

GUIDELINES FOR I-9 VERIFICATION

(See the I-9 Checklist on page 10 of this document)

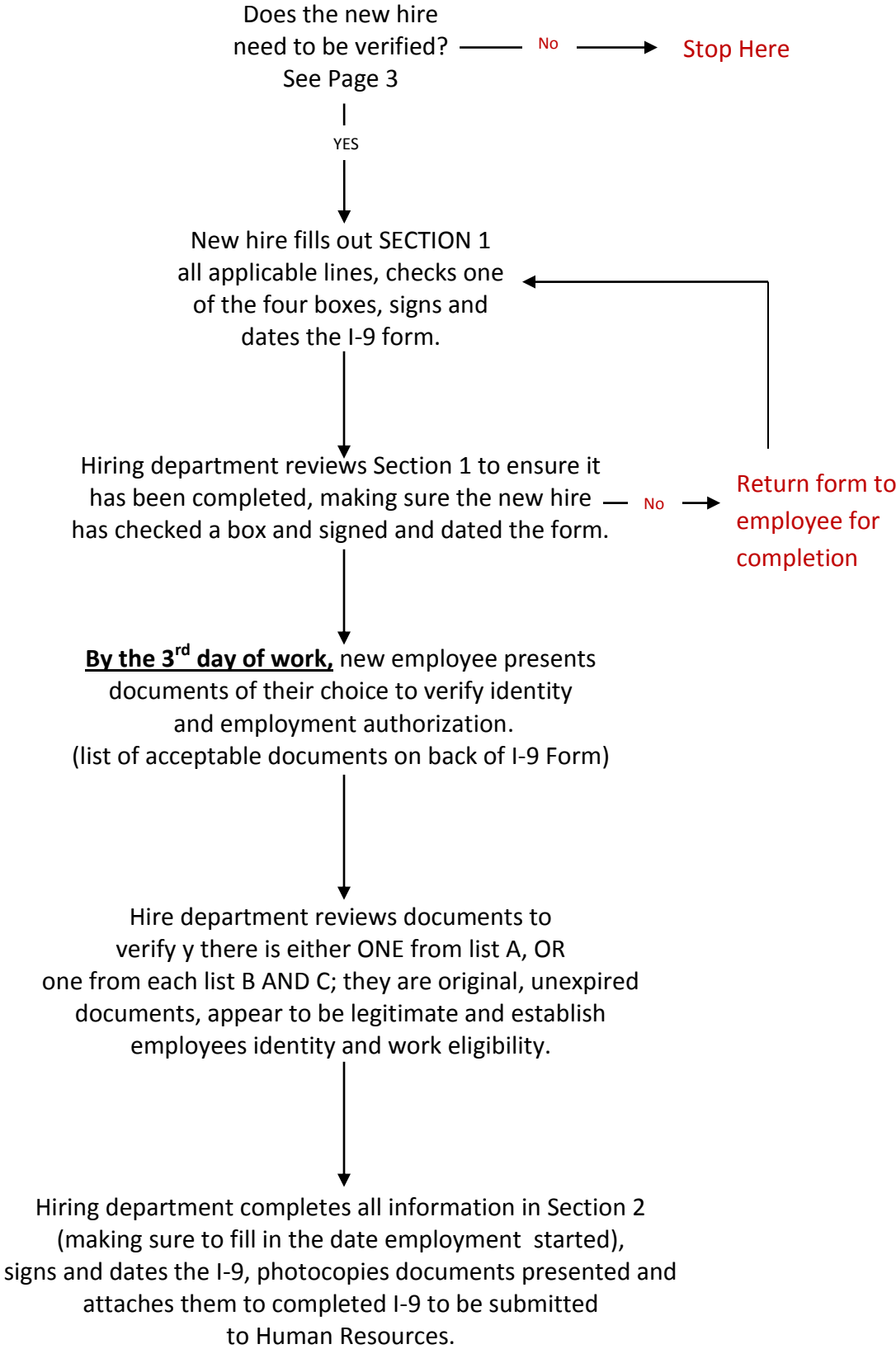
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I-9 Procedure Flow



