I-9 Refresher

Don’t FORGET!
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The I-9 form
When does a new I-9 need to be completed?

- When a new employee is hired who will receive wages through the payroll system.
- When a former employee is rehired after a break in service. A break in service is when the person type in Oracle is listed as, “Ex-employee”.
- When an employee transfers from the Medical Center to the Academic side.

***If ever in doubt, please call Christine Langford.***
Section 1

- An employee may complete section 1 at any time after a job offer has been accepted but no later than their first day of actual work.

For example:


Note: If an employee is entered into Oracle without completing their I-9 in I-9 Online, this will appear on the missing I-9 report. If you enter an employee into Oracle prior to their start date, please email Christine Langford (crf6b@virginia.edu).
Important tips to remember regarding Social Security Numbers

If an employee does not have a social security number, they will need a “temporary” number to use strictly for Oracle use only. Contact Christine Langford to receive a temporary number.

The temporary number **cannot** be placed on the I-9. The I-9 Specialist must complete the I-9 and click the SSN applied for button.

The I-9 Specialist will need to ensure that the employee applies for and receives their card as soon as possible as this will affect E-verify. An employee has to be in the country for 10 working days before they can apply for a social security number. Normal processing times is 2 to 3 weeks (Refer to slide 30).
How to insert a permanent social security number

Once the employee receives their permanent social security card, the I-9 Specialist must pull the employees I-9 record in I-9.

The I-9 Specialist should click "Change SSN".
The I-9 Specialist will check the “edit SSN” box and enter the permanent social security number in the social security box. Click continue.
What does each citizenship status mean?

**A citizen of the United States**
- U.S. citizens and persons born in Puerto Rico, Guam, U.S. Virgin Islands, or the Commonwealth of the Northern Mariana Islands.

**A noncitizen national of the United States**
- Persons born in American Somoa, including Swains Island.

**A lawful permanent resident**
- Any person, not a citizen of the United States, who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant.
- Also known as "Permanent Resident Alien," "Resident Alien Permit Holder," and "Green Card Holder."

**An alien authorized to work**
- A person, not a citizen of the United States, authorized to work in the United States. Persons authorized to work include non-citizens of various employment authorized statuses.
- The visa types are: H1b, F-1, J-1, TN, E3, O-1, EAD, Asylee and J-2.
Section 2

- Section 2 of the I-9 must be completed no later than the 3rd business day after their “hire date”.
- The “hire date” can be any date after the job acceptance date until the actual “first” day of work.

For example:


Note:

- The date that is put into the “Hire date” field, is what drives the 1 day/3 day rule. If you use 3/1/2011 for the hire date on Cindy’s I-9, then section one has to be completed by no later than 3/1/2011 and section two cannot be completed by no later than 3/5/2011.
- Holidays and weekends are not included in the 3 day window. Example, the hire date is 7/3, the Fourth of July (7/4) will not count towards the 3 days.
List of Acceptable documents

List A

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LIST A: Documents That Establish Both Identity and Employment Authorization</strong></td>
<td></td>
</tr>
<tr>
<td><strong>All documents must be unexpired.</strong></td>
<td></td>
</tr>
<tr>
<td>1. U.S. Passport or Passport Card</td>
<td>status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</td>
</tr>
<tr>
<td>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)</td>
<td></td>
</tr>
<tr>
<td>4. Employment Authorization Document (Card) that contains a photograph (Form I-766)</td>
<td>5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien’s nonimmigrant status</td>
</tr>
<tr>
<td>7. In the Commonwealth of the Northern Mariana Islands (CNMI) only, a foreign passport along with special documents issued by the CNMI.</td>
<td></td>
</tr>
</tbody>
</table>
## List of Acceptable Documents

### List B

**LIST B: Documents That Establish Identity**

All documents must be unexpired.

