

# I-9 BEST PRACTICES

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# BIOGRAPHY



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Clark Hill PLC is one of the 200 largest law firms in the nation, with 12 offices in the U.S. The Immigration Practice Group handles client cases nationally, with offices in Detroit and Washington DC, and over 150 years of combined immigration law experience.

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# DISCUSSION TOPICS

- I-9 basics and the I-9 Form
- Who can you hire?
- Completing the I-9 because not just non-immigrants
- Reverification, corrections, and agents
- E-Verify
- Electronic storage of I-9s
- Best practices
- Violations and penalties – and updates
- Business visitors – US, Mexico and Canada

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# PRELIMINARY COMMENTS

- The PowerPoint is done so it can be a resource
- Ask questions – better if interactive
- Share your best practices

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# I-9 BASICS

## I-9s are required for every employee

- Employers must have one for all employees hired since November 7, 1986
- Current two page form: <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>
- Employee completes **Section 1 on or before the first day of hire**
- Employer has three business days, after the day of hire, to complete Section 2 and examine original documents (four day rule)
- Employer, or its agent, reviews original documents and completes Section 2
- No expired documents
- Must not hire persons who lack valid work authorization – actual & constructive knowledge
- Cannot use a subcontractor relationship (staffing company or independent contractor) to hire someone you have reason to believe is not work authorized
- MI ICE feels that once a notice is served, cannot correct the I-9s

# A FAIRLY COMPLEX LITTLE FORM



## Handbook for Employers

Instructions for Completing Form I-9  
(Employment Eligibility Verification Form)



M-274 (Rev. 01/05/11) N

70+ pages

for a

two page form

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# I-9 FORM

## A few notes on the two page form

- Employee email ID and phone number are optional
- **Form states “the instructions must be available during completion of this form”**
- M-274 Form I-9 Manual (<http://www.uscis.gov/files/form/m-274.pdf>)
  - If you learn of a legal change of name at a time, other than during a rehire or reverification, USCIS **recommends** that you update Form I-9
  - You should take steps to be reasonably assured of the employee’s identity, and may ask the employee for the reason
  - In cases where an employee has worked for you using a false identity but is currently work authorized, the I-9 rules do not require termination (CA law)
  - But – different names on the docs presented and what is on the I-9 (like typos) are OK, as long as you attach a memo and believe the employee

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# WHO CAN YOU HIRE?

- Almost always OK to hire these people:
  - US citizens and resident aliens (LPR)
  - Refugees or Asylees
  - EAD cards (J-2, F-1, L-2, spouse of E visa, green card pending, etc.)
- All of these require employer sponsorship:
  - H-1B, TN
  - L-1 or any E Visa
  - J-1 (sometimes can be a “free agent” but not common)
  - O-1
- Can never hire these people without other proof (EAD card, etc.):
  - Social security number says not valid without INS or DHS authorization
  - B-1/B-2
  - O-3, H-4, TD,
  - Less common - - A, G, I, K, L-1, N, P, Q, R, S, T, U, V



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## I-9 DOCUMENTATION – IS IT GENUINE? WHAT TO ACCEPT?

- Employer reviews new hires' original documents to ensure they “reasonably appear on their face to be genuine and they relate to the person presenting them”
- Must not overdocument or discriminate during the I-9 process
- H-1B, L-1, E Visa – must present passport and I-94 card
- F-1 OPT – must present EAD card
- F-1 CPT – must present passport, I-94 and SEVIS I-20 form
- When sponsoring employees for work authorization, it is OK to ask about current immigration status

# FILLING OUT THE I-9 – SECTION 1

► **START HERE.** 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. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation <i>(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)</i>				
Last Name (Family Name) Doe	First Name (Given Name) John	Middle Initial P.	Other Names Used (if any) N/A	
Address (Street Number and Name) 123 Main Street	Apt. Number	City or Town Novi	State MI	Zip Code 48304
Date of Birth (mm/dd/yyyy) 02/05/1965	U.S. Social Security Number 1 2 3 - 4 5 - 6 7 8 9	E-mail Address jdoe@gmail.com	Telephone Number 2482341234	

- Every new hire must fill out Section 1 himself/herself – hand written is OK
- Email, telephone, and SSN are optional
- Any changes to Section 1 **MUST BE DONE BY THE EMPLOYEE**
- Common errors include date of birth matching today's date
- "N/A" is preferred in any open boxes

# FILLING OUT THE I-9 – SECTION 1 CONT.

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.