Basic Employer Responsibilities

The Immigration Reform and Control Act of 1986 requires employers to:

- Establish a policy of hiring only individuals who are authorized to work.
- Complete a form I-9 for all new hires, including US citizens.
- Ensure that employees fully and properly complete Section 1 of the I-9 at the time employment began.
- Permit employees to present any document or combination of documents acceptable by law.
- Fully and properly complete Section 2 of the I-9, sign and date the employer certification within three business days of the hire date, or on the hire date if employment is for less than 3 days.
- Make sure all documents verified are unexpired and valid for documentation.
- Monitor work authorization expiration dates and request new proof of employment authorization prior to the expiration date for nonimmigrants.
- Retain I-9 for duration of employment and at termination, retain for three years after the date of hire or one year after termination, *whichever is later*.
- Make the I-9s available for inspection by the Department of Homeland Security (DHS) or the Department of Labor (DOL) for potential employer sanctions violations, or the Office of the Special Counsel for Immigration Related Unfair Employment Practices (OSC) for potential anti-discrimination violations.

At UW-Green Bay, I-9's are verified by administrative staff in divisions (or designated persons if the employee is located offsite) since I-9's must be verified within three days of employment and for ease of verification for the new employee due to locations of offices on campus.

The I-9 process is subject to internal audit by UW-Green Bay, UW System, or Legislative Audit.

When an I-9 Must Be Completed/Who Must Be Verified

An I-9 must be completed for:

- New employees hired after November 6, 1986 including full-time, part-time, permanent, non-permanent, and student employees. This applies to all new hires, including US citizens.
- Employees who have terminated employment and, after a break in service (any period of actual resignation or termination), are re-hired in either the same or a different position. If the employee is rehired within three years of having completed the original I-9, it can just be updated. (*See What Constitutes a Break in Service on page 5*)
- Employees who transfer from another UW System institution or from state government.
- Rehired annuitants.

An I-9 does not have to be completed, reverified, or updated for:

- Individuals hired prior to November 6, 1986 who are continuing in their employment.
- Employee is notified in writing prior to the end of their current appointment period that he/she will be returning for employment.
- Persons who provide labor who are employed by a contractor providing contract services.
- Permanent, temporary, student or LTE employees who assume a new position on campus with no break in service.
- Zero dollar appointments provided there is no funding responsibility, such as back up appointments
- Employees hired prior to November 6, 1986 whose employment has been temporarily interrupted due to an approved, paid or unpaid, leave of absence in which the employee at all times had a reasonable expectation of returning to work.
- An employee who returns from approved paid or unpaid leave of absence.
- An employee who is promoted, demoted or gets a pay raise.
- An employee who returns from a temporary layoff due to lack of work.
- An employee who returns after a strike or other labor dispute.
- An employee who is reinstated after wrongful discharge.
- Individuals on a scholarship or fellowship with the following titles and title codes:

Postdoctoral Fellow	X10NN
Postdoctoral Trainee	X30NN
Fellow	Y21NN
Scholar	Y22NN
Advanced Opportunity Fellow	Y26NN
Research Assistant	Y21NN
- An employee assigned to work outside the US who performs no services with the US. However, if the employee comes to the US to work, even for a brief period of time, verification must take place.
- Independent contractors. They are non-employees who are paid for services rendered usually through Payment to Individual Report (PIR) or purchase order. For determining an individual's status as an independent contractor, see the University Wisconsin System Financial Policy and Procedure Paper No. 31- Rev. (4) dated November 30, 2001, on the UW-System website. Examples of independent contractors are speakers, guest lecturers, consultants, officials for athletic events, and contest judges.

In all instances, the individual must have had a reasonable expectation of being able to resume employment.

