BIG
BUSINESS INFORMATION GROUP

white paper

STREAMLINING FORM I-9 COMPLIANCE WITH i9SUCCESS AND i9VIRTUAL

TABLE OF CONTENTS

BIG® BUSINESS INFORMATION GROUP

This white paper introduces a revolutionary approach to simplify employment eligibility verification compliance and management. The employment eligibility verification process, which encompasses completing Form I-9 and, if applicable, creating an E-Verify case, verifies the identity and work authorization of all US-based employees and poses significant challenges for HR departments. These risks manifest in many ways, such as data entry errors, retention errors, compliance risks, and the need for in-person document inspection. USCIS has stated that, on average, 76% of paper Forms I-9 contain finable errors.[1]

To address these complexities, BIG presents a powerful combination of products and services to assist organizations in obtaining and maintaining compliance with the myriad rules and regulations governing employment eligibility verification. i9Success is an advanced Form I-9 management solution designed to streamline compliance, reduce administrative burden by incorporating advanced tools, such as automation, to ensure timely completion and reverification, and enhance accuracy. Through seamless

integration with existing HR systems, i9Success simplifies the overall Form I-9 completion process.

The white paper also introduces i9Virtual, a groundbreaking virtual offering in response to the recently released Alternatives to Physical Inspection rule[2] that enables live I-9 Specialists to complete Form I-9 virtually[3], relieving already overburdened HR departments . This virtual solution enhances the Form I-9 experience for both employers, by ensuring Form I-9 is correctly completed and housed in a compliant manner, and employees, because of the ability to complete Form I-9 from the comfort of their own home, with expert guidance through the process.

Introduction

In today's rapidly changing business landscape, organizations face numerous challenges when it comes to compliance with ever-changing government regulations, especially those issued by the Department of Homeland

---

1 Loehrke , K. (2017) The Form I-9 is new — The risk of penalties for noncompliance is not, Bizjournals.com. Available at: https://www.bizjournals.com/bizjournals/how-to/growth-strategies/2017/01/penalties-for-noncompliance-on-form-i-9.html (Accessed: 29 August 2023).
2 47990 federal register /vol. 88, no. 141/Tuesday, July 25, 2023/rules ... Available at: https://portal.mybig.net/documents/FinalRule_2023-15532.pdf (Accessed: 29 August 2023).
3 Optional Alternative 1 to the Physical Document Examination Associated With Employment Eligibility Verification (Form I–9) (2023) Regulations.gov. Available at: https://www.regulations.gov/document/ICEB-2021-0010-0516 (Accessed: 29 August 2023).

Security, which is acutely vulnerable to the whims of changing presidential administrations. One such critical area is determining employment eligibility - the process of verifying and documenting the identity and employment authorization of employees hired to work in the United States using Form I-9. The process is complicated further for those organizations who – by choice or mandate – are E-Verify participants.

To address the complexities and administrative burden associated with Form I-9 completion and management, BIG introduces a revolutionary combination of i9Success and i9Virtual. This white paper explores the history of the employment eligibility verification regime, challenges organizations face in Form I-9 compliance, the evolution of Form I-9 solutions, and how the integrated i9Success and i9Virtual offering revolutionizes the compliance process.

A Short History of the Employment Eligibility Verification Regime

In 1986 Congress passed the Immigration Reform and Control Act (IRCA), which prohibited employers from knowingly employing noncitizens present in the United States without work authorization and required employers to verify the identity and work authorization of all employees hired after November 6, 1986. This verification occurs on Form I-9, which was introduced in 1987.[4] These provisions are codified in Section 274A of the Immigration and Nationality Act (INA). Ironically, the Congressional Record refers to this as a "simple" process multiple times. The "employer sanctions regime," as those in Congress (and legacy Immigration and Naturalization Service officers) would call it was meant to curb illegal immigration by limiting opportunities to work in the United States.[5] Prior to IRCA's passage, employers were not prohibited from hiring noncitizens without work authorization; instead the noncitizens risked being deported from, and barred from entering, the United States for life if they worked without authorization. Now, employers are subject to criminal and civil sanctions for employing

individuals who lack work authorization as well as steep civil fines and penalties for failure to complete Form I-9.

