Form I-9 frequently asked questions and their answers

Review the following frequently asked questions about Form I-9 to help determine if your agency is appropriately utilizing the form. This will help protect your agency from increased fines for mistakes or omissions on these forms. (See story, p. 4.)

Q: My company retains unpaid individuals (student trainees, interns, volunteers, residents) that receive job training and experience but receive no form of payment from my company. Do we need to complete Forms I-9 for these individuals?
A: In general, Forms I-9 are not required for unpaid individuals unless the individuals will receive something of value in exchange for their labor or services, also referred to as remuneration.

Remuneration can come in many forms, such as money, meals, lodging and other benefits, but does not include gifts. If your company determines that unpaid individuals will receive something of value in exchange for labor or services, your company should complete Form I-9. Last Reviewed/Updated: 03/27/2014

Q: Can I include Form I-9 in a job application packet?
A: Yes. You can include Form I-9 in a job application packet as long as you apply this practice uniformly to all job applicants and do so for information purposes. Do not ask employees to complete Form I-9 as part of the application process. Form I-9 must be completed after your employee has been provided and accepted an offer of employment. Last Reviewed/Updated: 03/19/2014

Q: Do I have to complete Forms I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?
A: Yes. You must complete Forms I-9 for all employees, including NAFTA entrants. Last Reviewed/Updated: 03/19/2014

Q: Do the owners of a company have to complete Form I-9? What if one of the company’s owners refuses to complete Form I-9?
A: Form I-9 requirements are triggered by the hire of an individual for employment in the United States. A “hire” is the actual commencement of employment of an employee for wages or other remuneration. If any of the owners are employees of the company, then each owner must complete Form I-9. Failure to comply with all Form I-9 requirements could result in civil penalties against the employer. Last Reviewed/Updated: 03/19/2014

Q: Am I required to complete Forms I-9 for employees who will work only one day?
A: Yes. Unless the individual engages in casual domestic employment, you must complete Form I-9 for each employee hired to work in the United States, even if your employee works only one day. Last Reviewed/Updated: 03/19/2014

Q: Do I have to update or complete a new Form I-9 when distributing back pay to a previous employee who no longer works for the company?
A: No. You should not update or complete a new Form I-9 if you are only distributing back pay to a previous employee. Last Reviewed/Updated: 03/19/2014

Q: Do I need to fill out Forms I-9 for independent contractors or their employees?
A: No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Forms I-9 for that company’s employees. The construction company is responsible for completing Forms I-9 for its own employees. However, you may not use a contract, subcontract or exchange to obtain the labor or services of an employee knowing that the employee is unauthorized to work. Last Reviewed/Updated: 03/19/2014
Q: If someone accepts a job with my company but will not start work for a month, can I complete Form I-9 when my employee accepts the job?
A: Yes. The law requires that you complete Form I-9 only when the person actually begins working for pay. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use the Form I-9 process to screen job applicants or to delay the actual start day of work. Last Reviewed/Updated: 03/19/2014

Q: Do citizens and noncitizen nationals of the United States need to complete Form I-9?
A: Yes. While citizens and noncitizen nationals of the United States are automatically eligible for employment, they too must present the required documents and complete a Form I-9. U. S. Citizens include persons born in the United States, Puerto Rico, Guam, the U.S. Virgin Island and the Commonwealth of the Northern Mariana Islands. U. S. noncitizen nationals are persons who owe permanent allegiance to the United States, which include those born in American Samoa, including Swains Island. Last Reviewed/Updated: 03/19/2014

Q: How far in advance can the Form I-9 be completed?
A: Form I-9 may be completed as soon as the employer has offered the individual a job and the individual has accepted the offer. Each newly hired employee must complete and sign Section 1 of Form I-9 no later than his or her first day of employment. Last Reviewed/Updated: 08/06/2015

Q: As an employer, may I use a signature stamp to sign Section 2?
A: No. Both the employer's and the employee's handwritten (or electronic signature, if applicable) signatures are required to complete Form I-9. Last Reviewed/Updated: 11/25/2014

Q: As an employer, do I have to fill out all the Forms I-9 myself?
A: No. You may designate someone to fill out Forms I-9 for you, such as a personnel officer, foreman, agent, or anyone else acting on your behalf, such as a notary public. Please note that if someone else fills out Form I-9 on your behalf, he or she must carry out full Form I-9 responsibilities. However, you are still liable for any violations in connection with the form or the verification process.

For example, it is not acceptable for a notary public to view employment authorization and identity documents, but leave Section 2 for you to complete. The person who views an employee's original documentation should also complete and sign Section 2 on your behalf. Last Reviewed/Updated: 03/27/2014

Q: If Section 1 of Form I-9 is completed before the expiration date of the form, but Section 2 is not completed until after the form has expired, can the employer continue to use the original Form I-9 or must the employer complete Section 2 on the new version of Form I-9?
A: Employers must use only the newest version of Form I-9. Whether the employee completes Section 1 of Form I-9 on the older version of Form I-9, the employer should complete Section 2 on the same version of the form, even if this occurs on or after the required start day for use of the new Form I-9. Last Reviewed/Updated: 05/16/2017

Q: Can there be any additional writing or highlighting on Form I-9?
A: Yes. However, you must ensure that such information is legible. Any additional writing, printing or highlighting on Form I-9 outside of the required information must not interfere with an authorized government official’s ability to read the information on the form or add additional requirements to the form. Last Reviewed/Updated: 03/27/2014