

(a) Temporary Alien Workers Required to Live in Group Quarters. Any Temporary Alien Worker employed by an employer required to make lodging available to its employees must reside in a facility provided by the employer, except that any Temporary Worker planning to live with a relative in Guam or having personally made other living arrangements in Guam may petition the Department of Labor for an exemption from this requirement and, upon providing satisfactory evidence to the Department of Labor that such living arrangement is appropriate and continuously available, may be granted such exemption by the Director of Labor.

(b) Charges for Lodging and Meals. The employer shall be entitled to recover its costs in providing lodging and meals, if applicable, to an employee but such amount shall not exceed the actual cost incurred by the employer in providing lodging and meals (if applicable) to the employee.

(1) If the charge for lodging and/or meals exceeds Eighty Dollars (\$80.00) per week, the employer shall submit records and such other proof as is necessary to satisfy the Department of Labor that such costs were actually incurred; all such costs may be fully allocated by the employer in determining the amount to charge an employee. Once satisfied that the employer's charges are appropriate, the Director of Labor will issue a notice approving such charges and it shall be the employer's responsibility to provide a copy of the notice to the employee. The employee shall have the right to appeal the charges should they have countervailing evidence to refute the employer's computations.

(c) Deduction from worker's pay. The employer may deduct the charges for lodgings and/or meals under subsection b above, from the employee's pay only after authorization by the employee for such deductions is filed, in writing, with the Department of Labor.

**§7109. Control of Temporary Alien Workers' Behavior and Passports.** The activities of a Temporary Alien Worker in Guam are the responsibility of the employer having certification for that Temporary Worker, except that no employer of any Temporary Alien Worker in Guam shall control that Temporary Worker's behavior during non-working hours. In addition, no employer shall withhold the passport of any Temporary Alien Worker in Guam, except that the employer may hold the Temporary Worker's passport for safekeeping and for other purposes when authorized by the Temporary Worker, in writing, to do so, and when a copy of such authorization has been filed with the Department of Labor, but such passport, if so held, shall be returned to the Temporary Worker immediately upon request.

**§7110. Employer's Workplace Monthly Report.** Every employer having certification for Temporary Alien Workers in Guam shall file a complete monthly report with the Department of Labor on a form provided by the Department. Such report shall be filed no later than the seventh day of each calendar month, and shall be a true and accurate account of the employer's workforce activities for the calendar month immediately preceding. Such report shall include, but not be limited to:

(a) Employee Information. This shall include the full name, address, citizenship, visa category, Social Security number or AGA number, place of residence in Guam and occupation of each Temporary Alien Worker performing labor services for the employer;

(b) Certification and Registration Information. This shall include the commencement and termination dates of certification and registration for every Temporary Alien Worker providing labor services for the employer;

(c) Employment Position Information. This shall include the nature and type of work and the project or projects for which each Temporary Alien Worker is performing labor services;

(d) Costs of Benefits; Deductions from Pay. This shall report the actual, fully-allocated costs to the employer of providing lodging, board, transportation and any other non-wage compensation given to each Temporary Alien Worker providing labor services to the employer, and a true accounting of the deductions from each Temporary Alien Worker's pay taken in exchange for such non-wage compensation;

(e) Information Regarding Transferred Temporary Alien Workers. This shall report the name and occupation of every Temporary Alien Worker who has been or is being recruited, certified and registered by another employer, who is now or has within the past three months been an employee of the employer; and,

(f) Information Regarding the Unplanned Departure of a Temporary Alien Worker from Guam. In the event that a Temporary Alien Worker registered by the employer permanently leaves Guam, whether in an emergency or for any other reason, and the employer has not had a reasonable opportunity to obtain an Exit Clearance for the Temporary Worker, this shall be reported in the Employer's Workplace Monthly Report.

**§7111. Notices.** Any notices or Applications to be filed with the Department of Labor in relation to Temporary Alien Workers shall be filed with the Department's Alien Labor Processing and Certification Division. Any notices to be served upon an employer of Temporary Alien Workers in Guam by the Department of Labor shall be served upon the employer at its address, physical or electronic, on file in Department records, or, if the employer has retained the services of an attorney to act as its agent in the Applications for Certification and Registration required under these Regulations, upon that attorney in his/her office in Guam.

