

# AMENDED FORM I-9 FORM INSTRUCTIONS

## 1. **PURPOSE:**

- 1.1. Companies hiring new workers typically will insist on verifying their eligibility to work using one or more of the following:
  - 1.1.1. Form I-9
  - 1.1.2. The E-Verify System operated by the Department of Homeland Security (DHS).
- 1.2. The form has several pitfalls to avoid, including:
  - 1.2.1. If uses the statutory words “Employer”, which wrongfully associates the hiring company with the statutory status of “Employer” found at 26 U.S.C. §3401(d).
  - 1.2.2. If uses the statutory words “Employee”, which wrongfully associates the worker company with the statutory status of “Employee” found at 26 U.S.C. §3401(c ), and 5 U.S.C. §2105(a).
  - 1.2.3. It limits the citizenship choices to not include either a state citizen of a non-citizen national of the United States **OF AMERICA**. It only offers “non-citizen national of the United States” as defined in 8 U.S.C. §1408 who was born on federal territory.
  - 1.2.4. It misrepresents who is required to complete the I-9 Form. The law at 8 U.S.C. §1324a says that the only people required to fill out the I-9 form are federal instrumentalities, not private people. To do otherwise would constitute involuntary servitude.
  - 1.2.5. The perjury statement places the submitter on federal territory per 28 U.S.C. §1746. Most submitters of this form are in states of the Union and OUTSIDE the statutory “United States”/federal territory.
- 1.3. This amended form I-9 remedies the following deficiencies found in the standard form I-9:
  - 1.3.1. It replaces “Employer” with “Company”.
  - 1.3.2. It replaces “Employee” with “Worker”.
  - 1.3.3. It offers additional options for citizenship. “citizen of the United States” has been replaced with “citizen of the United States of America” and it the option points to the *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001.
  - 1.3.4. It defines the term “United States” to exclude federal territory or the government.
  - 1.3.5. It adds a warning about the compelled use of government identifying numbers.
  - 1.3.6. It changes the perjury statement to refer to 28 U.S.C. §1746(1).
  - 1.3.7. It fills in the SSN block and points it to *Why It is Illegal for Me to Request or Use a Taxpayer Identification Number*, Form #04.205.
  - 1.3.8. It allows you to fully and unambiguously describe your status. When you check “citizen of the United States OF AMERICA”, it points the recipient to an attached *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001, which ensures that no court or government officer who ever accepts or reads the form has an opportunity to make false presumptions about your status.
- 1.4. **NOTE about changes to government forms:**

Nowhere in the underlying law are the terms “employee”, “employer”, or “United States” defined or even required. The implementation of the underlying law at 8 U.S.C. §1124a does not require the use or definition of the terms on the form. Therefore, there is no prohibition against publishing a modified version of the form that does not use a specific term or which defines all terms used.

## 2. **PROCEDURE FOR USE:**

- 2.1. Download and read the following so you are familiar with all the nuances of government numbers.

*About SSNs/TINs on Government Forms and Correspondence*, Form #05.012-describes fraud and deception in the use of government numbers and why you shouldn't use them  
<http://sedm.org/Forms/FormIndex.htm>
- 2.2. Complete the citizenship block to check the first item.
- 2.3. Sign this form under “Worker’s Signature”.
- 2.4. Download the following forms:
  - 2.4.1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.4.2. *Why It is Illegal for Me to Request or Use a Taxpayer Identification Number*, Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>
- 2.5. Complete and sign the forms that you want to attach this form to.
- 2.6. **WARNING:** If you are a member, you SHOULD NOT be checking “Alien” on this form. The term “alien” used on the form refers to CONSTITUTIONAL aliens, not statutory aliens. The main thing you want to avoid is being connected with statutory citizen status, or having the recipient confuse CONSTITUTIONAL citizen status with STATUTORY citizen status, which this form does very well. The following injurious consequences could result if you check “Alien” on this form and are a compliant member:

- 2.6.1. The recipient may demand an Alien identification Number and you won't have it.
- 2.6.2. The recipient may demand PROOF of PERMISSION to work in the United States, and you won't have it.
- 2.6.3. You will be entered on the DHS list of privileged aliens and subjected to discriminatory treatment at airports. Aliens are searched much more thoroughly than citizens BY LAW. See 8 CFR 235(b).
- 2.6.4. If you do and you are a public officer in the government, you could make yourself ineligible for office, because all public offices must be constitutional citizens.
- 2.6.5. You could be accused of perjury, because the form is signed under perjury. The reason is that you will identify yourself as a nonresident alien on tax forms but a Citizen on the I-9, which would appear to be a contradiction, but isn't because Title 8 and Title 26 depend on DIFFERENT definitions of "United States".
- 2.7. If you submit this form and describe yourself as a citizen, and yet also claim to be a nonresident alien, you should do your homework and be prepared to educate the recipient of the form because they will usually falsely PRESUME all the following:
  - 2.7.1. That NATIONALITY and DOMICILE are equivalent, even though they are not.
  - 2.7.2. That a CONSTITUTIONAL and a STATUTORY "citizen" are equivalent, even though they are not.
  - 2.7.3. That the "United States" you are a citizen of has the same meaning within Title 8 as it does in Title 26, which it DOES NOT.