Along with requiring employers to verify identity and work authorization, IRCA also prohibits discrimination in the Form I-9 and hiring process. These provisions, codified at section 274B of the INA, are enforced by the Immigrant and Employee Rights Section of the Department of Justice (DOJ-IER), previously known as the Office of Special Counsel. In 1990, Congress added "unfair documentary practices" as a discriminatory practice, which prohibited employers from requesting more or different documents during the Form I-9 process as long as the documents initially proffered reasonably appeared to be genuine, related to the individual, and evinced employment authorization.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which included the "Basic Pilot Program" for electronic verification of work authorization and Identity; what we now know as E-Verify. E-Verify was then expanded to all 50 states in 2003. An electronic, web-based program administered by USCIS, E-Verify checks Form I-9 information (such as name, date of birth, citizenship/immigration status and document information) against information found in DHS and Social Security Administration databases. E-Verify participation is generally voluntary, unless you are operating in a state that requires it, employ STEM OPT students, or are awarded certain federal contracts.

In 2004, Congress authorized electronic completion, signature, and storage of Form I-9. The implementing regulations were first promulgated in 2006 and finalized in 2010. The Form I-9 process itself largely remained static through the 2010s, but the employment authorization requirements – the number of noncitizens able to procure work authorization and the methods of evincing it for Form I-9 purposes – grew exponentially as a result of the nation's *ad hoc* solutions to systemic problems with the immigration system. This trend continues today, as USCIS has now

---

4 This was only after multiple attempts, starting in 1952, to codify and enforce an employer sanctions regime had failed.
5 1986 USCCAN 5649 "Employment is the magnet that attracts aliens here illegally or, in the case of nonimmigrants, leads them to accept employment in violation of their status."

authorized more than thirty additional, unlisted document combinations. Employers are responsible for knowing these combinations, and can be fined under Section 274A or B of the INA for not knowing them, yet USCIS cannot point to any one exhaustive list or online repository.

Major shifts in Form I-9 completion were brought on by the COVID-19 pandemic. In March of 2020 ICE announced that, in an exercise of prosecutorial discretion, it would allow for deferred inspection of Form I-9 documents for certain individuals. In 2021, ICE announced that deferred inspection was available to *other classes of individuals* not included in the 2020 announcement. In late 2021, ICE published a "Request for Information," which sought the public's comments on the possibility of removing the "in-person" physical inspection requirement. In late 2022, ICE published a proposed rule allowing for alternatives to physical document inspection.

On July 25, 2023, USCIS published the Alternatives to Physical Inspection rule (the API rule), along with guidance for Optional Alternative 1 (allowing virtual verification for E-Verify participants), and a new Form I-9. On August 3, 2023, USCIS published information on a pilot program that would allow non-E-Verify participants to complete Form I-9 virtually, but only under ICE's watchful eye.

To date, ICE has conducted thousands of enforcement operations and Form I-9 audits and collected millions of dollars in fines and penalties. As part of some of these enforcement operations, ICE will administratively arrest individuals found to be present in the United States without permission, resulting in extreme workforce disruption and a chilling effect on other employees. DOJ-IER issues millions of dollars in fines each year and employs dozens of attorneys and investigators who open investigations either after tips or on their own initiative. E-Verify, for its part, has continued enforcing E-Verify rules through its monitoring and compliance division and has the authority to turn off E-Verify access for certain noncompliant organizations and/or make investigatory referrals to ICE, DOJ-IER, the Department of Labor, or federal prosecutors.