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

- A citizen of the United States
- A noncitizen national of the United States (*See instructions*)
- A lawful permanent resident (Alien Registration Number/USCIS Number): \_\_\_\_\_
- An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) 1/4/2019. Some aliens may write "N/A" in this field. (*See instructions*)

For aliens authorized to work, provide your Alien Registration Number/USCIS Number **OR** Form I-94 Admission Number:

1. Alien Registration Number/USCIS Number: \_\_\_\_\_

**OR**

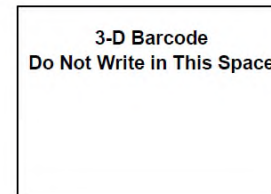
2. Form I-94 Admission Number: 1 2 3 4 6 6 7 8 9 1 2

If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:

Foreign Passport Number: \_\_\_\_\_

Country of Issuance: \_\_\_\_\_

Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (*See instructions*)



- Employee selects his/her status, but HR can provide guidance – “green card holders” are not Aliens Authorized to Work, for example
- Corrections on Section 1 – no “white out,” and changes should be crossed out with one line by the employee, and then initialed and dated by the employee
- Make sure lawful permanent residents (“green card holders”) include either their A Number, or the USCIS number on their status
- Aliens authorized to work have the most information to include, and know the least about our US forms and titles, so their paperwork should be double checked as well

# FILLING OUT THE I-9 – SECTION 1 CONT.

Signature of Employee: <i>John A. Doe</i>	Date (mm/dd/yyyy): 06/30/2013
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**Preparer and/or Translator Certification** (To be completed and signed if Section 1 is prepared by a person other than the employee.)

**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.**

Signature of Preparer or Translator: <i>Jane Doe</i>	Date (mm/dd/yyyy): 06/30/2013		
Last Name (Family Name) Doe	First Name (Given Name) Jane		
Address (Street Number and Name) 123 Main Street	City or Town Washington	State DC	Zip Code 20000

- Employees must sign and date the I-9
- Watch out for employees including their date of birth in the date section next to their signature, which is an error
- If you assist the employee in preparing the I-9, like typing up the form with their information, or writing on the form because they have a disability, be sure to complete the translator section
- ICE Officers looks for handwriting differences between Sections 1 and 2

# FILLING OUT THE I-9 – SECTION 2

Employee Last Name, First Name and Middle Initial from Section 1: John Doe

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title: EAD		Document Title:		Document Title:
Issuing Authority: USCIS		Issuing Authority:		Issuing Authority:
Document Number: lin123456789		Document Number:		Document Number:
Expiration Date (if any)(mm/dd/yyyy): 01/07/2019		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):

- Filling out Section 2 for US citizens and LPRs is pretty straight forward
- Look for differences in documents and status selected by the employee – e.g. the US citizen should not be providing a copy of a LPR card
- **Let the employee select what they want to use – List A OR List B and List C documents**
- If presented with many different documents by the employee, be sure not to fill out more than List A, or B and C
- Can copy and attach only the documents used to complete the I-9, not all docs received
- A picture ID which says it is not valid for identification purposes?

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# I-9S FOR ALIENS AUTHORIZED TO WORK

- The most mistakes on Section 2 of I-9s are made by HR professionals when working with aliens authorized to work, because the documents are uncommon
- The next few slides will provide clear guidance on how to complete the I-9s for different types of aliens authorized to work
- But remember, there are persons who are aliens authorized to work, but who are “protected workers,” (just like US citizens and LPRs) and so these persons are considered US workers, and employers need to avoid asking for specific documents when completing I-9s for these workers
- Asylees and refugees are a very common example of aliens authorized to work, who do not require employer sponsorship
- Asylees and refugees may have an EAD card or a driver’s license and normal SSN
- HR must review each time a new employee uses an SSN for a List C documents, to ensure it does not say “NOT VALID WITHOUT INS AUTHORIZATION,” or that it does not say ‘NOT VALID WITHOUT DHS AUTHORIZATION”
- Foreign workers who have a company sponsored work status can be helped & told what to provide for the I-9, as the worker only has one form of proof
- Be sure to track work authorization expiration date and reverify prior to expiration



