SUPPORTING STATEMENT FOR
EMPLOYMENT ELIGIBILITY VERIFICATION
OMB Control No.: 1615-0047
COLLECTION INSTRUMENT(S): Form I-9

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This information collection has been developed to facilitate compliance with section 274A of the Immigration and Nationality Act (the Act). Section 274A of the Act, as amended, prohibits the knowing employment of unauthorized aliens and the hiring of individuals without first verifying their employment authorization and identity. The purpose of this information collection is to comply with section 274A of the Act.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Form I-9 collects information from employees, form preparers and translators, employers, recruiters and referrers for a fee (limited to agricultural associations, agricultural employers, or farm labor contractors), and state employment agencies, as applicable. Form I-9 is completed in connection with an individual's employment in the United States. The form contains two sections and a Reverification and Rehire Supplement to Form I-9. The purpose of Section 1 of the form is to collect, at the time of hire, identifying information about an employee (and preparer or translator if used), and for the employee to attest to whether he or she is a U.S. citizen, noncitizen national, lawful permanent resident, or noncitizen authorized to work in the United States. The employee must also present original documentation for the employer to review evidencing his or her identity and authorization to engage in this employment. The purpose of Section 2 of the form is to collect, within 3 days of the employee's hire, the employer's identifying information (or that of a recruiter or referrer for a fee or state employment agency, as applicable) and information regarding the identity and employment authorization documentation presented by the employee and physically examined by the employer (or recruiter or referrer for a fee or state employment agency, as applicable). The purpose of the Reverification and Rehire Supplement to Form I-9 is to collect information from the employee and employer regarding the continued employment authorization of the employee. If applicable, this supplement is completed by the expiration date of the employee's employment authorization and/or employment authorization documentation recorded in either Section 1 or Section 2, or in a previous section of the supplement, of the form. This supplement may also be used if the

employee is rehired within 3 years of the date of the initial execution of the form and to record a name change if the supplement is completed. Failure of employers to ensure proper completion and retention of the form will undermine the effective enforcement of provisions of the immigration laws that are designed to control the employment of unauthorized noncitizens. The Act requires employers to retain the form and make it available for inspection by officers of the Department of Homeland Security (DHS), the Immigrant and Employee Rights Section of the Civil Rights Division of the Department of Justice (DOJ), and the Department of Labor (DOL). The Act also has penalty provisions for failure of employers to ensure proper completion of the form and for failure of employers to retain the form for the requisite timeframes.

In summary, this information will be used by employers as a record of their basis for determining eligibility of an individual to work in the United States. The employer must retain this completed form and make it available for inspection by authorized officials of DHS, DOL, and DOJ. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The use of this form provides the most efficient means of collecting and maintaining the required data. Since this form is retained by employers and is not submitted to USCIS/DHS, e-filing is not applicable to this information collection. However, per Final Rule: Electronic Signature and Storage of Form I-9, Employment Eligibility Verification, published by Immigration and Customs Enforcement on July 22, 2010 (75 FR 42575), this form can be electronically stored by the employer. Employers can electronically reproduce and store a Form I-9, provided that the resulting form is readable and identical to the form issued by DHS.

The Form I-9 can be downloaded from the USCIS website at https://www.uscis.gov/i-9. The form can be completed electronically and saved by employers to their systems or printed to be placed in the employees' files.

USCIS conducted several rounds of usability testing on E-Verify and E-Verify+ (previously E-Verify NextGen) including the I-9 and I-9NG (Next Gen) processes with both internal and external users to detect any shortcomings or risks. The feedback received by USCIS led to design improvements that are incorporated in this information collection and associated instructions.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes

described in Item 2 above.

A search of DHS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The use of this form affects small businesses. However, DHS has made efforts in the design of the form to minimize the amount of data collected, the time required to complete the form, and the education level necessary to complete the form. In addition, DHS allows the employer to store the form electronically.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The purpose of this information collection is to comply with section 274A of the Act and implementing regulations requiring the verification on Form I-9 of the identity and employment authorization of individuals hired for employment in the United States. Failure of employers to collect and retain the information requested on the form will undermine the effective enforcement of the provisions of immigration laws that are designed to control the employment of unauthorized aliens.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On MAY 18, 2026, USCIS published a 60-day notice in the Federal Register at 91 FR 28615. USCIS did receive comments after publishing that notice.