Challenges in Form I-9 Management

Traditional Form I-9 management presents organizations with myriad challenges that can impede efficiency and compliance. The reliance on cumbersome paperwork and manual data entry processes can lead to time-consuming administrative tasks, increasing the risk of errors and inaccuracies. Additionally, some employees will have to have their work authorization reverified, and tracking or calendaring work authorization end dates is an extremely important task. Other employees will present receipts for the replacement of lost, stolen, or damaged documents which need follow up within ninety days from the date of hire. Under a traditional Form I-9 management scheme, you have at least two separate systems: one repository for the paper Forms I-9 and copies of supporting documents (and

hopefully those Forms I-9 are not placed in the employee's general personnel file; doing so could result in inadvertent disclosure during an ICE audit) and another, such as in Excel or a calendaring tool, to track reverification and other follow up. For organizations that are E-Verify participants, a *third* system – the E-Verify system itself – is required. Keeping these three disparate systems organized and in compliance is difficult for any organization on a good day, let alone when you have three days to present all of this information in the case of an audit.

HR departments find themselves grappling with the ever-changing landscape of immigration and work authorization regulations, which requires constant vigilance to ensure that Forms I-9 remain compliant and that staff is trained to accept correct documents. While page 2 of the Form I-9 contains the "List of Acceptable Documents," it only lists the twenty-six possible document combinations authorized by the statute, but in practice there are more than fifty combinations that practitioners need to be aware of. If practitioners are not aware of these "unlisted" document combinations, they may turn away work authorized individuals, resulting not only in workforce instability but also the threat of costly investigation and fines imposed by DOJ-IER.

The in-person inspection requirement of the Form I-9 regulations largely prevented centralization of Form I-9 tasks for large or distributed organization, or those that had a remote-first, primarily distributed workforce.

The transition to remote work environments has exacerbated these challenges. With distributed workforces, conducting in-person document review becomes increasingly impractical and costly. Remote employees may face difficulties in accessing physical documents, hindering the timely completion of Forms I-9. The absence of streamlined processes in a remote setting can create inefficiencies and raise compliance concerns, leaving organizations in search of solutions that can ensure remote compliance without compromising accuracy. Many organizations have turned to the "authorized representative" or "find-a-friend" model, which does streamline some of these processes but does so at while sacrificing reliability and accuracy of the data.

Form I-9 compliance is challenging, in part, because it relies heavily on the United States' fragmented and reactionary immigration system. USCIS is constantly authorizing new acceptable document combinations for Form I-9, such as Forms I-94 for certain dependent spouses of E and L visa holders, Form I-94 bearing certain classes of admission for some Ukrainian or Afghani nationals, or even a combination EAD and "re-parole" document for certain Afghanis. It is also challenging because of the opaque nature of DOJ-IER's investigations and the lack of guidance and dependability of the E-Verify system.

When you stack those systemic challenges on top of the HR and onboarding challenges that we see on a daily basis, such as an increasingly remote workforce, increased attention to the quality of the onboarding experience, and competition for talent, you have a real quagmire. Luckily, Form I-9 solutions have evolved to a point where all of these competing goals can be accomplished.

The Evolution of Form I-9 Solutions

Prior to 2006, Form I-9 could only be completed using pen and paper. In 2004, Congress amended Section 274A of the INA to allow for electronic signature and retention of Form I-9. In 2006, USCIS published an Interim Final Rule allowing for this, and in 2010 published the Final Rule. Since then, many organizations have attempted to apply technology to Form I-9 compliance and indeed the advent of electronic Form I-9 platforms marked a significant shift from traditional paper-based processes to more streamlined and efficient solutions. These electronic platforms offered relief from the burden of physical paperwork and enabled digital storage of Form I-9 documents, improving accessibility and reducing the risk of misplaced records while ensuring accuracy through field-based rules and validations.

As time has passed, the demand for more sophisticated and integrated Form I-9 solutions became apparent. Organizations sought platforms that not only digitized the paperwork but also offered real-time compliance checks, document verification, and integration with HR systems. Integration with the E-Verify system, whereby an E-Verify case is created automatically when the Form I-9 is completed

using information from Form I-9 itself was a quantum leap; it ensured case creation and limited redundant keystrokes.