# FILLING OUT THE I-9 – F-1 CPT STUDENTS

List A	OR
Identity and Employment Authorization	
Document Title: Japanese Passport	
Issuing Authority: Japan	
Document Number: HG1234567	
Expiration Date (if any)(mm/dd/yyyy): 02/01/2020	
Document Title: I-94	
Issuing Authority: DHS	
Document Number: 12345678912	
Expiration Date (if any)(mm/dd/yyyy): D/S	
Document Title: Form I-20	
Issuing Authority: DHS	
Document Number: 123456677898	
Expiration Date (if any)(mm/dd/yyyy): 1/23/2017  <input type="text"/>	

- F-1 CPT (Curricular Practical Training) workers are foreign national students who are allowed to work for a specific company for a semester
- They pay the school for enrollment during the semester, but are also paid by the US employer
- The student must have a valid passport and I-94 card
- Most importantly, Form I-20 must list duration of the CPT employment and include your company name on the last page of the I-20
- Watch for hour per week limitations, track expiration date
- See the example to the left

# FILLING OUT THE I-9 – F-1 OPT STUDENTS

**List A**  
**Identity and Employment Authorization**

Document Title: EAD
Issuing Authority: DHS
Document Number: LIN1234566789
Expiration Date (if any)(mm/dd/yyyy): 01/04/2018
Document Title:
Issuing Authority:
Document Number:
Expiration Date (if any)(mm/dd/yyyy):
Document Title:
Issuing Authority:
Document Number:
Expiration Date (if any)(mm/dd/yyyy):

OR

- F-1 OPT (Optional Pract.) workers are foreign national students who are allowed to work for any employer, but can only work for the duration of their EAD card
- They could be enrolled and have a EAD for just a short time (like the summer), or may have an EAD for a year or more – track the exp date
- Generally, employment on an EAD ends when the current EAD expires – as there is no work authorization allowed while an extension is pending
- F-1 students who completed a degree in a STEM field can apply for an additional 17 months or employment, before the one year EAD expires, but only if they work for an E-Verify employer
- STEM OPT EAD employees can work while the extension is pending – a rare exception



# FILLING OUT THE I-9 – ALL OTHER EAD WORKERS

**List A**

**Identity and Employment Authorization**

Document Title: EAD
Issuing Authority: DHS
Document Number: LIN1234566789
Expiration Date (if any)(mm/dd/yyyy): 01/04/2018
Document Title:
Issuing Authority:
Document Number:
Expiration Date (if any)(mm/dd/yyyy):
Document Title:
Issuing Authority:
Document Number:
Expiration Date (if any)(mm/dd/yyyy):

**OR**

- All other EAD workers will present an EAD that is valid until a certain date – track exp date
- These could be L-2, E-1 E-2 or E-3 visa holders who are spouses of the main sponsored worker, or persons going through the green card process
- These workers must be reverified on or before the EAD expires
- The worker could bring in different documents when being reverified, like an unrestricted SSN card
- Unrestricted SSN cards are allowed for reverification, even without another identify document, because the first identity document was already provided (the 1<sup>st</sup> EAD card)
- Generally, employment on an EAD ends when the current EAD expires – as there is no work authorization allowed while an extension is pending

# FILLING OUT THE I-9 – E-1, E-2, E-3, H-1B, TN OR L-1 WORKERS

## List A Identity and Employment Authorization

Document Title: Japanese Passport
Issuing Authority: Japan
Document Number: HG1234567
Expiration Date (if any)(mm/dd/yyyy): 02/01/2020
Document Title: I-94
Issuing Authority: DHS
Document Number: 12345678912
Expiration Date (if any)(mm/dd/yyyy): 01/04/2019
Document Title:
Issuing Authority:
Document Number:
Expiration Date (if any)(mm/dd/yyyy):

