

# IRCA I-9 Risk Assessment



Signature



# IRCA I-9

## Risk Assessment

### Initial Questions

1. Are you a federal contractor? Yes  No

*Federal contractors are generally required to use E-Verify, completing an I-9 alone isn't typically sufficient.*

2. Do you operate in any states with an E-Verify mandate? Yes  No

*State E-Verify laws vary, but even a single employee in a state with a strict E-Verify law could force an employer to use the system.*

3. Do you hire any contract labor who may use undocumented workers? Yes  No

*Although the IRCA only directly applies to employees, a company may have liability in a situation where it uses contract labor which violate the law.*

### Records Retention

4. Do you have an I-9 on file for all active employees who were hired on or after November 6, 1986?  
Yes  No

5. For employees hired on or after September 18, 2017 are you using the I-9 form with the expiration date of "08/31/2019?" Yes  No

6. Do you photocopy the document(s) provided by your employee? Yes  No

*Photocopies are not required for basic I-9 compliance, however, copies of certain documents must be kept when an employer uses E-Verify. Regardless, if an employer makes copies of documents, they must follow a consistent procedure for all new hires (if you copy for one, you must copy for all, you should copy front and back side of the document(s), the copies should be kept with the I-9 form).*

7. Do you photocopy both sides of the document(s) provided by employee? Yes  No

8. Do you keep photocopies of document(s), the employee provides, with the I-9 form?  
Yes  No

### Section 1

9. Do you provide the list of acceptable documents and the full I-9 instructions to newly hired employees? Yes  No

10. Do you have each new hire complete page one of the I-9 form no later than their first day of employment? Yes  No

*This is a common mistake because of the 3 day requirement for section 2. While an employer can wait to complete Section 2, Section 1 must be completed by the first day.*