Updating and Reverification

The I-9 form needs to updated or reverified when

- An employee is rehired after a break in service (*see What Constitutes a Break in Service on page 5*).
- The employee's temporary work authorization approaches the expiration date.
- An employee is rehired more than three years after the completion of the original I-9.

Expired U.S. passport or passport card, and Alien Registration Receipt Card/Permanent Resident Card (Form I-155) or a List B document that has expired should never be reverified.

Human Resources will perform updating and reverification since this office serves as the custodian of the I-9 forms.

What Constitutes a Break in Service

DHS specifically defines continuing employment as periods during which an employee is on an approved, paid or unpaid, leave of absence and has a reasonable expectation of employment at all times. Minor breaks, such as a weekend between successive appointments, are not breaks in service. **However, if the person resigns or is terminated and there is a break in service of even one day, a new I-9 must be completed (or the old one updated, if the re-hire is within three years of the completion of the original I-9) upon return to work. Exceptions to this rule are only when an Employee is notified in writing prior to the end of their current appointment period that he/she will be returning for employment.**

Employees in a nonimmigrant status whose status expires prior to the filing of an extension of stay application to the INS must be terminated, not put on a leave of absence. Also, those who do not obtain DHS approval of a change of status prior to the expiration date of their prior status must be terminated. They must therefore complete a new I-9 upon returning to work, after receiving INS approval of the extension of stay or change of status. For more detailed information, consult with Human Resources or the Secretary of the Faculty and Academic Staff.

Procedures for Completing the I-9 (see also: [I-9 Training Presentation](#))

- The I-9 verification must be completed within the specified timeframe whether or not the employee works on campus:
 - May be completed before employment begins OR
 - Within three business days of the start of employment if longer than three days OR
 - If the period of employment is less than three days, on the first day or before the start date
- The I-9 should never be completed before an offer of employment is accepted because it contains information that could lead to discrimination charges. It is permissible to complete the I-9 after the person accepts an offer but before employment begins, but the hiring unit must be consistent about when the process is completed for all employees. The best way to be consistent is to give all employees the choice of when to complete the process, either before employment begins, or within three business days of the hire date.

Steps for I-9 completion:

SECTION 1

1. Have the employee complete Section 1 at the time of hire by filling in the correct information and signing/dating the form.
 - a. If the employee is unable to complete Section 1 without assistance or if they need translation, they may do so but the translator/preparer must complete the Preparer/Translator Certification block on the I-9. The employee must sign and date on the appropriate section.
 - b. The employer is responsible for reviewing and ensuring proper completion of Section 1.

SECTION 2

1. Although the employee may complete Section 1 ahead of time, the actual verification must be done in person and original documents must be presented-not photocopies, or faxes. The verification must be conducted in person, because the employer is required to examine original documents to verify identity and employment authorization.
2. You must examine one document from List A, OR one each from List B AND List C. Record the title, issuing authority, number, and expiration date (if any) in the correct area of Section 2 on the I-9.
3. Fill in the date of hire in the certification section and , sign and date the form. The address you enter must also include your department name.
 - a. You **MUST** accept ANY documents from the List of Acceptable Documents (back of form I-9); you cannot specify which documents an employee must present.
 - b. Be sure to verify the newest I-9 form is being used and that all documents are unexpired. Documents should establish identity and be valid for employment authorization.**
 - c. When the employee will not be working on campus, or is not physically present on the start date, the I-9 process should still be completed within the required time frame. Employers may designate agents to carry out their I-9 responsibilities. Agents may include a notary public, accountant, attorneys or a personnel officer at the employee's primary workplace. Departments should make every effort to have the process completed within the required time frame. However, if that is not feasible in very unusual cases, the I-9 should never be backdated to make it appear to have been completed at the appropriate time.
 - d. If the new hire is not a US citizen or permanent resident and is not in the US on the hire date, the I-9 cannot be completed because the person would not have immigration status. The I-9 should be completed as soon as the person enters the US, and an explanation of the delay in completing the I-9 should be attached.
4. Make a photocopy of the original documents and attach them to the I-9.
5. Review the I-9 for completeness and accuracy: complete all appropriate blanks.
6. Forward I-9 and photocopied documents to Human Resources.