- OR
- H-1B, TN, L-1 and E-1/E-2/E-3 workers are employer sponsored
  - Generally, the status must be approved before the person can work for the sponsor – no TN or L-1 work authorization while a change of employer application is pending
  - H-1Bs can work when new application filed – “H-1B portability.” The Fed Ex delivery confirmation is enough – employers do not have to wait for the I-797 receipt, but it is preferred when time permits, and write it on I-9
  - Only the foreign passport & I-94 card are needed for the I-9
  - Issuing authority can be US CBP (entering the US for the first time with a visa) or USCIS with a COS or EOS
  - Do not need to update the I-9 each time the employee receives a new I-94 card
  - But watch passport expirations for shortened I-94 cards
  - Online CBP I-94 – <https://i94.cbp.dhs.gov/I94/request.html><sub>8</sub>


# FILLING OUT THE I-9 – EXTENSIONS OF H-1B, TN OR L-1 WORKERS

## List A Identity and Employment Authorization

Document Title: Japanese Passport
Issuing Authority: Japan
Document Number: HG1234567
Expiration Date (if any)(mm/dd/yyyy): 02/01/2020
Document Title: I-94
Issuing Authority: DHS
Document Number: 12345678912
Expiration Date (if any)(mm/dd/yyyy): 01/04/2016
Document Title:
Issuing Authority:
Document Number:
Expiration Date (if any)(mm/dd/yyyy):

- OR**
- Under 8 CFR 274a.12(b)(20), persons who have a timely filed extension of status can continue working for up to 240 days after the current I-94 expires (not permitted for E-3s)
  - The M-274 handbook recommends that employers:
    - Write “240-Day Ext.” and enter the date they submitted Form I-129 to USCIS in the margin of Form I-9 next to Section 2
    - Employers must reverify the employee’s employment authorization in Section 3 once they receive a decision on the H-1B petition, or by the end of the 240-day period, whichever comes first
  - The foreign passport does not need to be valid upon reverification
  - Portability and extensions – update Section 3 when approved
  - Maintaining a current passport is necessary for foreign nationals

# FILLING OUT THE I-9 – REVERIFICATION

<b>Section 3. Reverification and Rehires</b> <i>(To be completed and signed by employer or authorized representative.)</i>			
<b>A. New Name (if applicable) Last Name (Family Name)</b>		<b>First Name (Given Name)</b>	<b>Middle Initial</b>
Doe		Jason	A
			<b>B. Date of Rehire (if applicable) (mm/dd/yyyy):</b>
			03/28/2015
<b>C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.</b>			
<b>Document Title:</b>		<b>Document Number:</b>	<b>Expiration Date (if any)(mm/dd/yyyy):</b>
EAD		XXX1987654321	06/30/2019
<b>I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.</b>			
<b>Signature of Employer or Authorized Representative:</b>		<b>Date (mm/dd/yyyy):</b>	<b>Print Name of Employer or Authorized Representative:</b>
		03/28/2015	Alice Smith

- Reverification is needed whenever the work status of an alien who is authorized to work will expire – on or before status expires (unless outside the US)
- All reverification must be done on the latest version of the I-9 form
- US citizens and LPRs never need reverification – unless the LPR presented only an I-551 stamp for evidence of work status
- This section should also be used when a name change has occurred
- See the M-274 handbook for the rules regarding rehires
- If an EAD initially, then can present unrestricted SSN for reverification

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# NEW I-9 FORM NEEDED FOR REVERIFICATION

## Employees Requiring Reverification

- Must always use latest version of I-9 Form
- H-1B, TN, E Visa or other nonimmigrant status extensions
- H-1B Portability: When the H-1B approval is received, reverification must be completed
- Employment Authorization Documents – valid for a few months to two years
- Temporary green card holders must be reverified – presented an I-551 stamp and a passport under List A – NOT if he/she presents a resident alien card
- Permanent green card holders and US citizens never need to be reverified, unless they are being rehired
- Name changes – marriage or other a best practice but not mandatory
- Rehired employees – Section 3 on the latest I-9 edition

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# HOW TO CORRECT AN I-9 AND USING AGENTS