**§7112. Other Laws, Rules and Regulations Applicable.** All other laws, rules and regulations of Guam and of the United States, applicable in Guam, relating to the employment of persons and the conduct of business, shall be applicable to the employment of Temporary Alien Workers in Guam, and are incorporated by this reference into these Regulations.

**§7113. Penalties.** Any violation of these Rules and Regulations may be subject to an administrative penalty under this Chapter. A violation of these rules and Regulations may subject the violator to a fine of not more than Five Hundred Dollars (\$500.00) for each such violation.

As provided for in 22 GCA § 7118.1 (b) and (c), an employer who is a persistent violator of these Rules and Regulations is guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than six (6) months or shall pay a fine of not more than Ten Thousand Dollars (\$10,000.00), or shall suffer both imprisonment and fine. A persistent violator will be referred by the Department of Labor to the Attorney general for investigation and prosecution. A 'persistent violator' means an employer who commits, with criminal negligence as defined in 9 GCA §4.30, a second violation within any twelve (12) month period immediately preceding the second violation.

In the event of a violation of these Rules and Regulations, the offender will be served with a notice of violation, commonly referred to as a citation, which details the violation and the level of fine to be imposed. The offender shall have the right to an administrative hearing conducted by the Director of Labor. The offender may either pay the fine, or appeal in writing, within fifteen (15) calendar days from the receipt of the notice of violation, to the Director of Labor, requesting a hearing to present facts and law in defense of the offender. The offender shall have the right to representation of counsel during the hearing.

In addition to any other penalty under these Rules and Regulations or any other law or regulation applicable in Guam, the Director of Labor may refer the violator to the Guam Contractors Licensing Board, the United States Attorney in Guam and/or the U.S. Department of Homeland Security for prosecution or other disposition of such violator.

In cases where material misrepresentation, fraud, or a conviction of a criminal offense has occurred, the Director of Labor may disbar an employer from eligibility to participate in the Temporary Labor Certification program for a period of up to three (3) years.

**§7114. Hearings.** Upon the request and appeal of an employer of any Temporary Alien Worker or such Temporary Worker himself or herself, the Director of Labor shall hold a hearing of the facts, and shall give the employer or Temporary Worker cited for a violation of these Regulations the opportunity to be heard and to provide rebuttal to any evidence that might be presented. Such hearing shall take place at a time and in a place designated by the Director of Labor, but shall in no case be held less than thirty days after a notice of violation is issued; such notice of violation shall provide specific information about the alleged violation, including a statement of the evidence that such violation has occurred, the penalty proposed, and a statement of the employer's or Temporary Worker's right to present evidence in its or his/her defense. The Director may opt to convene a panel to hear testimony, however, the final decision rests with the Director of Labor as the Hearing Officer.

**§7115. Petitions.** Any individual shall have the right to submit to the Director of Labor a petition for the establishment or modification of rules and regulations on subjects under the Authority of the Director, and shall have the right to request advisory rulings, consultations or declaratory rulings in relation to existing regulations. Such petitions and requests shall be submitted in writing and on a form provided by the Department of Labor, and shall be acted upon within 60 days by the Director. The Director shall respond to all petitions submitted under this Title in writing.

**§7116. Severability.** If any part of these Regulations is for any reason declared to be invalid by a court of law, the remaining regulations under this Title shall not be affected thereby, and shall remain valid and enforceable.

**§7117. Interpretation.** The provisions of these Regulations shall be liberally interpreted to ensure the compliance of Temporary Alien Workers and their employers in Guam with the objectives and purposes of the laws and regulations of Guam and the United States.

**§7118. Limitations of Temporary Alien Workers.** The employer may not utilize his Temporary Alien Workers in ways which would violate any of the terms of the job offer on the labor certification granted by the Governor. Specifically the Temporary alien worker must:

- (a) Perform work only on approved job sites listed on the project summary sheet on file with the Department of Labor.
- (b) Perform only those job duties listed on the labor certification approved by the Governor.
- (c) Perform work only for the employer listed on the labor certification approved by the Governor.