Departments are encouraged to access the Human Resources website and download the I-9 and other new hire forms and appropriate information (W-4 form, first timesheet, and payroll schedule, etc.) to make packets for newly hired students and LTEs.

An employee should not be put on payroll until the I-9 has been completely and properly filled in. Proper completion of the I-9 is not to be taken lightly, as it is a sworn statement on the part of both the employee that the information given is correct and the employer that the documents have been examined and recorded in the I-9.

When accepting documentation

- List A documents establish **both** identity **and** employment eligibility. A document from this list satisfies both proof requirements (See *Additional Points about Documents/Document Numbers* below).
- List B documents establish identity only and List C documents establish employment eligibility only. If a document from List A is not used, then one from List B **and** one from List C are required (See *Additional Points About Documents/Document Numbers* below).
- Over documentation can create liability for discrimination.
- The documents should appear genuine on their face and relate to the person presenting them.

Additional Points About Documents/Document Numbers

An alien number is a number assigned to an individual, usually upon granting of permanent residence. Permanent residents have an A# that is 8 or 9 digits preceded by "A."

An admission number is an 11-digit number written on the ***I-94 arrival/departure record*** assigned to all nonimmigrant's that enter the US legally.

Duration of Status applies to F-1 students and J-1 Exchange visitors. There is not an expiration date on their ***I-94*** card. It is marked "D/S" (Duration of Status). If an employee presents an unexpired foreign passport and I-94, the employer will need to request the I-20 or IAP-66 to obtain the expiration date. D/S should be listed as I-94 expiration date under List A and the I-20 or IAP-66 expiration date should be written in the margin. However, if the F-1 students or J-1 Exchange visitors present any other combination of documents, such as a driver's license and unrestricted social security card, do not request to see any other documents.

Immigrant, permanent resident, and "green card" holder are basically referring to the same thing. These individuals may stay in the US permanently. They enjoy most of the rights and privileges of US citizens and, with a few exceptions, are eligible to work anywhere. Permanent residents may remain in the US indefinitely without having to extend their stay. The ***I-551*** document proves that the INS has granted a person "lawful permanent residence."

A ***visa*** is a stamp that is placed in a person's passport at a US consulate outside the US. The State Department issues visas.

Immigration status is granted by a DHS inspector at the port of entry and is recorded on the ***I-94*** card that is then stapled into the passport. It is the status of an individual that governs permissible activities and duration of legal stay. A person can change from one immigration status to another. It is the immigration status and not the visa that determines employment eligibility.

Nonimmigrants are individual who enter the US with a visa that permits them to remain only temporarily, such as B-2 tourists, F-1 students, J-1 exchange visitors, or H-1B temporary workers. All nonimmigrants will have an ***I-94*** arrival/departure card issued by DHS. DHS keeps the "arrival" portion and gives the "departure"

portion to the individual. This card serves as a record of the person's status. The "departure number" in the upper left portion of the card is the I-94, or admission number, for Section 2.

When Required Documentation is Not Available

If an employee is not able to produce all required documentation within the first three days of employment, write down what documentation is available and photocopy it. A receipt for an application for a document may be presented in lieu of the document for:

- A lost, stolen, or damaged document for all employees. The receipt is valid for **90 days** after which the individual must present the replacement document to complete Form I-9).
- Temporary I-551 stamp on a form I-94 for lawful permanent residents. It is considered a receipt for the Permanent Resident Card. The Form I-551 must be presented **by the expiration date** of the temporary stamp or **within one year** from the date of issuance of Form I-94/I-94A if the stamp does not contain an expiration date.
- An unexpired refugee admission stamp on a form I-94. The employee must present an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B documents to complete Form I-9 **within 90 days** after the date of hire, or in the case of reverification, the date employment authorization expires.