The rapid evolution of technology over the past 10 or so years has been a game-changer in the realm of Form I-9 compliance, but what many providers have missed is the complex and ever-changing rules regarding employment authorization that must be reflected in these systems. It is one thing to offer a data collection platform, with field-based validations and restrictions, but what employers need is assistance with the many unlisted document combinations. Ensuring accuracy and compliance is paramount, given the potential consequences of even minor errors during audits or one Section 274B allegation (for rejecting an employee's documents when, in reality, they are acceptable but not on the published List of Acceptable Documents) can be costly in fines, penalties, and legal fees in addition to reputational damage. Providers have also had to design systems with data protection and security in mind, not only because it is required by the Form I-9 regulations,[6] but also because of the reputational and economic costs concomitant with a privacy incident or data spill. As a result, the evolution of Form I-9 solutions began to focus on holistic approaches that not only facilitated data entry but also reduced administrative burden by automating many parts of the Form I-9 process and providing Form I-9 completion services.

i9Success: A Comprehensive Form I-9 Management Solution

i9Success is a cutting-edge solution designed to revolutionize Form I-9 management for businesses of all sizes. This platform simplifies compliance, reduces administrative burden, and enhances accuracy. With its intuitive interface and advanced features, i9Success empowers HR departments to efficiently manage Forms I-9, ensuring compliance without excessive manual effort. In fact, for some cases compliance can be accomplished by entering first name, last name, email, and hire date; i9Success will do the rest and only notify you if there is a problem.

KEY FEATURES OF i9SUCCESS

- **Streamlined Integration:** i9Success seamlessly integrates with existing HR systems, facilitating smooth data transfer and eliminating manual data entry.

- **Simplified Compliance:** i9Success stays up-to-date with the latest regulations and guidance, reducing compliance worries and ensuring adherence to the law. i9Success offers clients the ability to create an E-Verify case upon Form I-9 completion, ensuring compliance with E-Verify regulations.

- **User-Friendly Interface:** Designed with simplicity in mind, i9Success offers an intuitive interface that requires minimal training for HR teams.

- **Enhanced Accuracy:** i9Success leverages advanced technology to minimize errors and maintain precise Form I-9 records, including automated reverifications and receipt handling.

i9SUCCESS SUITE OF SOLUTIONS

i9Success Traditional
Our take on the classic method of Form I-9 completion, whereby the employee completes Section 1 electronically with the assistance of error-minimizing restrictions and validations using a credentialed log-in and your company representative meets with the employee in person for Section 2 completion.

---

6 *See* 8 C.F.R. § 274a.2(e)

I9Success Remote Station
| Brick and Mortar

Section 2 and Reverification: Access our expansive network of over 1,900 nationwide sites and let our expertly-trained staff handle Section 2 or Supplement B. Your candidates and employees can schedule appointments in advance, conveniently choosing a location near them. Our streamlined process ensures that meetings take less than 10 minutes on average, saving valuable resources for your candidates, employees, and organization.

Historical Collection

- **Paper:** Paper Forms I-9 can be a thing of the past. Whether you prefer a pickup or coordinated drop-off, we ensure a seamless transition by handling your paper I-9 Forms with care. Once in our hands, we expertly scan, upload, and securely store your Form I-9 and accompanying documents.

- **Electronic:** Our advanced system goes beyond storage. It scans and collects your digital Form I-9, with the ability to flag fields that require attention. Gain actionable insights to effortlessly identify and address any missing or inaccurate information.