**§7119. Mandatory Employer Participation.** Employers may be summoned to mandatory meetings held by the Department of Labor. To accomplish this, the Department must notify an employer at least seven calendar days in advance of a mandatory meeting. Such notice may be served in the form of a letter sent to the address of record or electronically to the fax or email listed on the Employer's Workplace Monthly Report. The employer may attend in person or may send a responsible management employee to represent the company. Employers who fail to attend such mandatory meetings, after being served proper notice, may be subject to civil penalties under §7113 of these regulations.

**§7120. Additional Project Requests.** Employers may request that projects be added to their existing Project Summary Sheets in order to allow their existing Temporary Alien Workers to perform services on new projects.

- (a) Additional Project Request: The employer must submit the following:

(1) Two copies of the project contract. If the contract is a sub-contract, the prime contract must be attached.

(2) A clear location sketch to the project site.

(3) Wage Bonding in the amount of four percent (4%) of the gross project contract amount.

(4) Two copies of a revised Project Summary Sheet which has been updated with the new project(s) and updated information on the percentage of completion of existing projects.

(b) The Department of Labor will review the projects for suitability with the employer's Temporary Alien workforce and may opt to verify the existence of such project(s).

(c) If the additional project request is approved, the Department of Labor will return a copy of the revised project summary and the project contract to the employer bearing a notification of approval.

**§7121. Repeal of Policy.** This amended policy supersedes all previous issuance and additionally repeals 17 GAR Chapter 2, §2101 thru §2127 in its entirety as regulations in Chapter 2 are obsolete.



Office of the Governor of Guam

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FELIX PEREZ CAMACHO
Governor

MICHAEL W. CRUZ, MD
Lieutenant Governor

AMENDED
COMMON CONSTRUCTION PREVAILING
WAGE RATES FOR GUAM

Pursuant to 8 CFR 214.2(h)(b)(ii)(v)(F)(2) prevailing wage rates for common construction occupations in Guam must be approved by the U.S. Citizenship & Immigration Service (USCIS) Commissioner of Immigration prior to implementation. These Prevailing Wage Rates apply only to H-2B workers and similarly employed U.S. workers in Guam. USCIS has reviewed and reconsidered the Government of Guam's proposed rates and has approved new rates effective September 29, 2008 as follows:

Table with 2 columns: OCCUPATION and HOURLY WAGE RATES. Lists various construction jobs and their corresponding hourly rates, such as BRICKLAYER at \$14.02 and WELDER at \$16.09.

These prevailing wage rates are effective for both new and extension temporary labor certifications. The prevailing wage rate on Temporary Labor Certifications approved prior to the implementation of these new rates shall remain in effect for the duration of the existing labor certifications.

For further information, please contact Maria Connelley, Director of Labor, at (671) 475-7075, or Greg Massey, Administrator for the Alien Labor Processing & Certification Division (ALPCD) at (671) 475-7005.

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
Governor of Guam

OCT 06 2008

*Place:* National Institutes of Health, Building 31, 31 Center Drive, C Wing, Conference Room 10, Bethesda, MD 20892.

*Closed:* January 28, 2009, 1:45 p.m. to 2:15 p.m.

*Agenda:* To review and evaluate the Intramural Research Program.

*Place:* National Institutes of Health, Building 31, 31 Center Drive, C Wing, Conference Room 10, Bethesda, MD 20892.

*Contact Person:* Robin Barr, Ph.D., Director National Institute on Aging, Office of Extramural Activities, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (301) 496-9322, [barr@nia.nih.gov](mailto:barr@nia.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nih.gov/nia/naca/>, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 11, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-30123 Filed 12-18-08; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HOMELAND SECURITY

### Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H-2B Visa Program

**AGENCY:** Office of the Secretary, DHS.  
**ACTION:** Notice.

**SUMMARY:** On December 19, 2008, DHS published in the **Federal Register** a final rule "Changes to Requirements Affecting H-2B Nonimmigrants," which provides that the Secretary of Homeland Security will publish a list of designated countries whose nationals can be the beneficiaries of an approved H-2B petition and are eligible for H-2B visas. This initial list will be composed of countries that are important for the operation of the H-2B program and are cooperative in repatriation of its citizens, subjects, nationals or residents

who are subject to a final order of removal from the United States. Publication of such notice is made by the Secretary of Homeland Security, with the concurrence of the Secretary of State. Under the final rule, the Department of Homeland Security (DHS) will only approve petitions for H-2B nonimmigrant status for nationals of countries designated by means of this list or by means of the special procedure allowing petitioners to request approval for particular beneficiaries if the Secretary of Homeland Security determines that it is in the U.S. interest. Pursuant to the final rule, this notice designates those countries the Secretary of Homeland Security, with the concurrence of the Secretary of State, has found to be eligible to participate in the H-2B program.