<table>
<thead>
<tr>
<th>For individuals 18 years of age or older:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Driver’s license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</td>
</tr>
<tr>
<td>2. ID card issued by federal, state, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</td>
</tr>
<tr>
<td>3. School ID card with a photograph</td>
</tr>
<tr>
<td>4. Voter’s registration card</td>
</tr>
<tr>
<td>5. U.S. military card or draft record</td>
</tr>
<tr>
<td>6. Military dependent’s ID card</td>
</tr>
<tr>
<td>7. U.S. Coast Guard Merchant Mariner Card</td>
</tr>
<tr>
<td>8. Native American tribal document</td>
</tr>
<tr>
<td>9. Driver’s license issued by a Canadian government authority</td>
</tr>
</tbody>
</table>

For persons under age 18 who are unable to present a document listed above:

| 10. School record or report card |
| 11. Clinic, doctor, or hospital record |
| 12. Day-care or nursery school record |

### List C

**LIST C: Documents That Establish Employment Authorization**

All documents must be unexpired.

1. U.S. Social Security account number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States.

   **NOTE:** A copy (such as a metal or plastic reproduction) is not acceptable.

2. Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)

3. Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)

4. Original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States bearing an official seal.

5. Native American tribal document

6. U.S. Citizen Identification Card (Form I-197)

7. Identification Card for Use of Resident Citizen in the United States (Form I-179)

8. Employment authorization document issued by DHS
Commonly used combination examples

### U.S. Citizen
- List A: U.S. Passport or passport card
- List B+C: Driver’s license & SSN card
- List B+C: State issued ID & SSN card
- List B+C: Driver’s license & birth certificate
- List B+C: State issued ID & birth certificate

### Lawful Permanent Resident
- List A: Permanent resident card
- List A: Passport with I-551 stamp
- List B+C: Drivers license & SSN card

### Alien Authorized to Work
- List A: EAD card
- List A: Passport/I-94
- List B+C: Drivers license & I20 or DS2019
- List B+C: ID card & I20 or DS2019
- List B+C: Driver’s license & SS card (IF H1b)
Commonly used documents

List A

U.S. Passport

U.S. Passport Card

Passport #
Issuing Auth.
Expiration date

Issuing Authority
Expiration date
Passport #
List A Docs cont’d

Current Permanent Resident card

Older version of the Permanent Resident Card

- A# (Alien Registration Number)
- Issuing Authority
- Expiration Date
Foreign Passport with I-551 Stamp

USCIS uses either an I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) to denote temporary evidence of lawful permanent residence. Sometimes, if no foreign passport is available, USCIS will place the I-551 stamp on a Form I-94 and affix a photograph of the bearer to the form. This document is considered a receipt.

Revise the employee in Section 3 of Form I-9 when the stamp in the passport expires, or one year after the issuance date if the stamp does not include an expiration date. For temporary I-551 receipts, at the end of the receipt validity period, the individual must present the Permanent Resident Card (Form I-551) for Section 2 of Form I-9.

The MRIV demonstrates permanent resident status for one year from the date of admission found in the foreign passport that contains the MRIV.

Employment Authorization Document (Form I-766)

USCIS issues the Employment Authorization Document (Form I-766) to individuals granted temporary employment authorization in the United States. The card contains the bearer's photograph, fingerprint, card number, Alien number, birth date, and signature, along with a holographic film and the DHS seal. The expiration date is located at the bottom of the card. These cards may also contain the legend "Valid for reentry to US." Note that in 2010, USCIS began issuing a new version of the Employment Authorization Document (Form I-766) with a machine-readable strip on the back of the card.
List A docs. continued

Foreign passport with I-94
Commonly used documents

List B

Driver’s License

State-issued ID card

State-issued Driver’s License

A driver’s license can be issued by any state or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a Canadian government authority, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their drivers’ licenses that state the card does not confirm employment authorization. For Form I-9 purposes, these drivers’ licenses, along with every other state’s, establish the identity of an employee. When presenting any driver’s license, the employee must also present a List C document that establishes employment authorization.