Find-A-Friend | Brick and Mortar

Empower your employees: With our innovative platform, your employees can designate an individual to handle Section 2 or Supplement B, while you can track and manage the Find-a-Friend process from one centralized location. Our user-friendly solution provides step-by-step guidance for those involved in completing Section 2 or reverifying work authorization. i9Success provides a centralized hub for effortlessly storing and accessing Form I-9 data, reducing the risk of misplacement or loss.

i9Virtual

Embrace the future with our state-of-the-art, best-in-class software with Forms I-9 completed by virtual I-9 Specialists from our i9Success Center of Excellence. This revolutionary option fully complies with the API rule, allowing seamless Section 2 or Supplement B completion via video conference while ensuring data security and accuracy. This is the most advanced Form I-9 solution on the market and can be paired with our E-Verify services, which include an option for complete outsourcing of all E-Verify tasks.
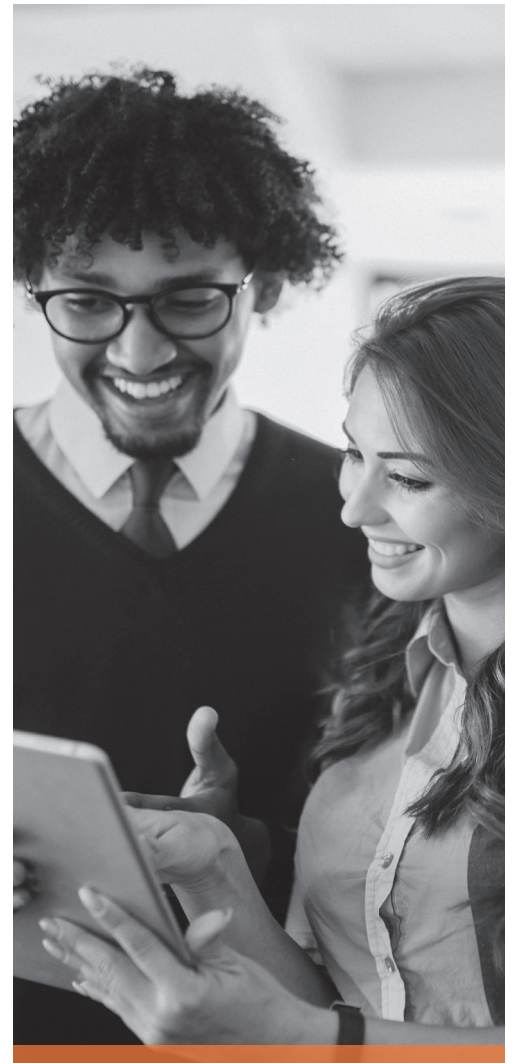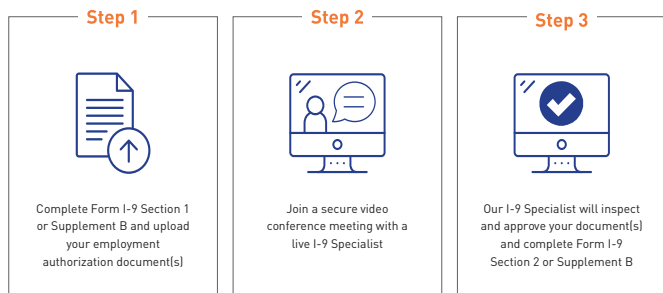
Revolutionizing Form I-9 Verification with i9Virtual

i9Virtual takes Form I-9 compliance to the next level by introducing a cutting-edge virtual offering. This solution connects your employees with our live I-9 specialists, who will complete the Form I-9 by securely verifying your employees documents - anywhere, anytime.

How i9Virtual Works

i9Virtual enables employees to enter Section 1 data, sign Section 1, and upload copies of documents to be examined by the I-9 Specialist.[7] After the documents are uploaded and required fields completed, the employee will meet with a trained I-9 Specialist to complete the document inspection process. Advanced technology allows specialists to virtually verify and inspect identity and work authorization documents.

Step 1	Step 2	Step 3
Complete Form I-9 Section 1 or Supplement B and upload your employment authorization document(s)	Join a secure video conference meeting with a live I-9 Specialist	Our I-9 Specialist will inspect and approve your document(s) and complete Form I-9 Section 2 or Supplement B

The Benefits of i9Virtual

1. Flexibility:
i9Virtual allows employees to complete their Form I-9 at a time and place of their convenience, eliminating the need for in-person meetings and reducing the burden on HR departments.