**DATES:** This notice is effective January 18, 2009, and shall be without effect at the end of one year after January 18, 2009.

#### SUPPLEMENTARY INFORMATION:

#### Designation of Countries Whose Nationals Are Eligible to Participate in the H-2B Visa Program

Pursuant to the authority provided to the Secretary of Homeland Security under sections 241, 214(a)(1), and 215(a)(1) of the Immigration and Nationality Act (INA) (8 U.S.C. 1231, 1184(a)(1), and 1185(a)(1)), I have designated, with the concurrence of the Secretary of State, that nationals from the following countries are eligible to participate in the H-2B visa program:

Argentina;  
Australia;  
Belize;  
Brazil;  
Bulgaria;  
Canada;  
Chile;  
Costa Rica;  
Dominican Republic;  
El Salvador;  
Guatemala;  
Honduras;  
Indonesia;  
Israel;  
Jamaica;  
Japan;  
Mexico;  
Moldova;  
New Zealand;  
Peru;  
Philippines;  
Poland;  
Romania;  
South Africa;  
South Korea;  
Turkey;  
Ukraine;  
United Kingdom.

This notice does not affect the status of aliens who currently hold H-2B nonimmigrant status.

Nothing in this notice limits the authority of the Secretary of Homeland Security or his or her designee or any other federal agency to invoke against any foreign country or its nationals any other remedy, penalty or enforcement action available by law.

**Paul A. Schneider,**

*Deputy Secretary.*

[FR Doc. E8-30114 Filed 12-18-08; 8:45 am]

BILLING CODE 4410-10-P

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2008-0163]

#### Privacy Act of 1974; United States Secret Service—001 Criminal Investigation Information System of Records Notice

**AGENCY:** Privacy Office; DHS.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of record notices, the Department of Homeland Security proposes to update and reissue USSS.003 Criminal Investigation Information System, August 28, 2001 as DHS/USSS—001 Criminal Investigation Information System of Records. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the Department of Homeland Security United States Secret Service criminal investigation information record system. Additionally, an updated Notice of Proposed Rulemaking will be published elsewhere in the **Federal Register**. Until such time, the exemptions for the legacy system of records notice transfer from the SORN's legacy agency to the Department of Homeland Security. This reissued system will be included in the Department's inventory of record systems.

**DATES:** Written comments must be submitted on or before January 20, 2009.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0163 by one of the following methods:

8 CFR 214.2 (h) (6)

6) Petition for alien to perform temporary nonagricultural services or labor (H-2B)--

(i) Petition . (A) H-2B nonagricultural temporary worker . An H-2B nonagricultural temporary worker is an alien who is coming temporarily to the United States to perform temporary services or labor without displacing qualified United States workers available to perform such services or labor and whose employment is not adversely affecting the wages and working conditions of United States workers. (Revised effective 1/18/2009; 73 FR 78104)

(B) Denial or revocation of petition upon a determination that fees were collected from alien beneficiaries . As a condition of approval of an H-2B petition, no job placement fee or other compensation (either direct or indirect) may be collected at any time, including before or after the filing or approval of the petition, from a beneficiary of an H-2B petition by a petitioner, agent, facilitator, recruiter, or similar employment service as a condition of an offer or condition of H-2B employment (other than the lower of the actual cost or fair market value of transportation to such employment and any government-m andated passport, visa, or inspection fees, to the extent that the passing of such costs to the beneficiary is not prohibited by statute, unless the employer, agent, facilitator, recruiter, or similar employment service has agreed with the beneficiary that it will pay such costs and fees).