## Correcting I-9s

- Always use a different colored pen, draw a line through the error (if applicable), initial and date next to each change, never use white-out
- Only the employee can correct Section 1 of the I-9
- Any employee of the company can edit Section 2 of the I-9, as long as he/she can reasonably attest to the information
- All reverification needs to be done on the latest I-9 Form
- If unsure how to correct an I-9, can complete a new I-9 and keep both forms

## How To Use Agents For Remote Hires

- Who completes Section 2? “Employer”
- Can be an agent of the employer - - sister company, onsite customer, notary public, or any unrelated neutral 3<sup>rd</sup> party
- M-274 confirms that the employer is “still liable for any violations in connection with the form or the verification process”
- On the I-9 - e.g. Fred Smith, Agent of ABC company, and HQ address

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# VERIFYING WORK STATUS OF NEW/CURRENT EMPLOYEES

## E-Verify Program

- <http://www.uscis.gov/e-verify>
- Sign the MOU and complete training
- Complete training for the worksite and MUST use for every new employee – cannot use for previously hired employees

## SSNVS

- Social Security Number Verification System: SSNVS – <http://www.ssa.gov/employer/ssnv.htm>
- Sample Letter – <http://www.ssa.gov/employer/sampleltr.doc>
- Employers can verify the names and Social Security numbers of employees only after they are hired – can use for ANY employee
- Only for payroll purposes and not for immigration status



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# PURPOSE OF E-VERIFY AND HOW IT WORKS

- E-Verify builds on top of the I-9 process – almost identical rules apply on I-9s
- Running an E-Verify check is in addition to the Form I-9
- “Backs” into DHS/SSA/DOS/CBP databases
- Employee must have a social security number (normally voluntary), but can be hired and submit E-Verify later
- Designed to ensure that the documentation presented is valid
- Does not confirm that the documents presented are for that person
- Must complete E-Verify within three days of hire (DHS is watching this); date of hire/pay dictated by the certification box on the I-9
- Not for current employees – government contractor rule is the exception – almost never reverify an employee
- Anti-discrimination rules apply and cannot fire for tentative nonconfirmation
- Cannot use E-Verify or I-9s to screen new hires
- Once enrolled must run all new hires through E-Verify for that worksite
- View by many immigration attorneys as a best practice
- If enter the wrong information, you can cancel the E-Verify request, and submit a new one



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# FLIP SIDE OF I-9S AND CONFIRMING WORK AUTHORIZATION

## Discrimination

- Most litigation in the I-9 arena had been where employers use the I-9 to exclude workers who are eligible for employment – national origin discrimination
- Employers are only required to review original documents for obvious forgeries, since most employers do not know what a bona fide document looks like; *color copies of many acceptable documents* – ICE Handbook
- Requiring an employee to be a US citizen is usually discriminatory (two general caveats)

## Overdocumentation

- Generally – if attach documentation for one then MUST do it for all; and can be charged for asking for too much information
- NEVER request specific documents from an employee – he/she must decide what can/will provide (TN, H-1B, E visa exception because sponsored)

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# ELECTRONIC STORAGE OF THE I-9

## **You Can Store I-9s Electronically – But**

- Need controls for the integrity, accuracy and reliability for the storage system including
  - Controls for preventing tampering or unauthorized access
  - Accidental altering and/or deterioration of the stored I-9s
  - Inspection and quality assurance procedures
  - A retrieval system that includes indexing capabilities
  - The ability to print paper copies
  - Protect against information loss and to provide for backup
  - Employees must be trained in the security system
  - When reviewing I-9s, a permanent record must be created to identity of the person who accessed the record
- Need to be able to document the entire system
- Vetted 3<sup>rd</sup> party software provider the best option

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# I-9 BEST PRACTICES

- Company compliance policy and training
- Provide candidates with I-9 list of documents
- Be consistent when attaching, or not attaching, copies of work documents
- Online systems for creation and storage of I-9s
- Destroy old I-9s of ex-employees – three years after date of hire or one year after employment ends – **whichever is longer** – use this chart – <http://www.uscis.gov/i-9-central/retain-store-form-i-9/retaining-form-i-9>
- Audit early and often
- E-Verify for new hires
- SSNVS checks? “It can only be used to verify current or former employees and only for wage reporting (Form W-2) purposes”
- For internal audits, NEVER correct an I-9 without initialing and dating the change – without this there could be a charge of document fraud; different color pen preferred
- I-9 Central - <http://www.uscis.gov/I-9Central>