On AUGUST 19, 2026, USCIS published a 30-day notice in the Federal Register at 91 FR 53629. USCIS did receive a comment after publishing that notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

USCIS does not provide any payment for benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

There is no assurance of confidentiality.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/PIA-036(b) - Form I-9 Employment Eligibility Verification Update, dated June 21, 2013
- OPM PIA for the Electronic Official Personnel Folder System, April 9, 2025

The collection is covered under the following System of Records Notices:

- OPM/GOVT-1 General Personnel Records, 88 FR 56058 (August 17, 2015);
- OPM/GOVT-5 Recruiting, Examining, and Placement Records, 87 FR 5874 (February 02, 2022)

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be**

included in Item 14.

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total Number of Responses	Avg. Burden per Response (in hours)***	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Employers, Recruiters and Referrers for a fee (limited to agricultural associations, agricultural employers, or farm labor contractors), and State Employment Agencies.	Employment Eligibility Verification, Form I-9	62,063,950	1	62,063,950	0.35	21,722,383	$43.45	$943,837,520
Individuals or Households (Employees)	Employment Eligibility Verification, Form I-9	62,063,950	1	62,063,950	0.15	9,309,593	$43.45	$404,501,794
Record Keepers	Record Keeping	27,200,000**	1	27,200,000	0.08	2,176,000	$43.45	$94,547,200
Total				151,327,900		33,207,976		$1,422,886,514

** The above Average Hourly Wage Rate is the May 2022 Bureau of Labor Statistics average wage for All Occupations $29.76 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling $43.45. The selection of "All Occupations" was chosen because respondents to this collection could be expected from any occupation.*

*** The 27.2 million record keepers are a subset of the 75.3 million respondents. Record keeping is generally only a portion of HR functions. Not everyone who completes Form I-9 will be responsible for its retention.*

**** Time burden – Time per response breakdown:*

Time burden for Employers – 31 minutes total

- ***9 minutes** - Consulting the form instructions as needed*

- ***10 minutes*** *- Completing Section 2, including reviewing documentation presented by the employee*
- ***2 minutes*** *- Completing the Reverification and Rehire Supplement when necessary – In limited circumstances the employer would need to review one document, sign and date.*
- ***10 minutes*** *– Completing audit with Immigration and Customs Enforcement agent.*

Time burden for Employees – 9 minutes total

- ***3 minutes –*** *Consulting the form instructions as needed*
- ***5 minutes –*** *Gathering the required supporting documentation*
- ***1 minute –*** *Completing Section 1 of the form*

*****U.S. Bureau of Labor Statistics. Job Openings and Labor Turnover Survey. Series ID: JTS000000000000000HIL (Total Nonfarm, Total U.S., All Areas, Hires, all size classes, seasonally adjusted). Data pulled February 2, 2022.*

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.**

There is no cost burden associate with this collection of information. Any requirements to support the verification process are already available through other approved

collections of information that may be employment related or occur as a part of the hiring process. There is no submission to USCIS of materials which eliminates mailing and photocopying costs. Additionally, any activities that the employer takes are either captured as time burden in Question 12 of the Supporting Statement or are a part of the hiring process for the employer and is not reportable as a burden for the purpose of submission to OMB.

There is no fee associated with this information collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Federal government cost is estimated at $19,787,045. This figure includes the cost to conduct on-site employer compliance reviews in accordance with section 274A of the Act. The compliance review costs are equal to 132 (the number of ICE Forensic Auditors) x $95,818 (average annual base salary, GS-13, Step 5) x 1.46 (wage multiplier) + $1,321,000 (budget for overhead and equipment).

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

USCIS is requesting an extension of a currently approved collection. USCIS is reporting no change in the estimated annual hour burden and estimated annual cost burden to respondents for this collection of information.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

USCIS will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

USCIS does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.