( 1 ) If USCIS determines that the petitioner has collected or entered into an agreement to collect such fee or compensation, the H-2B petition will be denied or revoked on notice, unless the petitioner demonstrates that, prior to the filing of the petition, either the petitioner reimbursed the beneficiary in full for such fees or compensation or the agreement to collect such fee or compensation was terminated before the fee or compensation was paid by the beneficiary.

( 2 ) If USCIS determines that the petitioner knew or should have known at the time of filing the petition that the beneficiary has paid or agreed to pay any agent, facilitator, recruiter, or similar employment service as a condition of an offer of the H-2B employment, the H-2B petition will be denied or revoked on notice unless the petitioner demonstrates that, prior to filing the petition, either the petitioner or the agent, facilitator, recruiter, or similar employment service reimbursed the beneficiary in full for such fees or compensation or the agreement to collect such fee or compensation was terminated before the fee or compensation was paid by the beneficiary.

( 3 ) If USCIS determines that the beneficiary paid the petitioner such fees or compensation as a condition of an offer of H-2B employment after the filing of the H-2B petition, the petition will be denied or revoked on notice.

( 4 ) If USCIS determines that the beneficiary paid or agreed to pay the agent, facilitator, recruiter, or similar employment service such fees or compensation after the filing of the H-2B petition and that the petitioner knew or had reason to know of the payment or agreement to pay, the petition will be denied or revoked unless the petitioner demonstrates that the petitioner or agent, facilitator, recruiter, or similar employment service reimbursed the beneficiary in full, that the parties terminated any agreement to pay before the beneficiary paid the fees or compensation, or that the petitioner has notified DHS within 2 work days of obtaining knowledge, in a manner specified in a notice published in the **Federal Register** .

(C) Effect of petition revocation . Upon revocation of an employer's H-2B petition based upon paragraph (h)(6)(i)(B) of this section, the alien beneficiary's stay will be authorized and the beneficiary will not accrue any period of unlawful presence under section 212(a)(9) of the Act (8 U.S.C. 1182(a)(9)) for a 30-day period following the date of the revocation for the purpose of departure or extension of stay based upon a subsequent offer of employment. The employer shall be liable for the alien beneficiary's reasonable costs of return transportation to his or her last place of foreign residence abroad, unless such alien obtains an extension of stay based on an approved H-2B petition filed by a different employer. (Corrected effective 1/18/09; 74 FR 2837)

(D) Reimbursement as condition to approval of future H-2B petitions . ( 1 ) Filing subsequent H-2B petitions within 1 year of denial or revocation of previous H-2B petition . A petitioner filing an H-2B petition within 1 year after a decision denying or revoking on notice an H-2B petition filed by the same petitioner on the basis of paragraph (h)(6)(i)(B) of this section must demonstrate to the satisfaction of USCIS, as a condition of the approval of the later petition, that the petitioner or agent, facilitator, recruiter, or similar employment service reimbursed in full each beneficiary of the denied or revoked petition from whom a prohibited fee was collected or that the petitioner has failed to locate each such beneficiary despite the petitioner's reasonable efforts to locate them. If the petitioner demonstrates to the satisfaction of USCIS that each such beneficiary was reimbursed in full, such condition of approval shall be satisfied with respect to any subsequently filed H-2B petitions, except as provided in paragraph (h)(6)(i)(D)( 2 ) of this section. If the petitioner demonstrates to the satisfaction of USCIS that it has made reasonable efforts to locate but has failed to locate each such beneficiary within 1 year after the decision denying or revoking the previous H-2B petition on the basis of paragraph (h)(6)(i)(B) of this section, such condition of approval shall be deemed satisfied with respect to any H-2B petition filed 1 year or more after the denial or revocation. Such reasonable efforts shall include contacting all of each such beneficiary's known addresses.

( 2 ) Effect of subsequent denied or revoked petitions . An H-2B petition filed by the same petitioner subsequent to a denial under paragraph (h)(6)(i)(B) of this section shall be subject to the condition of approval described in paragraph (h)(6)(i)(D)(1) of this section, regardless of prior satisfaction of such condition of approval with respect to a previously denied or revoked petition.