The receipt must be from the actual issuing state or federal agency with which the application has been filed, such as the Social Security Administration. If presented with a receipt, the word "receipt" should be entered on the "document title" line and the receipt number, if any, should be entered on the "document #" line. Photocopy the receipt and attach it to the I-9.

The employee must be placed on an unpaid leave of absence or terminated if a receipt cannot be produced within three days. In addition, **the employee must present the original replacement document within the specified time**. In such an event, Human Resources will follow up with employees.

Receipts for an initial Employment Authorization document (Form I-766) or for an extension of an expiring Employment Authorization document is **NOT** acceptable proof of employment authorization. Receipts are **NEVER** accepted if employment lasts fewer than 3 business days.

Enforcement/Follow Up

The Employment Handbook for Students, UW—Green Bay application form, and letters of offer contain the statement that employment at UW—Green Bay is contingent on verification of identity and work eligibility. Human Resources will monitor through an I-9 tracking system the status of incomplete forms. Human Resources will follow up with hiring department to let them know what action they need to take. If the

required verification cannot be made, the University will place employees on unpaid leaves of absence or terminate their employment.

Document Retention

Completed I-9 forms should be sent to Human Resources. If no follow up or correction is necessary, it will be retained in the Human Resources Office. Originals or copies of I-9 Forms should never be stored in departments.

I-9 forms must be retained for the duration of employment and at termination either for three years after the hire date or one year after termination, whichever is greater. The I-9 form of a current employee should never be discarded and should be kept in a separate file. At least once a year, the I-9s should be reviewed to identify those employees who were terminated at least one year ago and whose hire date is more than three years ago. Those I-9s will be confidentially destroyed.

Resources Available to Assist You

Several resources are available to assist you in completing the I-9 requirement:

- Human Resources staff
- Payroll staff
- The US Citizenship and Immigration Services Handbook for Employers:
<http://www.uscis.gov/files/form/m-274.pdf>

I-9 Form Checklist for Department Representatives

Section 1. Employee Information and Verification: To be completed on the first day of work. Earlier is acceptable, but the form cannot be completed before the employee has been hired.

-Give the employee a Form I-9 (all pages including instructions). Ask him/her to complete Section 1 and bring an acceptable combination of documents to you no later than their third work day.

Reminder: use the I-9 form on the HR website.

NOTE: Let the employee choose the documents! Never request specific documents.

-Check that the employee has completed all fields:

Name: The employee must use his/her Legal Name in correct order.

Address, Date of Birth, Social Security Number (optional).

Citizenship Attestation-one of the four boxes must be checked

a. A Lawful Permanent Resident must provide an 8- or 9-digit Alien Number.

b. An Alien Authorized to Work must provide the date work authorization expires and an Alien number or an 11-digit Admission number from the Form I-9.

Sign and Date: The form is not valid without a signature or date.

-Preparer and/or Translator Certification: If someone other than the employee completed Section 1. The employee still must sign or mark in the appropriate areas.

Section 2. Employer Review and Verification: To be completed **no later than the employee's third workday by an authorized representative** of the hiring department

-Accept the first valid document or combination of documents presented. **Accept only unexpired originals** and do not ask for or accept more than is required.

Valid documentation is one of the following: One document from List A **OR** one each from List B **AND** List C.

Be sure the employee has signed the documents.

Note that Foreign Passport with an I-94 Arrival/Departure Record requires an additional Work Authorization document, such as I-20 or DS-2019.

Make a readable copy of each document.

-Record each Document title, Issuing authority, Document number, and Expiration date (if applicable). Use the correct lines according to the key at the far left of the page. Be sure to use the correct column for List A, B, or C.

-Enter the employment begin date (month/day/year). Enter the actual date or the date the employee expects to begin work for pay. **Do not leave this space blank!** If the employee begins working for pay on a different date, line out the expected start date and write in the correct start date. Date and initial the correction.

