

Information Memorandum Transmittal Aging and People with Disabilities



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Topic: Long Term Care

Due date:

Subject: How to fill out an I-9 Form for Homecare Workers

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Types A and B | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): OHCC |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Message:

The following information is being provided to ensure that potential homecare workers and designated agency staff appropriately complete I-9 forms as a part of the homecare worker enrollment process.

How to Fill Out an I-9 Form (Step-by-Step)

What Is an I-9 Form?

When you onboard a new Homecare worker, you must verify that the person is legally eligible to work in the United States. The new Homecare worker must demonstrate eligibility to work in the U.S. by completing the [I-9 Form, Employment Eligibility Verification](#).

As Agency Staff it is your responsibility to see that this form from the U.S. Citizenship and Immigration Services is completed by the Homecare worker and you. Retain the form with your other employment records – do not file it with the government.

Filling Out an I-9 Form

The I-9 form is designed to obtain information from new Homecare workers that

demonstrates their eligibility to work legally in the U.S. No worker is exempt from having to complete the form.

The I-9 form is made up of three parts:

1. Part I: For the Homecare worker, Establishing Identity

This part of the form is completed by the Homecare worker. It includes information such as the Homecare worker's full name, address, date of birth, social security number (if applicable), email address and telephone number (the email address and phone number are optional).

This part is also used to attest – under penalty of perjury – that the person is legally eligible to work in the United States because he or she is:

- **A citizen of the United States**
- **A noncitizen national of the United States:** An individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
- **A lawful permanent resident:** An individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. This term includes conditional residents. Asylees and refugees should not select this status, but should instead select “An alien authorized to work” below. Employees who select this box should enter their seven to nine-digit Alien Registration Number (A-Number) or USCIS Number in the space provided. The USCIS Number is the same as the A-Number without the “A” prefix.
- **An alien authorized to work:** An individual who is not a citizen or national of the United States, or a lawful permanent resident, but is authorized to work in the United States. For example, asylees, refugees, and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau should select this status.

A Homecare worker who is an alien and authorized to work must enter the [alien registration number](#) (an “A-number” which is a unique 7-, 8-, or 9-digit number assigned to an alien) or [Form I-94](#) admission number.

The Homecare worker must sign the form and date it. False statements can result in fines and/or imprisonment.

Some Homecare workers may need assistance to complete their portion of the form. If

the Homecare worker is disabled (or needs translation), the person aiding in the completion of the form (preparer and/or translator) must also enter his/her name and address, as well as signing the form (also under penalty of perjury).

2. Part II: For Agency Staff, Reviewing the Homecare worker's Documents

This part of the form is completed by the agency staff. It describes the documents that the agency staff has reviewed to verify eligibility of employment. The agency staff should take this action within three days of the first day of employment (date of activated provider number). The agency staff can — but is not required to — create a copy of the document(s) presented.

There are three lists of documents that can be used. The type of documents used dictate the portion of Part II that the agency staff must complete.

List A: The documents in this list establish *both* the Homecare worker's identity and employment authorization. A Homecare worker need only present one of the following forms to satisfy the document requirement:

- U.S. passport (or U.S. passport code)
- Permanent resident card ("Green Card") or alien registration receipt card (technically, the green card is Form I-551)
- Foreign passport with a temporary I-551 stamp
- Employment authorization document that contains a photograph (Form I-766)
- For a non-immigrant alien authorized to work: a foreign passport and Form I-94 (or 94A) and an endorsement of the alien's non-immigrant status as long as it has not expired
- Passport from the Federated States of Micronesia, Republic of the Marshall Islands

List B: The documents in this list show the identity of the Homecare worker. If an Homecare worker does not have a document from [List A](#), he or she must produce one document from [List B](#), *plus* one document from List C (below).

- Driver's license or ID card issued by a state (as long as it contains a photo ID and other personal information)
- School ID with a photograph
- Voter's registration card
- U.S. military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Marine card
- Native American tribal document
- Driver's license issued by a Canadian government authority

In List B, alternative documents that are acceptable to prove the Homecare worker's identity include a school record or report card; client, doctor, or hospital record; or a day-care or nursery school record.

List C: This document establishes the Homecare worker's authorization to work in the United States. Again, if the Homecare worker cannot produce a document from List A, he or she must produce one from List B **and** one from [List C](#).

