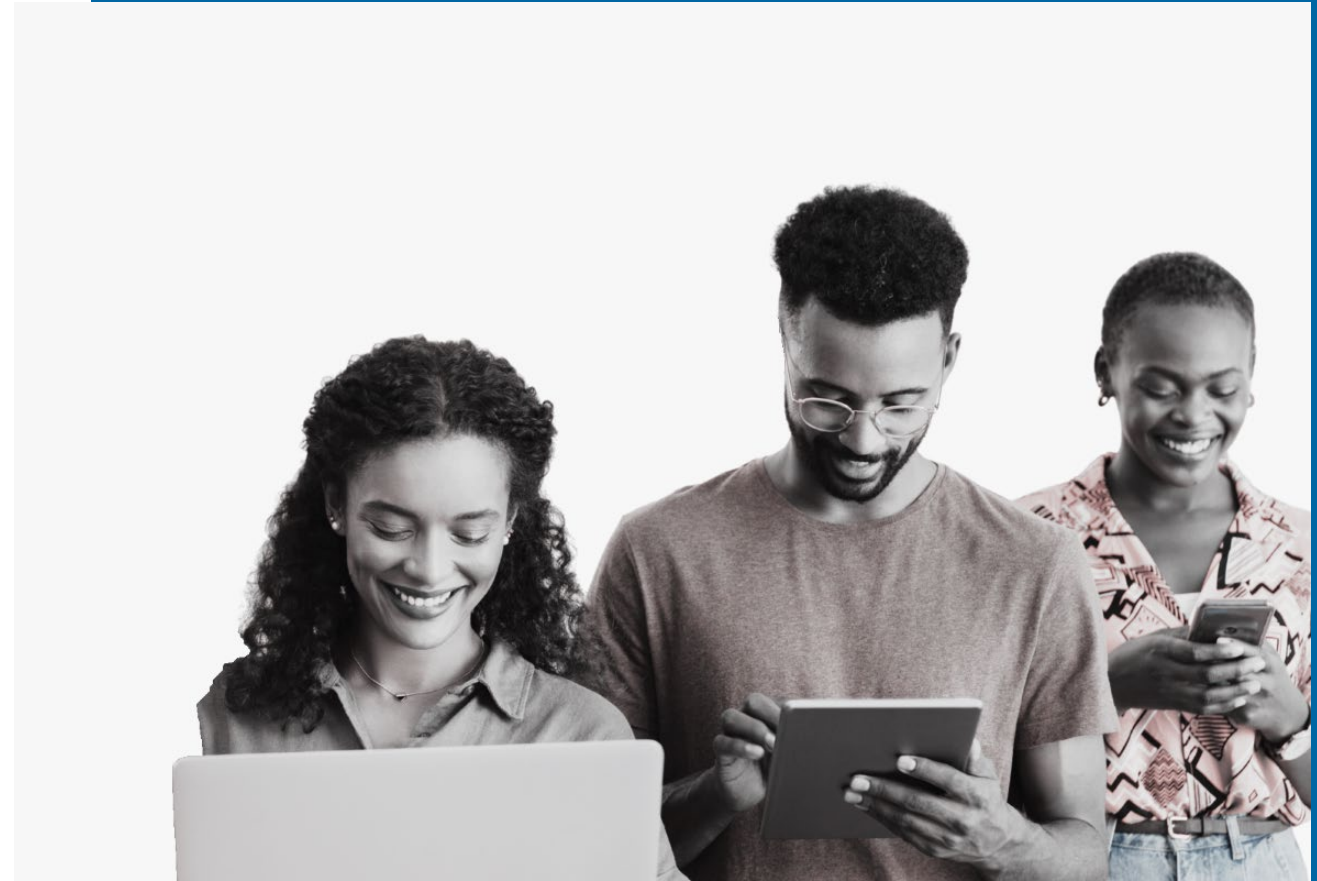
Form I-9
Penalties & Investigations

Form I-9 Fines

Administrative Violations:

- **Minimum penalties** increased to **$288** per form in 2025
- **Maximum penalties** increased to **$2,861** per form in 2025

Recruiting, Referring, and Rehiring Violations:

- **Penalty** for **first** offense increased to **$716 to $5,724**
- **Penalty** for **second** offense increased to **$5,724 to $14,308**
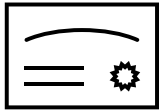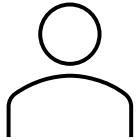- **Penalty** for **third** offense increased to **$8,586 to $28,619**

