

Office of Human Resources
***503 Verifying Identity and Employment
Eligibility***

2025-06-03

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**Georgia Department of Human Services
Human Resources Policy #503**

Verifying Identity and Employment Eligibility

Release Date: February 1, 1993

Revised Date: July 13, 2020

References: 8 USC 1324 — Unlawful Employment of Aliens
Immigration Reform and Control Act

Next Review Date:

The Immigration Reform and Control Act requires all employers to verify the identity and employment eligibility of new employees as outlined in this policy and to electronically verify all work authorization by using the Department of Homeland Security's E-Verify System. It is unlawful to knowingly hire or recruit an alien unauthorized to work in the United States or any individual without complying with the identity and employment eligibility verification requirements.

The provisions of this policy apply only to newly hired employees and employees returning to State government after a break in service. This policy does not apply to promotions, transfers, or demotions within Department of Human Services or between State agencies.

Section A: Unauthorized Aliens

1. "Unauthorized aliens" are aliens who are **not** either:
 - a. Lawfully admitted for permanent residence; or
 - b. Authorized to be employed under the provisions of the Immigration Reform and Control Act or by the Attorney General of the United States.

Section B: Verification Process

1. In order to establish employment eligibility, the Department of Homeland Security Form I-9 (See Attachment #1) must be completed for all new employees.
 - a. Form I-9 is to be included in all appointment packets.
 - b. New employees must complete Section 1 and submit Form I-9 to their supervisor, employee orientation coordinator or other designated official upon reporting to work.
 - c. If new employees cannot complete Section 1 by themselves or if they need the form translated, assistance may be provided. A preparer or translator must read the form to the employee, assist in the completion of Section 1, and have the employee sign or mark the form in the appropriate place. The preparer or translator must then complete the Preparer and/or Translator Certification block on the form.

- d. Documentation verifying identity and employment eligibility (e.g., U.S. passport, resident alien card, social security card, etc.) must be submitted with DHS Form I-9.
 - I. Form I-9 lists acceptable documents that verify either identity or employment eligibility and documents that serve to verify both.
 - II. Employees can choose which document(s) they want to provide from the Lists of Acceptable Documents attached to Form I-9. Department of Human Services organizational units must accept any document(s) from the Lists of Acceptable Documents that reasonably appears on its face to be genuine and relate to the person providing it.
 - III. New employees who are unable to provide required documentation upon reporting to work must, within three (3) workdays, provide either the verifying documentation or a receipt for the application of replacement documentation. If a receipt is provided, the actual verifying documentation must be provided within ninety (90) calendar days.
 - IV. The Department of Human Services organizational unit is to designate staff responsible for monitoring and ensuring that the actual verifying documentation is received in a timely manner.
- e. The supervisor, employee orientation coordinator or other designated official is to do the following:
 - I. Review Section 1 of Form I-9 to ensure that it has been properly completed.
 - II. Review and photocopy the documentation verifying identity and employment eligibility and return the original(s).
 - III. Immediately complete Section 2 of Form I-9.
 - IV. Enter verification document(s) into the E-Verify System within three (3) days of appointment.

Section C: Minors Under Age 18

1. If new employees are minors under age 18 and do not have required documentation to establish identity; Form I-9 is to be completed as follows:
 - a. A parent or legal guardian is to complete Section 1 and write “Individual under age 18” in the space for the employee’s signature.
 - b. The parent or legal guardian must complete the Preparer and/or Translator Certification block.
 - c. The minor must present documentation from List C on the Lists of Acceptable Documents to verify employment eligibility.
 - d. The supervisor, employee orientation coordinator or other designated official is to write “Individual under age 18” in the space for “Document #” in Section 2 under List B, and record appropriate information regarding the documentation provided to verify employment eligibility in Section 2 under List C.

Section D: Reverification

1. Section 3 of Form I-9 is to be completed by an appropriate Department of Human Services official. Identity and/or employment eligibility must be reverified under the following circumstances.
 - a. The Lists of Acceptable Documents specifies that some documents with expiration dates must be unexpired in order to verify employment eligibility. When such documentation is received from a new employee, the Department of Human Services is responsible for monitoring the expiration date and reverifying employment eligibility prior to expiration. A photocopy of the renewed documentation is to be attached to Form I-9.
 - b. Reverification is not required for identity documents. United States Passports, whether valid or expired, never require reverification. Alien Registration or resident alien cards held by permanent residents do not require reverification.
 - c. When an employee is reemployed after a break in service, identity and employment eligibility must be reverified.
 - d. If reemployed within twelve (12) months of the termination date that the original Form I-9 was completed, Section 3 of the original form is to be appropriately completed. If the same documentation is provided to verify identity and employment eligibility, additional photocopies are not necessary.
 - e. A new Form I-9 must be completed if more than twelve (12) months have passed.
 - f. If an employee's name has changed at the time of reverification, or any other time during employment, a photocopy of the documentation verifying the legal name change (e.g., marriage certificate, etc.) is to be placed in the employee's official personnel file.