- Social Security account number card (unless the card says: not valid for employment, valid only for work with INS authorization, or valid for work only with DHS authorization)
- Certification of birth abroad issued by the Department of State (Form FS-545)
- Certification of report of birth issued by the Department of State (Form DS-1350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority, or territory of the U.S. that has an official seal
- Native American tribal document
- U.S. citizen ID card (Form I-197)
- Identification Card for use of resident citizen in the United States (Form I-179)
- Employment authorization document issued by the Department of Homeland Security

As in the case of the Homecare worker, agency staff must attest under penalty of perjury that they have reviewed the necessary documents, believe they are genuine and believe to the best of their knowledge that the Homecare worker is authorized to work in the U.S. In addition to signing the certification section, the agency staff must note the Homecare worker's first day of employment (first day the HCW receives their provider number) as well as other agency staff information (the name of the business, the title of the person signing the form and the business's address).

3. Part III: For the Agency staff, When Rehiring

This part of the form is also completed only by the agency staff but is used only in the case of re-verifying when re-hiring a Homecare worker. If a Homecare worker is re-hired within three years of the date of the original I-9, the agency staff can opt to complete this section or a new I-9.

If it is necessary to complete this part, then the agency staff merely lists the name of the Homecare worker (or new name if the Homecare worker has had a name change) and date of re-hire. If the previous authorization of employment expired but has now been extended, enter information about the document establishing such authorization (document title, number and new employment authorization expiration date).

As in the case of the other parts, the Homecare worker must sign under penalty of perjury that he/she believes the document presented is genuine and that the

Homecare worker is authorized to work in the United States.

Please Note:

- If you rehire (provider number is inactive/terminated) an HCW within three years from the date their Form I-9 was previously completed, you may either rely on the HCW's previously executed Form I-9 or complete a new one. If you choose to rely on a previously completed Form I-9, follow these guidelines:
 1. If the HCW remains employment authorized as indicated on the previous Form I-9, the employee does not need to provide any additional documentation. In Section 3, provide the HCW's rehire date, any name changes, and sign and date the form.
 2. If the previous Form I-9 indicates that the HCW's employment authorization has expired, you must reverify employment authorization in Section 3 in addition to providing the rehire date. If the previously executed Form I-9 is not the current version of the form, you must complete Section 3 on the current version of the form.
 3. If you already used Section 3 of the HCW's previously completed Form I-9, but are rehiring the HCW within three years of the original execution of Form I-9, you may complete Section 3 on a new Form I-9 and attach it to the previously completed form.
 4. HCWs rehired after three years of the original completion of the Form I-9 must complete a new Form I-9.
- To reverify:
 1. Enter the date of rehire in Block B of Section 3.
 2. Enter the document title, number and expiration date (if any) of the document(s) the HCW presents in Block C of Section 3.
 3. Sign and date Section 3.
 4. If you choose to use a new Form I-9, enter the HCW's name at the top of page 2 of a new Form I-9 and complete Section 3 of the new Form I-9, retaining the new form with the previously completed one.
 5. You must reverify the HCW on a new Form I-9 if the version of the form you used for the previous verification is no longer valid. Please check uscis.gov/i-9 for the current Form I-9.
 6. Updating a HCW's name is optional. To update:

1. Enter the date of rehire in Block B and the employee's new name, if applicable, in Block A of Section 3.
2. Sign and date Section 3.
3. If you are updating on a new Form I-9, enter the HCW's name at the top of page 2 and use Section 3 of the new Form I-9 to update. Keep the new Form I-9 with the previously completed one.

The Bottom Line

Agency staff must retain I-9s for the later of three years from the date of hire or one year after the date employment ends. From time to time, the federal government may examine your employment records. If you fail to produce I-9s, you can be subject to civil and/or criminal penalties. Find more information about the I-9 from the ["Handbook for Agency staffs: Instructions for Completing Form I-9"](#).

References:

United States Citizenship and Immigration Services: <https://www.uscis.gov/>

This link has in-depth instructions if you require more information than provided in this Information memorandum: <https://www.uscis.gov/i-9>

HCW webpage: <http://www.dhs.state.or.us/spd/tools/cm/homecare/index.htm>

How to Fill Out an I-9 Form tool:

<http://www.dhs.state.or.us/spd/tools/cm/homecare/How%20to%20Fill%20Out%20an%20I-9%20190827.pdf>

The above information was obtained via the following website:

<https://www.investopedia.com/articles/personal-finance/042215/stepbystep-how-fill-out-i9-form.asp>

If you have any questions about this information, contact:

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