How Penalties Add Up
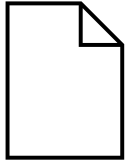
Missing Documents
Failure to produce a Form I-9 and supporting documents

Complete Certification
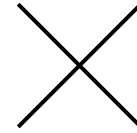Failure to properly complete Section 2 Certification

Unauthorized Workers
Knowingly hiring Unauthorized workers

Discriminatory Practices
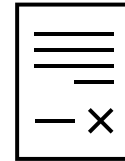Discriminating against an employment-authorized individual

Failure to Reverify
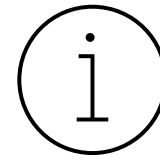Failure to reverify work authorization documents

Dates & Signatures
Failure to date and/or sign Sections 1 & 2
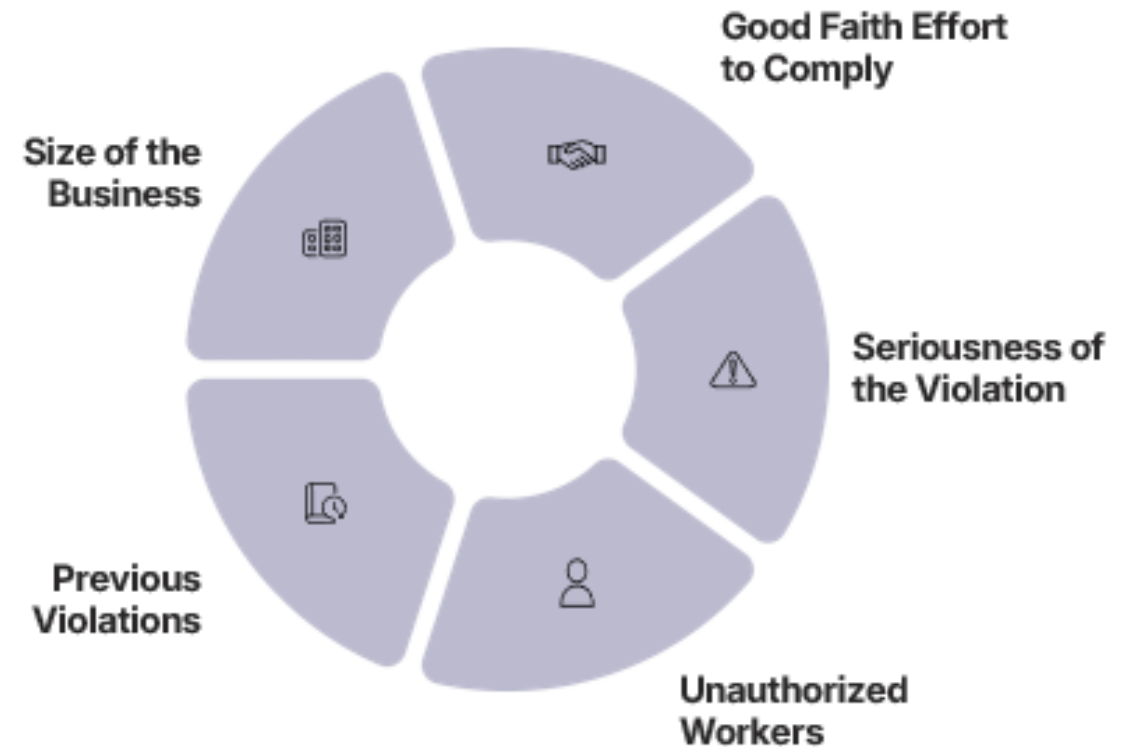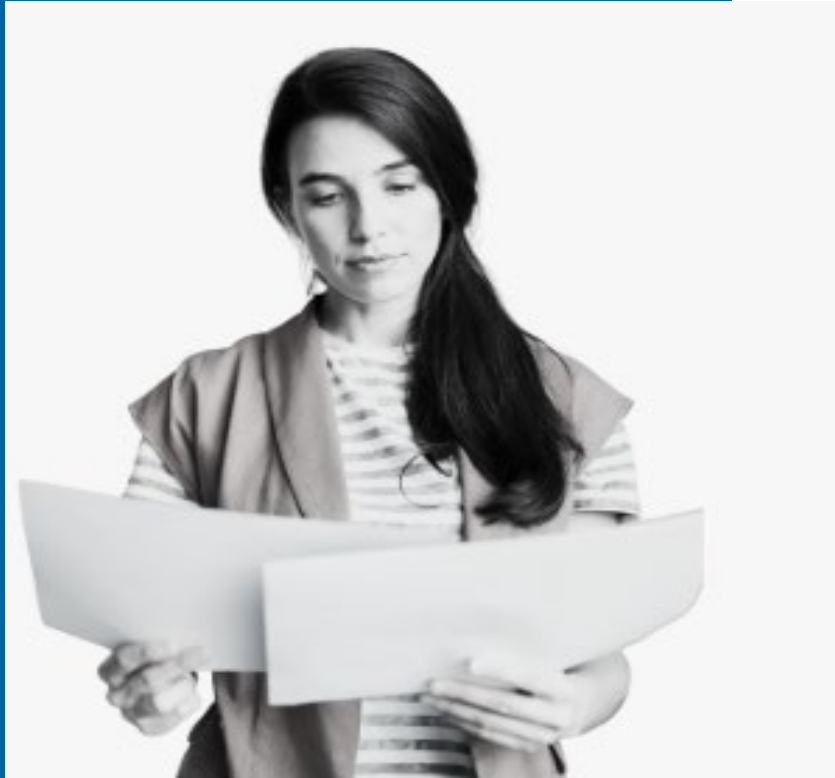
Document Fraud
Engaging in any form of document fraud