2. Expert Guidance:
Our live I-9 Specialists offer expert assistance, reducing errors and ensuring a smooth and compliant process.

3. Time and Cost Savings:
Eliminate the time-consuming process of coordinating in-person Form I-9 completion. i9Virtual streamlines the process, saving both time and resources.

4. Enhanced Compliance:
i9Virtual ensures compliance with changing regulations, providing peace of mind during audits and inspections. Our solution is helmed by a former ICE attorney and Form I-9 Expert who is constantly advising on changing regulations and USCIS guidance.

i9SUCCESS IN ACTION:
Transforming Form I-9 Compliance for Organizations

- **CASE STUDY 1:**
ACHIEVING NATIONWIDE FORM I-9 COMPLIANCE FOR A DIVERSE ENTERPRISE
BIG recently partnered with a multi-national conglomerate with offices and subsidiaries across the United States. With a diverse workforce spanning various states, they faced a complex challenge of ensuring consistent Form I-9 and E-Verify compliance across its vast organization.

The Challenge
Our client's HR department was grappling with the administrative burden of managing Forms I-9 and E-Verify for employees across multiple locations. The onboarding staff includes individuals with varying levels of familiarity with the Form I-9 process, leading to inconsistent completion and compliance gaps. Manual data entry and record-keeping further complicated the situation.

---

7 The same process is followed if the employee is completing a reverification or name change.

The Solution
i9SUCCESS FOR NATIONWIDE FORM I-9 COMPLIANCE

Recognizing the need for a comprehensive solution, BIG's client turned to i9Success to streamline and enhance its Form I-9 management process.

Streamlined Integration and User-Friendly Interface

i9Success's streamlined integration with existing HR systems allowed the organization to seamlessly incorporate the solution into their operations. The user-friendly interface ensures that employees from different departments and locations can quickly adapt to the new system with minimal training.

Hybrid Form I-9 Completion Approach

The organization opted for a hybrid approach, utilizing i9Success Traditional for employees who are work near or at offices staffed by a trained Form I-9 completer. For locations where remote completion is more practical, such as satellite offices or remote research locations, the organization leverages i9Success' Remote Station solution. This flexible approach ensures efficient Form I-9 processing, accommodating the diverse nature of the workforce and locations.

Historical Collection and Enhanced Accuracy

To address record-keeping challenges, the organization adopts i9Success's Historical Collection feature. This digital solution eliminates concerns about paper form misplacement and loss. It securely stores Form I-9, providing easy access and flagging capabilities that help identify missing or inaccurate information, thus facilitating prompt corrections.

E-Verify Compliance

The organization does not, as a rule, participate in the E-Verify program. However, the organization has locations in several states that mandate E-Verify participation, such as Florida and North Carolina. i9Success allowed the team to set up different divisions for both E-Verify and non-E-Verify participating locations. For the new hires subject to mandatory E-Verify case creation, the organization simply notes it in the order (by selecting the appropriate division) and their work is finished; i9Success will create the case automatically upon Form I-9 completion and if there are any issues – such as a Tentative Non-Confirmation (TNC) – the i9Success team will attempt to resolve them with the new hire before contacting the employer.

Results

By embracing i9Success as a partner, the organization achieves nationwide Form I-9 and E-Verify compliance, streamlining this complex process across its diverse locations. The utilization of i9Success' solutions tailored to the specific needs of each location ensures a consistent and compliant approach to Form I-9 completion and verification. The reduction of manual data entry and administrative burden allows the organization's HR department to allocate resources more strategically. This empowers the workforce to focus on critical initiatives that drive the organization's growth. The outcome is an organized, compliant, and efficient Form I-9 management process that fosters a productive and diverse workforce.