**Form I-9, Employment Eligibility Verification**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Instructions**

**Read all instructions carefully before completing this form.**

**Anti-Discrimination Notice.** It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

**What Is the Purpose of This Form?**

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

**When Should Form I-9 Be Used?**

All employees (citizens and noncitizens) hired after November 6, 1986, and working in the United States must complete Form I-9.

**Filling Out Form I-9**

**Section 1, Employee**

This part of the form must be completed no later than the time of hire, which is the actual beginning of employment. Providing the Social Security Number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

**Noncitizen nationals of the United States** are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

**Employers should note** the work authorization expiration date (if any) shown in **Section 1**. For employees who indicate an employment authorization expiration date in **Section 1**, employers are required to reverify employment authorization for employment on or before the date shown. Note that some employees may leave the expiration date blank if they are aliens whose work authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia or the Republic of the Marshall Islands). For such employees, reverification does not apply unless they choose to present

in Section 2 evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

**Preparer/Translator Certification**

The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his or her own. However, the employee must still sign **Section 1** personally.

**Section 2, Employer**

For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, **Section 2** must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document **OR** a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

**Employers must record in Section 2:**

- 1. Document title;
- 2. Issuing authority;
- 3. Document number;
- 4. Expiration date, if any; and
- 5. The date employment begins.

Employers must sign and date the certification in **Section 2**. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. **Employers are still responsible for completing and retaining Form I-9.**

For more detailed information, you may refer to the *USCIS Handbook for Employers (Form M-274)*. You may obtain the handbook using the contact information found under the header "USCIS Forms and Information."

### Section 3, Updating and Reverification

Employers must complete **Section 3** when updating and/or reverifying Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in **Section 1** (if any). Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three years of the date this form was originally completed and the employee's work authorization has expired **or** if a current employee's work authorization is about to expire (reverification), complete Block B; and:
  1. Examine any document that reflects the employee is authorized to work in the United States (see List A **or** C);
  2. Record the document title, document number, and expiration date (if any) in Block C; and
  3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing **Section 3**.

### What Is the Filing Fee?

There is no associated filing fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

### USCIS Forms and Information

To order USCIS forms, you can download them from our website at [www.uscis.gov/forms](http://www.uscis.gov/forms) or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at [www.uscis.gov](http://www.uscis.gov) or by calling 1-888-464-4218.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from our website at [www.uscis.gov/e-verify](http://www.uscis.gov/e-verify) or by calling 1-888-464-4218.

General information on immigration laws, regulations, and procedures can be obtained by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our Internet website at [www.uscis.gov](http://www.uscis.gov).

### Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Form I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

### Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

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### **Paperwork Reduction Act**

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**

**Form I-9, Employment Eligibility Verification**

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification** (To be completed and signed by employee at the time employment begins.)

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

**I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.**

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen of the United States
- A noncitizen national of the United States (see instructions)
- A lawful permanent resident (Alien #) \_\_\_\_\_
- An alien authorized to work (Alien # or Admission #) \_\_\_\_\_ until (expiration date, if applicable - month/day/year)

Employee's Signature	Date (month/day/year)
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**Preparer and/or Translator Certification** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

**Section 2. Employer Review and Verification** (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

**CERTIFICATION:** I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

**Section 3. Updating and Reverification** (To be completed and signed by employer.)

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
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C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title: \_\_\_\_\_ Document #: \_\_\_\_\_ Expiration Date (if any): \_\_\_\_\_

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date (month/day/year)
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## LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

### LIST A

Documents that Establish Both  
Identity and Employment  
Authorization

### LIST B

Documents that Establish  
Identity

### LIST C

Documents that Establish  
Employment Authorization

OR

AND

1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	4. Voter's registration card	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
	5. U.S. Military card or draft record	
	6. Military dependent's ID card	5. Native American tribal document
	7. U.S. Coast Guard Merchant Mariner Card	6. U.S. Citizen ID Card (Form I-197)
	8. Native American tribal document	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	9. Driver's license issued by a Canadian government authority	8. Employment authorization document issued by the Department of Homeland Security
	<b>For persons under age 18 who are unable to present a document listed above:</b>	
	10. School record or report card	
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

**Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)**