You should therefore fully understand the distinctions of all the above and be able to calmly discuss it with the acceptance agent, who is usually an uninformed payroll clerk who doesn't read the law. You should carefully read and review the following document so that you are prepared to answer any questions or objections the payroll clerk might have arising from the above FALSE presumptions:

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

**3. FURTHER READING AND RESEARCH:**

- 3.1. *Federal and State Tax Withholding Options for Private Employers*, Form #09.001-Detailed information about how to correctly complete withholding paperwork. For workers and companies. Section 21.9 deals with the I-9 form.  
<http://sedm.org/Forms/FormIndex.htm>
- 3.2. *Income Tax Withholding and Reporting Course*, Form #12.004  
<http://sedm.org/Forms/FormIndex.htm>
- 3.3. *About SSNs/TINs on Government Forms and Correspondence*, Form #05.012-describes fraud and deception in the use of government numbers and why you shouldn't use them  
<http://sedm.org/Forms/FormIndex.htm>
- 3.4. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>
- 3.5. *Why It is Illegal for Me to Request or Use a Taxpayer Identification Number*, Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>

**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. Companies **CANNOT** specify which document(s) they will accept from a worker. 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 worker (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 workers (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, Worker**

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 workers hired by companies participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The company 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.

**Companies should note** the work authorization expiration date (if any) shown in **Section 1**. For workers who indicate an employment authorization expiration date in **Section 1**, companies are required to reverify employment authorization for employment on or before the date shown. Note that some workers 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 workers, 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 worker. A preparer/translator may be used only when the worker is unable to complete **Section 1** on his or her own. However, the worker must still sign **Section 1** personally.

**Section 2, Company**

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

If a worker is unable to present a required document (or documents), the worker 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. Workers 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.

**Companies 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.

Companies must sign and date the certification in **Section 2**. Workers must present original documents. Companies 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. **Companies are still responsible for completing and retaining Form I-9.**

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**For more detailed information, you may refer to the *USCIS Handbook for Companies (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

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

- A. If an worker's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an worker is rehired within three years of the date this form was originally completed and the worker 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 worker is rehired within three years of the date this form was originally completed and the worker's work authorization has expired **or** if a current worker's work authorization is about to expire (reverification), complete Block B; and:
  - 1. Examine any document that reflects the worker 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, companies 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 company 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 companies to electronically verify the employment eligibility of their newly hired workers, 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 workers completing this form. Companies 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 companies 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 companies as a record of their basis for determining eligibility of an worker to work in the United States. The form will be kept by the company 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 companies 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. Companies CANNOT specify which document(s) they will accept from an worker. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.****Section 1. Worker Information and Verification** *(To be completed and signed by worker 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 NONE. See attached mandatory <i>Why It is Illegal for me to Request or Use a TIN</i> , Form #04.205

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 in the case of "persons", and that I am NOT acting as a "person", statutory "employee" per 5 U.S.C. §2105(a), or federal instrumentality as defined in 8 U.S.C. §1324a(a)(1) and (a)(7).

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

- A CONSTITUTIONAL "citizen of the United States" per attached Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001.
- A noncitizen national of the United States (see instructions)
- A lawful permanent resident (Alien #) \_\_\_\_\_ s \_\_\_\_\_
- An alien authorized to work (Alien # or Admission #) \_\_\_\_\_ until (expiration date, if applicable - month/days/year)

Worker's signature (not valid without attached Affidavit of Citizenship, Domicile and Tax Status, Form #02.001) Date (month/day/year)

**Preparer and/or Translator Certification** *(To be completed and signed if Section 1 is prepared by a person other than the worker.) 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. Company Review and Verification** *(To be completed and signed by company. 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 per 28 U.S.C. 1746(1), that I have examined the document(s) presented by the above-named worker, that the above-listed documents(s) appear to be genuine and to relate to the worker named, that the worker began a relationship on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the worker is authorized to work in the United States OF AMERICA (State agencies may omit the date the worker began work.)**

Signature of Company 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 company)*

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

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

I attest, under penalty of perjury per 28 U.S.C. §1746(1), that to the best of my knowledge, this worker is authorized to work in the United States, and if worker presented document(s), the document(s) I have examined appear to be genuine and to relate to the worker.