Omitting Information
Failure to include document titles, document numbers, and expiration dates

How Penalties are Evaluated

Good Faith Effort to Comply

Size of the Business

Seriousness of the Violation

Previous Violations

Unauthorized Workers

Are You at Risk of an I-9 Investigation?

The integrity of I-9 records is as important as that of tax records. An internal audit is always a great best practice.

When deciding who to prosecute, lack of or defective I-9 Forms are a "smoking gun" for ICE and DOJ investigations.

If you receive a Notice of Inspection (NOI): you may only have 3 business days to produce original Forms I-9.

Do not destroy any documents, attachments, old Forms I-9, or company records once a NOI is received.

Immediately hire counsel – (Immigration and Criminal Defense).

The Pitfalls of Form I-9 and E-Verify

- Incorrect information?

- Missing signatures, date, or checkboxes?

- Missing forms altogether?

- Valid originals examined?

- Have forms been re-verified?

- Old I-9s purged according to the 1-year/3-year rule?

- Keeping copies of IDs for E-Verify?

I-9 Retention Rules

- Employers must have an I-9 on file for every Active Employee hired after November 6, 1986

- Employers should follow the 3 /1-Year Rule
  - The later of:
    - 3-Years after the date of hire, OR
    - 1-Year after the date of termination

- Storage Rules
  - Paper
  - Electronic
  - Microform

- Keep separate from Personnel Files

Form I-9
Compliance Software

Compliant I-9 Software

What is Compliant I-9 Software?

- Compliant I-9 Software complies with all Federal Form I-9 rules & regulations set forth by U.S. Citizenship & Immigration Services (USCIS).

- A compliant I-9 software is designed to protect customers from fines during an Audit.

How can I tell if my current software is compliant?

- Does your software follow the Rules & Regulation of the USCIS?

- Does your current provider assist with Audit Support?

- Does your current I-9 have an Audit Trail?

- Does it track Expiring documents and other Audit Triggers?

Benefits of Certify I-9 Software

Compliance

Complies with all Federal Form I-9 rules & regulations set forth by U.S. Citizenship & Immigration Services (USCIS).

Accuracy

Ensures that users complete all required fields and sections of the Form I-9 correctly.

Timeliness

Form I-9 must be completed, stored, and retained in a way that meets USCIS Form I-9 requirements.

Error-Checking

Identifies "obvious" errors on every section of the form to help reduce the risk of fines in the event of an audit.

Consistency

Creates consistent processes for the organization and helps to meet I-9 anti-discrimination practices.

Background

Form I-9 Compliance That Delivers Peace of Mind

Even when trying to put your best foot forward, mistakes on the Form I-9 are easy to make, especially with a paper-based I-9. Some organizations, looking to improve compliance, opt for electronic I-9 software. However, **not all electronic I-9 solutions are designed to fully meet current legal requirements for Form I-9**.

Certify I-9, Powered by HRlogics, was designed by Form I-9 and immigration law experts who understand the rules and regulations. Our solution helps ensure clients achieve and maintain full I-9 compliance.

80%
Average I-9 Error Rate

$2,861
Maximum Admin Fine Per Error

18
Pages of I-9 Instructions

CERTIFY I-9
Powered by HRlogics

Coming Soon!

1. Scan the **QR Code**
2. Complete the form by **February 24**
3. Take advantage of **15% discount** on Certify I-9 solution
4. Use promo code **PRENTICE210**