



I-9 Verifications: Can I Perform Them, and How Do I?

Hiring employees remotely is a growing trend in the global workforce, and the federal government is conducting audits on many businesses to ensure they are complying with hiring requirements, including worker eligibility. Consequently, more employers are asking prospective remote employees to find a Notary to perform I-9 verifications. There is some basic information all Notaries should know, in case they are asked to deal with an I-9 form.

What Is the I-9 Form and Do They Require Notarization?

Issued by the U.S. Citizenship and Immigration Services (USCIS), the I-9 Employment Eligibility Verification form verifies the identity and employment eligibility for all employees hired in the U.S.

Every one of America's 146 million-strong workforce has to fill out an I-9 form before starting their jobs. Employers are subject to hefty fines — ranging from \$110 to \$1,100 per instance — for compliance errors on I-9 forms. Companies who hire remote employees often require them to go to a Notary to complete their I-9s, because Notaries have expertise at verifying forms of identities.

There is no certificate wording included on the I-9 form, nor

is a Notary asked to affix his or her seal to the form. Therefore, an I-9 verification is not considered a notarial act. Notaries may only perform I-9 verifications in a non-notarial capacity, as a representative of the hiring company.

How to Perform an I-9 Verification

Section 1 of the I-9 form is completed by the employee, generally on the first day of hire.

The Notary, acting as an authorized representative, would then fill out Section 2 of the form, which includes verifying the signer's identity.

In order for the Notary to do so, the employee must present form(s) of identification that are authorized by the Lists of Acceptable Documents, found on the last page of the I-9 form.

The Notary checks to make sure that the employee presents one selection from List A or a combination of one selection



from List B and one selection from List C.

Inappropriate Requests

Despite the fact that notarization is not required on the I-9 form, Notaries often are asked to “notarize” the forms and include their seal impression — which is not allowed. Your answer to this request should always be “no.”

Keeping a Record

Although they are not considered notarial acts, Notaries are advised to record all I-9 transactions in a spreadsheet or other file (separate from your journal of notarial acts), including the name of the employee, the name of the company requesting the completion of Section 2, and the date you completed the document transaction.

Name of Employee	Name of Company Requesting I-9	Date Performed

Special Restrictions for California Notaries

In August 2014, the California Secretary of State clarified that California Notaries who are not qualified and bonded as immigration consultants may not complete or make the certification on Form I-9, even in a non-notarial capacity, as doing so would violate Government Code Section 8223(c).