Section E: Record Maintenance and Access

1. The completed Form I-9 and documentation verifying identity and employment eligibility are to be maintained in the official personnel file. These documents are to be maintained for at least three (3) years after the date of hire or one (1) year after the date the employee's employment ends, whichever is later.
2. The completed Form I-9 and any information attached to the form may not be used for purposes other than compliance with the provisions of this policy.
3. The Form I-9 is subject to inspection only by authorized officials to the extent necessary to verify that an individual is not an unauthorized alien or if subpoenaed by a court of competent jurisdiction.

Section F: Unlawful Discrimination

1. It is an unfair immigration-related employment practice to discriminate against any individual (other than an unauthorized alien) with respect to hiring or recruiting of the individual for employment or individual from employment on the basis of national origin or citizenship status.

2. The refusal to hire an individual because of a future expiration date on employment eligibility verification may also be illegal.
3. It is not an unfair immigration-related employment practice to hire or recruit a U.S. citizen or national over an alien, on a case-by-case basis, if the two (2) individuals are equally qualified. DHS organizational units cannot, however, adopt a blanket practice of always preferring qualified citizens or nationals to qualified authorized aliens.
4. Retaliation against employees who file complaints of unlawful discrimination or who serve as witnesses or otherwise participate in the investigation of complaints is prohibited.

For additional information or assistance, please contact your local Human Resource Office, or email DHS-Policies@dhs.ga.gov.

COVID-19 Addendum

1. Form I-9 Compliance

- a. The health and wellbeing of the Department of Human Services (DHS) workforce and workplace safety are our top priorities. Due to concerns with the spread of Coronavirus (COVID-19), the agency is taken precautions to limit the spread of the virus.
- b. The Department of Homeland Security announced on 06/16/2020, it will extend the discretion to defer the physical presence requirements associated with Employment Eligibility Verification (Form I-9) under Section 274A of the Immigration and Nationality Act (INA) for 30 additional days. Employers will not be required to review the employee's identity and employment authorization documents in the employee's physical presence. However, employers must inspect the Section 2 documents remotely (e.g., over video link, fax, or email, etc.) and obtain, inspect, and retain copies of the documents, within three business days for purposes of completing Section 2.

2. Section 2 of Form I-9

- a. Employers should enter "COVID-19" as the reason for the physical inspection delay in the Section 2 field "Additional Information" (**See COVID-19 Addendum Example A**). Once the documents have been physically inspected after normal operations resume, the employer should add "documents physically examined" with the date of inspection to the Section 2 field "Additional Information" on the Form I-9, or to section 3 as appropriate (**See COVID-19 Addendum Example B**).

3. E-Verify

- a. The Department of Homeland Security and USCIS has implemented **Temporary Policies** to minimize the burden on both employers and employees. They are also extending the timeframe to take action to resolve Social Security Administration (SSA) Tentative Nonconfirmations (TNCs) and Department of Homeland Security (DHS) TNCs when employers cannot resolve a TNC due to public and private office closures. The Temporary Policies include:
 - I. Employers are still required to create cases for their new hires within **three business days** from the date of hire.
 - II. Employers must use the hire date from the employee's Form I-9 when creating the E-Verify case. If case creation is delayed due to COVID-19 precautions, select "Other" from the

dropdown list and enter “COVID-19” as the specific reason. (See COVID-19 Addendum Example C).

- III. Employers may not take any adverse action against an employee because the E-Verify case is in an interim case status, including while the employee’s case is in an extended interim case status.

COVID-19 Addendum Example A

Update the field “Additional Information” to notate the reason for the delay in physically examining acceptable documents.

Section 2. Employer or Authorized Representative Review and Verification					
<i>(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")</i>					
Employee Info from Section 1		Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
List A	OR	List B	AND	List C	
Identity and Employment Authorization		Identity	Employment Authorization		
Document Title		Document Title		Document Title	
Issuing Authority		Issuing Authority		Issuing Authority	
Document Number		Document Number		Document Number	
Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)	
Document Title		Additional Information 04.01.2020_ Delay in physically examining document(s) due to COVID-19.		QR Code - Sections 2 & 3 Do Not Write In This Space	
Issuing Authority					
Document Number					
Expiration Date (if any) (mm/dd/yyyy)					
Document Title					
Issuing Authority					
Document Number					
Expiration Date (if any) (mm/dd/yyyy)					

COVID-19 Addendum Example B

Update the field “Additional Information” to notate when the acceptable documents has been physically examined.

These provisions may be implemented by employers for a period of 60 days from 03/20/2020 or within 3 business days after the termination of the National Emergency, whichever comes first.

Reference

Department of Homeland Security

www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance

COVID-19 Addendum Example C

When case creation is delayed due to COVID-19 precautions, select “Other” from the dropdown list, and enter “COVID-19” as the specific reason.



Case has not been submitted within three business days of their first day of employment.

You must submit a case no later than the end of three business days after a new hire has begun work for pay. You may still submit the case beyond the three-day deadline, but you must state a reason why you submitted the case late.

Select a Reason for Delay

Other

Reason for Delay

COVID-19

503 A1 Form I-9

Here is the link for the I-9 form.

www.uscis.gov/i-9