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Internal I-9 Audit Checklist

Why Conduct an Internal I-9 Audit?

Being proactive is better than being reactive- especially for I-9 audits. Conducting an internal I-9 audit protects your organization and helps you identify errors before they become expensive fines.

Preparing for an Internal Audit

1. Create a List of Current and Former Employees

- [ ] List all current employees.
- [ ] List all employees terminated in the past three years.

2. Ensure You Have the Most Current Form-I-9

- [ ] You can find the most up-to-date form by visiting **https://www.uscis.gov/i-9.**

3. Communicate with Employees

Before conducting the audit, ensure transparency by providing employees with:

- [ ] A written notice explaining the scope and reason for the internal audit.
- [ ] Context on whether the audit is voluntary or government-directed.
- [ ] A process for employees to ask questions and raise concerns.
- [ ] Information on how errors will be addressed.
- [ ] Instructions should be provided in an appropriate language for those who are not proficient in English.

4. Gather Your I-9 Forms

- [ ] Run through your list of employees and find the I-9 forms you have on file.
- [ ] Learn about **the benefits of managing and storing your I-9s electronically.**

💡 **Tip:** For additional in-depth guidance, you can reference the **USCIS Handbook for Employers**

Conducting an Internal Audit

1. Section 1: Employee Information

Ensure the following employee information is accurate in Section 1:

- [ ] Name
- [ ] Address
- [ ] Date of Birth
- [ ] SSN
- [ ] Immigration Status
- [ ] Alien Registration Number, USCIS Number, Form I-94 Admission Number, or foreign passport number (if required).
- [ ] Signed and dated no later than the first day of employment.
- [ ] If a preparer or translator assisted, ensure they completed the preparer/translator section.

2. Section 2: Document Verification

Verify correct information and documents in Section 2, including:

- [ ] The employee has provided the required documents.
- [ ] Documents are correctly categorized (List A, or List B & List C).
- [ ] Documents contain all necessary information.
- [ ] The first date of employment is correct.
- [ ] The business name and address are correct.
- [ ] Employee information matches Section 1
- [ ] Signatures from your company's representative, dated within three business days of the first date of employment.

💡 **Tip:** Learn more about acceptable documents for I-9 verification **here.**

Section 3: Reverification and Rehires

- [ ] Section 3 should be completed if the employee's work authorization has expired or if they were rehired within three years of the last time they completed an I-9.

Making Corrections After an Audit

Once a review is completed, it's time to address any errors and resolve them.

1. Section 1 Errors:

Employees must correct their own errors by:

- [ ] Striking through incorrect information
- [ ] Entering the correct information
- [ ] Initialing and dating the correction

If a preparer/translator was used:

- ☐ If the same preparer/translator initially assisted the first time and they already completed the certification block, then they do not need to complete it again.
- ☐ If a different preparer/translator assisted, then they should complete the certification block by striking through the previous preparer/translator's information and adding the new information, noting that it is "for corrections."

If you find errors on former employees' I-9s:

- ☐ You must add a note to the current form that details the errors and explains why corrections cannot be made.

🔴 Employers **should not** correct errors in section 1 themselves. The employee must be the one to make any corrections.

2. Section 2 and Section 3 Errors:

Employers must correct errors made in Section 2 or 3 by:

- ☐ Striking through incorrect information
- ☐ Entering the correct information
- ☐ Initialing and dating the correction
- ☐ Note: Do not use correction fluid or backdate forms

💡 **Tip:** Forms with multiple errors can be corrected by filling out a new, current form I-9 and attaching that to the original form with a note explaining what corrections were made and why a new form had to be completed.

3. Wrong Form Version Used:

- ☐ If an outdated Form I-9 was used, staple it to a blank, current version.
- ☐ Sign and date the new blank version, noting why it's attached.
- ☐ Alternatively, draft an explanation as to why the wrong form was filled out correctly and attach it to the outdated Form I-9.

4. Verifying Documents:

- ☐ If documents were acceptable at the time of hire, they remain valid.
- ☐ Employers cannot assume documents are invalid simply because they do not match the latest requirements.
- ☐ If a document appears not genuine or does not match the employee, you should:
  - ☐ Discuss concerns with the employee.
  - ☐ Allow the employee to present different documents from the **Lists of Acceptable Documents.**
  - ☐ Be cautious. Employers should not request documentation simply because photocopied documents are unclear or use I-9 audits to engage in discriminatory or retaliatory behaviors.

🔴 Employers cannot request specific documents. The employee should be allowed to provide whichever acceptable documents they want.

5. Missing or Incomplete Information

- [ ] If the Form I-9 was never completed or is missing, then complete the current version of the Form I-9 immediately.
- [ ] If Section 1 was never completed, have the employee complete it.
- [ ] If Section 2 was never completed, the employer should complete it.
- [ ] **Do not** backdate the forms. Instead, attach a signed and dated explanation of the corrections.

6. Handling Unauthorized Workers:

- [ ] If an employee admits they are not authorized to work, the employer must take action to avoid violating the **Immigration Reform and Control Act (IRCA).**

7. Timeframe for Corrections

- [ ] Employees should be given reasonable time to correct their Form I-9 errors.
- [ ] Some documents take longer to obtain—work on a case-by-case basis.
- [ ] Ensure requests for documentation are not discriminatory.

Training & Prevention

1. Take what you've learned from your internal audit and use that to train teams on:
- [ ] What errors were most common
- [ ] Best practices to avoid errors in the future
- [ ] Protocols for a real I-9 audit
- [ ] **What can trigger an I-9 audit**

Record-Keeping and Organization

1. Maintain audit records, including:
- [ ] Lists of errors
- [ ] Corrections made
- [ ] Employee communications

2. Follow retention guidelines:
- [ ] Store all Forms I-9 for **at least three years after hire or one year after termination, whichever is later.**

MITRATECH

Make I-9 Compliance Easy With Mitratech

One of the best ways to be proactive and get ahead of an audit is by using an I-9 management solution that allows you to securely store and manage I-9s electronically to make audits a breeze. Mitratech's I-9 management solution does just that, and it's the only solution that has maintained a perfect 20+ year track record of compliance with U.S. government agencies.

To learn more about how Mitratech can help **schedule a demo** with our team today!

Questions? Check out our Form I-9 FAQ for the answers! ▶