State-issued ID Card

An ID card can be issued by any state (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a local government, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their ID cards that state the card does not confirm employment authorization. For Form I-9 purposes, these cards, along with every other state’s, establish the identity of an employee. When presenting any state-issued ID card, the employee must also present a List C document that establishes employment authorization.
Commonly used documents

List C

Social Security card

Birth Certificate

U.S. Social Security Account Number Card

The U.S. Social Security account number card is issued by the Social Security Administration (older versions were issued by the U.S. Department of Health and Human Services), and can be presented as a List C document unless the card specifies that it does not authorize employment in the United States. Metal or plastic reproductions are not acceptable.

Birth Certificate

Only an original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States that bears an official seal is acceptable. Versions will vary by state and year of birth.

How to complete I-9s for:
F-1 (An alien authorized to work)

Section 1

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 #) A
☐ An alien authorized to work (Alien #) A

Expiration Date (if applicable) (mm/dd/yyyy)

☐ Employee is Asylee, Refugee, Micronesia Citizen or Marshall Islands Citizen

This number comes from the I-20 form

I-94 card

The expiration date in Section one is taken from the complete studies no later than sentence

I-94 number

I-94

I-20 form
F-1 (An alien authorized to work) cont’d

Section 2

Section 2 - Employer Review and Verification

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

List A document - Foreign passport with I-94 or I-94A

Issuing Authority: 

Document #: 

Expiration Date: 

I-94 #: 92042023424

Expiration Date: 07/21/2011

Verify I-94 # is the same

Verify expiration date of I-20 is the same

Country passport was issued in

Passport document #

Expiration date of passport

Issuing Authority

Passport #

Expiration Date
J-1 (An alien authorized to work)

Section 1

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 #) A
☐ An alien authorized to work

(Alien #) A

Expiration Date (if applicable) (mm/dd/yyyy)

☐ Employee, Asylee, Refugee, Micronesian Citizen or Marshall Islands Citizen

This number comes from the I-20 form

I-94 card

I-94 number

I-94

DS-2019

You will find the expiration date for Section one here
Section 2 - Employer Review and Verification

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

List a document: Foreign passport with I-94 or I-94A

Issuing Authority:

Document #:

Expiration Date:

I-94 #:
92042023424

Expiration date of passport

Verify I-94 # is the same

Expiration Date

Passport document #

Country passport was issued in

Issuing Authority

Passport #
Section 1

EAD (An alien authorized to work)
Section 2 - Employer Review and Verification

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

List A document - Form I-766 - Employment Authorization Document that contains a photograph

Issuing Authority:
- Department Homeland Security

Document #:

Expiration Date (mm/dd/yyyy):
- 02/02/2013
- □ The expiration date on the document is the same

Alien #:

Employment Authorization Document (Form I-766) front and back

Newly redesigned back of EAD card
Lawful Permanent Resident card

Section 1

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.

You will find this on the LPR card

Newer card

Older card
Lawful Permanent Resident cont’d

Section 2

Section 2 - Employer Review and Verification

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

List A document - Form I-551 - Permanent Resident Card or Alien Registration Receipt Card

Issuing Authority:
Department Homeland Security

Alien #: 123456789
☐ The number on the document is the same

Expiration Date (mm/dd/yyyy):

☐ The document does not have an expiration date

Document #:

Prepopulated

Verify the A# is the same

Expiration date of

The SRC number

Alien(A)

Document #

Expiration date

Current Permanent Resident Card (Tri I-551) front and back

Older version Permanent Resident Card (Form I-551) front and back
Reverifications

When a foreign national’s work authorization expires, a reverification needs to be completed.

You can find this out two ways:

1. If the employee has an I-9 in I-9 Online, you will receive an email, “IMPORTANT I-9 Reverification Notice”. The email will give you the following information:

   The following document is expiring in 30 days for:
   Employee: Name
   SSN: XXX-XX-1234
   Document: Foreign Passport with I-94 or I-94A and DS-2019
   Expires On: 05/17/2011
   Location: ORG number - department

2. The I-9 Specialist should run the Oracle Discoverer, HR Outstanding Official Documents, “Visa Expiration Report”. This report will give you a list of all of your employees that have pending expirations of their work authorizations in your org.