- ## CASE STUDY 2:
  ### STREAMLINING FORM I-9 REVERIFICATION FOR A FOREIGN NATIONAL WORKFORCE
  This next case study works directly with BIG's client, who operated with a large, foreign national workforce, which provided specific challenges related to Form I-9 reverification.

The Challenge
Each year, the organization employs a substantial number of foreign national employees present on various visa types serving in different roles. These workers originate from diverse countries and possess varying work authorization expiration dates. Managing the different Form I-9 requirements for each visa type, dates for Form I-9 reverification, and ensuring timely reverification proved to be a manual and time-intensive undertaking for the HR team.

The Solution
i9SUCCESS FOR FORM I-9 REVERIFICATION
Recognizing the need for a more efficient approach, the organization adopted i9Success to simplify and automate Form I-9 reverification. They decide to implement various i9Success solutions to enhance the reverification process and uphold compliance.

i9Success Historical Collection (Electronic)
The organization also opted to digitize their Form I-9 records using i9Success's Historical Collection feature. This shift ensures secure storage and easy accessibility for all employee records. Importantly, these records are then used to propel i9Success's reverification logic, which not only tells the employer when the reverification is required, it can order the reverification automatically, and send reminders to employees up to 180 days from expiration. This approach allows the employer to review and maintain reverification compliance by reviewing a dashboard each day, instead of manually calendaring and completing reverifications; not to mention the automatic reminders that can be sent to the employees.

i9Virtual
To optimize their strategy, the organization embraced i9Success's virtual completion. Employees are granted the convenience of completing Form I-9 reverification appointments online, at their convenience. This approach saves both the organization and its workers time and resources. i9Success's expert staff adeptly handles Supplement B of the Form I-9, ensuring a seamless process taking less than 10 minutes, regardless of complexity.

Results
Through the adoption of i9Success's suite of solutions, the organization revolutionized their once complex and time-consuming Form I-9 reverification process. The integration of digital records and virtual completion, empowered the HR team to proficiently manage Form I-9 reverification for their diverse seasonal workforce. The organization can now concentrate on their primary activities, secure in the knowledge that their Form I-9 compliance responsibilities are being efficiently addressed.

The Seamless Integration of i9Success and i9Virtual

The integration of i9Success and i9Virtual delivers a comprehensive and efficient solution to Form I-9 management. The cohesive workflow simplifies compliance, reduces administrative tasks, and enhances accuracy throughout the Form I-9 process.

Ensuring Data Security and Compliance

Data security and compliance are paramount in Form I-9 management. BIG takes every measure to safeguard sensitive information, ensuring that data is securely stored and transmitted according to industry standards and legal requirements.

Embracing the Future of Form I-9 Compliance

The complexities of Form I-9 compliance demand innovative solutions. i9Success and i9Virtual revolutionize Form I-9 management, providing organizations with a comprehensive and compliant solution. Embrace the future of Form I-9 compliance with BIG and empower your HR department to focus on strategic initiatives while ensuring compliance with confidence.

For more information about i9Success and i9Virtual or to schedule a demo, please visit BIG's Website or contact Sales@BIGreport.com.

About BIG

Founded in 1989, BIG has rapidly grown into the premier applicant screening services provider – serving many of the world's largest financial services firms.

Over the years, BIG grew into the Vertical Screen family of applicant screening companies, a corporate structure designed to provide customized applicant screening services to specific industries. The Vertical Screen family includes BIG, which exclusively serves the financial services industry, Certiphi Screening, which exclusively serves the healthcare industry, and Truescreen, which serves a full gamut of industries apart from financial services and healthcare. In 2006, we launched sister company Fieldprint, an FBI-approved channeler that provides fingerprinting collection and processing; Form I-9 Section 2 completion and other remote services; badge photography and processing; and fitness determination and adjudication.

Today, many of the world's largest financial services employers depend on BIG's industry-specific expertise and technological leadership for customized screening solutions that are unparalleled in the marketplace. Our consistently superior performance in program implementation, execution and customer service support has resulted in a 99 percent client retention rate since the company's inception.