-Sign and Date

Only the person who viewed the original documents can complete this section.

Address should include the name of the university department or unit.

☒ Date the employer/authorized representative signature with the actual date the employer/authorized representative completed Section 2 by examining the documentation presented by the employee.

Section 3. Updating and Reverification: Used primarily by Human Resources when an employee has had a break in service or when the employee's work authorization has changed or has a new expiration date.

Handling the Completed I-9:

Forward the original I-9 with all supporting documents to the HR/Payroll Office, 2420 Nicolet Drive, CL710, Green Bay WI 54311.

Off Site Employees

It is not unusual for a U.S. employer to hire a new employee who does not physically come to that employer's offices to complete paperwork. In such cases, employers may designate agents to carry out their I-9 responsibilities. Be sure to forward this checklist to representatives to ensure that the I-9 is completed properly. Incomplete I-9s will be returned for proper completion.

Agents may include a notary public, accountant, attorneys or a human resource personnel at the employee's primary workplace. See the UW-Green Bay I-9 Reference Manual for additional information.

Rehired Employees

Contact Human Resources at 465-2390 or 465-2839 to determine if a rehired employee needs I-9 reverification or updating. One day of separation from employment constitutes a break in service. Rehires within three (3) years of the initial I-9 verification require either reverification or updating. Reverification is not required if the initial I-9 is currently on file with the Human Resources Office and the individual's authorization to work is current and verified. The form will only need to be updated with the date of rehire. Reverification must occur if documents have expired. I-9s must, at a minimum, be updated by Human Resources. **Rehired employees who completed a previous version of the I-9 may need to complete a new I-9. Call HR for confirmation.**

Other Troubleshooting

- ☒☒ **Correcting mistakes**
 - o To correct a mistake, line through the portion of incorrect information, enter the correct information, then initial and date the correction. If previous corrections were made using White-Out, it is recommended that a note be attached to the corrected form explaining what happened. The note should also be signed and dated.

- ☒☒ **Employee name does not match the documents provided** (i.e. different last name, compound last name, spelling variations)
 - o You may accept a document with a different last name than the name entered in Section 1 provided that you resolve the questions of whether the document reasonably relates to the employee. You may wish to attach a brief memo to Form I-9

stating the reason for the name discrepancy along with any supporting documents the employee provides. The employee may provide documentation to support the name change but is not required to do so.

If however, you determine the document with a different name does not reasonably appear to be genuine and to relate to the employee, you may ask for the employee to provide other documents from the Lists of Acceptable Documents on Form I-9.

- ?? **The employee does not have or is not providing a Social Security Number on the I-9.**
 - o Providing a Social Security number is voluntary for all employees. It is not lawful to ask an employee to provide you a specific document with his or her Social Security number.

- ?? **The employee has a “delay” letter saying he/she has applied for the document(s).**
 - o Most official delay letters are acceptable. Use the information on the letter to complete the I-9 and send the form to HR as usual with a copy of the letter attached.

- ?? **The I-9 Form is late.**
 - o Do not backdate the form. Record the actual date of completion and verification. Remind all involved that federal law requires this form to be completed no later than the third workday.

- ?? **The employee does not provide acceptable documents by the third workday.**
 - o Employment should not continue. Contact the Human Resources/Payroll Office for assistance and referral. It may be necessary to dismiss the employee.

- ?? **The employee is dismissed, quits, or stops reporting to work before completing the I-9 process.**
 - o Explain why the document is incomplete on a separate sheet of paper. Sign and date it and attach it to the original I-9.
 - o If the employee had not completed Section 1, write the employee’s name and EID at the top of a form I-9 and attach the explanation. Remind everyone involved that the I-9 process is a federal requirement and each new hire should complete Section 1 by the start of the first workday without exception.

Additional Resources:

- ?? The I-9 Handbook for Employers <http://www.uscis.gov/files/form/m-274.pdf> published by the U.S. Citizenship and Immigration Services.