NOTE: When an employee’s work authorization has expired, the employee has to be terminated. This expiration date is driven from the employees’ record in Oracle.
How to reverify an employee’s work authorization

Pull employee’s I-9, select “section 3”
Reverifying when employee becomes a LPR

Section 3 - Employer Review and Verification

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

Immigration Status
- A citizen of the United States
- A noncitizen national of the United States
- A lawful permanent resident
- An alien authorized to work

List a document - Form I-551 - Permanent Resident Card or Alien Registration Receipt Card

Issuing Authority:
Department of Homeland Security

Alien #:
Expiration Date (mm/dd/yyyy):
- The document does not have an expiration date

Document #:

Choose employee's new status

Alien:
Document #:
Expiration date:

Current Permanent Resident Card (Form I-551) front and back

Expiry date:
Document #:
E-verify: What does this mean for I-9 Specialists?

- Ensure all document numbers and expiration dates are correct. If unsure, please call to verify. Entering an incorrect number or expiration date can trigger a “Tentative Non-Confirmation”.
- Ensure all I-9’s are completed within the time requirements. If an I-9 is not completed in the appropriate time, an explanation of the delay must be attached. An I-9 being out of compliance with the 1 day/3 day can trigger an audit. If audited, the University can be subject to fines/penalties.
- All List A and List B documents must contain a photograph.
- If an employee presents a “Permanent Resident” card, “Employment Authorization” card, or a “U.S. passport”, a copy must be attached to the I-9.
- If employee does not have a social security number, the I-9 Specialist must use the SSN applied for button on the I-9. The I-9 Specialist must ensure that the employee applies for, and gives a copy of their social security card in a timely manner. Employees that do not have social security numbers cannot be submitted until they have received a permanent social security card. Refer to slide 6.

E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. E-Verify is fast, free and easy to use – and it’s the best way employers can ensure a legal workforce.
The New Employer Electronic Signature box

Complete the I-9 as normal, completing Section 2 initiates the E-verify transaction. Once the “Employer Electronic Signature” is completed, the I-9 is sent through E-verify.
What happens after the I-9 is submitted?

- The I-9 Specialist will not be required to do anything further unless contacted by HR-CIS. HR-CIS will finish the E-verify portion of the I-9’s. If E-verify sends back a “Tentative Nonconfirmation”, there will be specific instructions that the employee must follow in order to maintain their employment. HR-CIS will contact the employee with instructions and will include the I-9 Specialist with all communications.

- If a “TNC” occurs, the employee may continue to work.

- If the employee submitted a “U.S. Passport”, “Lawful Permanent Resident card”, or the “I-766 (EAD) card”, a copy **must** be scanned and attached to the I-9 in I-9 Online. Copies are preferred to be color. *NOTE: If the I-9 Specialist does not have access to a scanner, please send a copy to Christine Langford at crf6b@virginia.edu or fax to 924-3194.*
What is a Tentative Nonconfirmation (TNC)?

- **SSA Tentative Nonconfirmation**: The information on the employee’s I-9 did not match the information on file at the Social Security Administration (SSA). This does NOT MEAN that the employee is not authorized to work.

- **DHS Tentative Nonconfirmation**: This means that the Department of Homeland Security could not verify employment eligibility. This does NOT MEAN that the employee is not authorized to work.

- **Photo Matching**: This means that the employee used a U.S. Passport, Lawful permanent resident card (I-551) or a EAD (I-766 – employment authorization card). The photo on the document must match the photo that is in the E-verify database.

**NOTE**: The employee will choose to “contest” or “not contest” a SSA or DHS Tentative Nonconfirmation.
What happens after a SSA or DHS TNC is received?

