

Form I-9 Guidelines

The Immigration and Nationality Act requires employers to verify all employees' identity and eligibility to work in the United States. Employers must complete a Form I-9 for all employees, even U.S. citizens. The form must be retained by the University and may be requested for review by the Bureau of Immigration and Customs Enforcement (BICE) (formerly the Immigration and Naturalization Service or "INS") or during a wage and hour audit by the Department of Labor.

It is the hiring department's responsibility to complete initial Form I-9's for new hires, and to update and reverify Form I-9's for current employees and rehired employees in accordance with government regulations.

Form I-9 should be completed when an offer of employment has been accepted and the employee has been cleared for hire, and must be completed within the first three business days from the date employment begins. If the employee cannot produce verification documents within 3 days, he/she can have up to the 90th day of hire if he/she submits a receipt for an application of replacement documents.

If you have questions when completing Form I-9, contact your HR Generalist for assistance.

Form I-9 Instructions for Department Staff

New Hires

Hiring department submits the *original* Form I-9 and photocopy of supporting documents with the new hire PAN Form. The hiring department is advised to keep a photocopy of the employee's Form I-9 and documentation.

Hiring department should refer all new hire, nonresident alien employees to Tax Services in order to complete their required tax paperwork. These employees should call 581-5414 to make an appointment. They will need to bring the following to the appointment: social security number, passport, and visa.

Rehires

In most cases, the hiring department should complete a new Form I-9 when rehiring an employee. If you have a Form I-9 on file which was completed within three years of the rehire date, you may complete Section 3, Updating and Reverification, and submit the updated Form I-9 with the rehire PAN form.

Concurrent Hires

It is not necessary to complete a Form I-9 for a current employee who has a valid Form I-9 on file with the University.

Updating and Reverification of Form I-9

Updating and reverification is necessary whenever an active employee's work authorization expires. An employee on a temporary visa, such as an Employment Authorization Card (EAC) with an expiration date, should present updated documentation prior to expiration. This documentation will usually include a new future expiration date.

90 day and 30 day Reminder Letters

To assist departments in identifying their employees on temporary visas with an expiration date, the HR Generalist sends 90 day and 30 day reminder letters to the employing department, and is available to assist departments in the Form I-9 updating and reverification process.

To maintain continuous employment eligibility, an employee with temporary work authorization should apply for new work authorization at least 90 days before the current expiration date. If the Service fails to adjudicate the application for employment authorization within 90 days, then the employee will be authorized for employment on Form I-688B for a period not to exceed 240 days.

When Work Authorization Expires

An active employee whose work authorization expires must be removed from the work schedule until the employee presents documentation authorizing work. The employing department may remove the employee from the work schedule for a maximum period of 30 days. If the employee has not presented documentation authorizing employment within 30 days, employment must be terminated. In this case, the termination PAN form should indicate Action: TER, Reason: I-9.

Completing Form I-9 Section 1 – Employee Information and Verification

Employee must complete Section 1 in person. The employee must check one of the three boxes (citizen, lawful permanent resident, or alien authorized to work) and sign the form.

Can I complete Section 1 of the I-9 for an employee? Yes. You may help an employee who needs assistance in completing Section 1 of the I-9. However, you must also complete the "Preparer/Translator Certification" block. The employee must still sign the certification block in Section 1.

No one other than the employee can alter any of the information in Section 1. Changes cannot be made using correction fluid. If changes/corrections are necessary, they should be made on a new Form I-9.

If the employee has not yet received a Social Security Number, instruct the employee to write "applied for" or "pending."

If an employee writes down an Alien Number of Admission Number when completing Section 1 of the I-9, can I ask to see a document with that number?
*No. Although it is your responsibility as an employer to ensure that your employees fully complete Section 1 at the time employment begins, there is no requirement that employees present **any** document to complete this section.*

Completing Form I-9 Section 2 – Employer Review and Verification

This section is to be completed and signed by the department. When you complete Section 2, you may not ask to see a document with the employee's Alien Number or Admission Number or otherwise specify which document(s) an employee may present.

The employee can choose which document(s) he/she wants to present from the list of acceptable documents. You must provide the employee with the complete Form I-9, which lists the documents that the employee can present to verify identity and employment eligibility.

If the employee provides List B and List C documents, record one of each. You may need to refer to the Lists of Acceptable Documents on the back of Form I-9.

I noticed on the Form I-9 that under List A there are 2 spaces for document numbers and expiration dates. Does that mean I have to see 2 List A documents? *No. One of the documents found in List A is an unexpired foreign passport with an attached Form I-94. The Form I-9 provides space for you to record the document number and expiration date for both the passport and the INS Form I-94.*

A Social Security card marked *VALID FOR WORK ONLY WITH INS AUTHORIZATION* means that the alien to whom it was issued was authorized only for temporary employment in the US, and appropriate List A documentation must be provided.

May I accept an expired document? *You may accept an expired United States Passport. You may also accept an expired document from List B to establish identity. However, the document must reasonably appear on its face to be genuine and to relate to the person presenting it. You cannot accept any other expired documents.*

Completing Form I-9 – Certification Section

This section must be completed by the person who examined the original documents. Be sure to date the Certification – this date is the employee's eligibility date. Also, remember to record the employee's start date.

Completing Form I-9 Section 3 – Updating and Reverification

Reverification does not apply to U.S. citizens or permanent residents (except permanent residents who have a temporary I-551 stamp in their passports).

Reverification does apply to any employee with temporary work authorization. You must reverify Form I-9 not later than the date the employee's work authorization expires. The employee must present a document that shows either an extension of the employee's initial employment authorization or new work authorization. If the employee cannot provide you with proof of current work authorization, you cannot continue to employ that person.

To update or reverify an employee's Form I-9, print out a blank Form I-9, write the employee's name in Section 1, and complete Section 3 as instructed. Make a photocopy of the documentation provided by the employee, and submit the *original* Form I-9 and photocopy of the documentation to your HR Service Team. Keep a photocopy of the updated Form I-9 and documentation for your records.

When rehiring a former University employee, can I just complete Section 3 of the employee's original Form I-9? Whenever an employee is separated from the University, a new, updated, or reverified Form I-9 must be completed when the employee returns. If the hiring department has a copy of the Form I-9 less than three years old, this form can be used to update or reverify. If the original Form I-9 is more than three years old, or you do not have a copy of the original Form I-9, a new one must be completed.