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# VIOLATIONS

## Penalties for I-9 Violations

- Social Security “no match” letters - IRS has the authority to impose a penalty for each incorrect return submitted to SSA, with an annual penalty of \$50 per violation, with a yearly maximum of \$250,000.
- I-9 paperwork violations – civil penalty of \$110 to \$1,100 per violation.
- I-9 document abuse (asking for more documents than required) – civil penalty of \$375 to \$3,200 per violation.
- Knowingly hiring or continuing to employ a person not authorized to work in the US – civil penalty of \$275 to \$2,200 per violation, for the first offense.
- Knowingly engaging in a pattern or practice of hiring or continuing to employ persons unauthorized to work – criminal penalty of \$3,200+ per violation and up to six months imprisonment.
- Fine chart - <http://www.ice.gov/news/library/factsheets/i9-inspection.htm>

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# GOVERNMENT INITIATIVES UNDER PRESIDENT OBAMA

## Many Agencies Are Increasing I-9 Capabilities

- Every agency involved in the I-9 process has additional funding and resources dedicated to I-9 compliance (DHS, ICE, USCIS, DOL, and DOJ's OSC)
  - ICE is the enforcement arm of DHS, conducts employer audits and raids - five year plan confirms aggressive civil and criminal penalties against employers
  - ICE developing “fusion centers”
  - OSC is part of the US DOJ, and their focus is unlawful discrimination – <http://www.justice.gov/crt/about/osc/htm/Webtypes2005.php>
  - Increased activity from DOJ's OSC – more charges, fines, and settlements against employers for discrimination
  - DOL can conduct I-9 audits (but have not lately)
  - USCIS is responsible for managing the I-9 form changes and immigration status

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## OTHER UPDATES/REMINDERS

- All signs point to continued push for E-Verify
- State laws requiring E-Verify continue to expand
- ICE raids down – but an increase in I-9 audits and employer civil/criminal penalties
- New employee self check option launched
- OSC discrimination investigations on the rise
- E-Verify starting to include state driver's license information (RIDE)
- No new immigration laws until a new President

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# BUSINESS VISITORS TO THE US

## General Rules:

- Generally OK to visit DENSO offices for business meetings, Not OK to “work” without a work permit, when it comes to performing “work,” need a work visa
- ESTA Entries – Japan, Germany, UK, etc. – 90 days
- B-1 Entries – India, China, Brazil, etc. – need a visa and six months
- How much time in the US is too much? How long outside the US is enough before the next entry?
- OK to visit suppliers for meetings and sales pitches – no training permitted
- OK to do “after sales service” for a machine under the original warranty
- Not OK to do service on a machine on an extended warranty
- Must show the P.O.
- Preferred to have a DENSO U.S. letter of support
- Avoid the word “training”
- Clark Hill website - <http://www.clarkhill.com/pages/visitor-visas>

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# BUSINESS VISITORS TO CANADA

## General Rules:

- OK to visit customers for sales pitches
- OK to visit customers for business meetings
- Not OK to “work” without a work permit
- US citizens – NAFTA
- Germans and many others – GATT
- Need customer to sponsor the work permit – but may be OK if paid from US
- Sponsorship better when under a TN classification
- Jobs not under NAFTA require a “labor market opinion” – to ensure there isn’t a Canadian who can do the job
- At times, officers can be harder than we see for US entries
- Be careful of the word “training”
- OK to do “after sales service” for a machine under the original warranty
- Extensive new work rules put into place in 2015/2016



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# BUSINESS VISITORS TO MEXICO

## General Rules:

- Mexico eliminated work visas for person who work in the US for six months or less per year
- No need for even a company letter
- Over six months, then the old rules apply, need a work visa if working
- Should be OK to apply to change status in Mexico
- OK to work at a customer site as well without a work visa
- Persons with US work visas seem to be OK as well (Germany, India, etc.)
- But work visas (FM3) are only good for one year at a time
- But if secure a work visa in Mexico, then need to be paid in Mexico

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THANK YOU



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