HR-CIS receives TNC from E-verify

HR-CIS receives results through E-verify and solves case

If contested, employee has 8 government working days to contact DHS or SSA

HR-CIS notifies employee & I-9 Specialist

Employee decides to contest or not contest TNC

HR-CIS notifies employee & I-9 Specialist
BASIC I-9 DISCRIMINATION VIOLATIONS

- Document Abuse
- Citizenship Status Discrimination
- National Origin Discrimination
- Retaliation
- Avoiding Discrimination in Recruitment, Hiring, and the Form I-9 Process
- Lawful Permanent Residents and the I-9 Process
BASIC I-9 DISCRIMINATION VIOLATIONS

**Spot the issues:** A University HR department in Oregon insists that a newly-hired, permanent resident employee (green card holder) completing his I-9 form present an unexpired permanent resident card (a List A document), even though the individual has already presented his driver’s license (List B) and a unrestricted Social Security card (List C) to the employer. When the employee is unable to present the unexpired green card, the HR department fires the employee.

**Result:** In attempting to comply with federal employment verification (I-9) law, has the HR department violated the law? How?
BASIC I-9 DISCRIMINATION VIOLATIONS

1. Document Abuse
   • Requiring more or different documents is discrimination if intent to discriminate can be shown.
   • Avoid asking for more documentation if an employee has already shown acceptable documents. *Always allow the employee to chose which documents to present.*
   • Consult with HRCIS if there are questions before asking an employee for more documentation.
2. Citizenship or Immigration Status Discrimination

- Occurs when an employer treats employees differently based on their real or perceived citizenship or immigration status with respect to hiring, firing, or recruitment.
- Examples: hiring only US citizens, or US citizens and green card holders; refusing to hire asylees or refugees because their employment authorization cards (EAD) contain expiration dates; employing unauthorized workers or temporary visa holders instead of US citizens and others with employment authorization (reverse discrimination).
3. National Origin Discrimination

- Occurs when employers treat employees differently based on their national origin with respect to hiring, firing or recruitment.
- Relates to an employee’s place or birth, country of origin, ethnicity, ancestry, native language, accent, or the perception that the employee looks or sounds “foreign.”
BASIC I-9 DISCRIMINATION VIOLATIONS

4. Retaliation

• Occurs when an employer:
  ➢ intimidates, threatens, coerces, or otherwise retaliates against an individual because the individual has filed an immigration-related employment discrimination charge or complaint;
  ➢ OR, because an employee has testified or participated in any immigration-related employment discrimination investigation, proceeding, or hearing.
BASIC I-9 DISCRIMINATION VIOLATIONS

Avoiding Discrimination in Recruitment, Hiring, and the Form I-9 Process

Treat employees equally and **NEVER:**

1. Set different eligibility standards or require that different documents be presented because of an employee’s national origin or citizenship status. (But **Note:** documents that are clearly inconsistent may be rejected).
2. Request to see employment eligibility verification documents before hire and completion of Form I-9 because someone looks or sounds “foreign” or because someone states that she is not a US citizen.

3. Refuse to accept a document, or refuse to hire an individual because a document has a future expiration date.

4. Request that, during reverification, an employee present a new, unexpired EAD card if she presented one during initial verification. Employee must be free to choose which documents to present during reverification.
BASIC I-9 DISCRIMINATION VIOLATIONS

5. Limit jobs to US citizens only, unless US citizenship is required for the position by law, regulation, executive order, or federal, state, or local government contract. (But NOTE: on an individual basis you may legally prefer a US citizen or noncitizen national over an equally qualified alien to fill a specific position, but you may not adopt a blanket policy of always preferring citizens over noncitizens).
Look at the Facts
Not the Faces
Contact Information

- Marc Amos – mra9w@virginia.edu; Phone: 243-2031
- Christine Langford – email: crf6b@virginia.edu; Phone: 924-4393
- Joni Louque – email: jel4p@virginia.edu; Phone: 924-1377
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