Signature of Company or Authorized Representative	Date (month/day/year)
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## **WORKER REQUIREMENTS FOR THIS APPLICATION:**

1. Information provided herein by Worker is PRIVATE property and may not be entered into any government computer system, including E-Verify.
2. Worker is NOT applying for a position as a statutory “employee” per 5 U.S.C. §2105(a) or 26 U.S.C. §3401(c), who are all public officers in the U.S. government and not private human beings. Rather, he is applying for a position as a PRIVATE worker not subject to any federal law and nonresident to the statutory “United States”, being federal territory and the U.S. government.
3. Worker insists that this form be retained in PAPER form, not electronic form. The electronic storage of the content does not allow for the additional information provided herein and therefore will MISREPRESENT status of Worker and render information stored electronically FALSE, FRAUDULENT, or PERJURIOUS and cause Worker to be the victim of criminal witness tampering because this submission is signed under penalty of perjury.

## **DEFINITIONS APPLYING TO THE I-9 FORM:**

The typical I-9 form does not define any of the terms used. Therefore, this section defines the terms in order to avoid the parties signing from becoming the victim of injurious presumptions by anyone reading the completed form. All such presumptions are a violation of due process of law. None of the terms used on the form shall have ANY statutory meaning found in any federal law. Instead, only the meaning defined herein or the common meaning shall apply to the meaning of any and all terms.

**“Company”**: A private company not acting as any of the following in relation to “Worker”: 1. A federal “employer” per 26 U.S.C. §3401(d); 2. Government public officer; 3. Federal instrumentality per 26 U.S.C. §6331(a); 4. “Withholding Agent” per 26 U.S.C. §7701(a)(16).

**“Worker”**: A private human being not acting as any of the following in relation to “Company”: 1. Statutory “employee” per 26 U.S.C. §3401(c) or 5 U.S.C. §2105(a); 2. “person” per 8 U.S.C. §1324a(a) or 26 U.S.C. §7701(c); 3. “individual” per 26 CFR §1.1441-1(c)(3).

**“United States”**: States of the Union mentioned in the United States Constitution. Excludes federal territory or statutory “States” defined in 8 U.S.C. §1101(a)(36), 4 U.S.C. §110(d), 26 U.S.C. §7701(a)(10), or 42 U.S.C. §1301(a)(1), or any other federal law.

**“person”**: A federal instrumentality and not a human being, per 8 U.S.C. §1324a(a)(1) and (a)(7).

**CONSTITUTIONAL “citizen of the United States”**: A human being who is: 1. Born in a constitutional State of the Union; AND 2. Not domiciled on federal territory or subject to federal law; AND 3. Not acting as a public officer per 26 U.S.C. §7701(a)(26), “person” per 8 U.S.C. §1324a(a), or “individual” under any federal law; AND 4. Not eligible to apply for and not consenting to receive any government “benefit” or identifying number as described in the attached *Why I Am Not Eligible for a Taxpayer Identification Number*, Form #04.205; AND 5. Who is thoroughly described in the attached MANDATORY *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001.

## 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	
<p><b>1.</b> U.S. Passport or U.S. Passport Card</p>		<p><b>1.</b> 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</p>
<p><b>2.</b> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</p>		<p><b>1.</b> 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</p>
<p><b>2.</b> Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</p>		<p><b>2.</b> Certification of Birth Abroad issued by the Department of State (Form FS-545)</p>
<p><b>4.</b> Employment Authorization Document that contains a photograph (Form I-766)</p>	<p><b>2.</b> 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</p>	<p><b>3.</b> Certification of Report of Birth issued by the Department of State (Form DS-1350)</p>
<p><b>5.</b> In the case of a nonimmigrant alien authorized to work for a specific company 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</p>	<p><b>3.</b> School ID card with a photograph</p>	<p><b>4.</b> Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</p>
	<p><b>4.</b> Voter's registration card</p>	
	<p><b>5.</b> U.S. Military card or draft record</p>	<p><b>4.</b> Native American tribal document</p>
	<p><b>6.</b> Military dependent's ID card</p>	<p><b>5.</b> Native American tribal document</p>
	<p><b>7.</b> U.S. Coast Guard Merchant Mariner Card</p>	<p><b>6.</b> U.S. Citizen ID Card (Form I-197)</p>
	<p><b>8.</b> Native American tribal document</p>	<p><b>7.</b> Identification Card for Use of Resident Citizen in the United States (Form I-179)</p>
<p><b>6.</b> 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</p>	<p><b>9.</b> Driver's license issued by a Canadian government authority</p>	<p><b>8.</b> Employment authorization document issued by the Department of Homeland Security</p>
	<p><b>For persons under age 18 who are unable to present a document listed above:</b></p>	
	<p><b>10.</b> School record or report card</p>	
	<p><b>11.</b> Clinic, doctor, or hospital record</p>	
	<p><b>12.</b> Day-care or nursery school record</p>	

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