Employment Eligibility Verification (Form I-9)

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Research Foundation (RF HR)
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Topics Covered:

- Purpose of the I-9
- Unlawful Discrimination
- Current edition of the form
- The I-9 form and timeline
- Reviewing Section 1
- Completing Section 2
- Reviewing Documents
- Questions
Introduction: Purpose of the I-9

- The I-9 is used to document and verify that employees (hired after November 6, 1986) are eligible to work in the U.S.

- All U.S. employers are required to complete Form I-9 with any person hired to perform labor or services in the U.S. in return for wages or other remuneration.

- Using Form I-9, employees attest to their employment authorized status, and present their supporting documents to their employer.

- Employers attest that the supporting documents are genuine, and sufficiently demonstrate the employee’s identity and eligibility to work in the U.S.
Unlawful discrimination occurs when an employer treats employees differently based on their citizenship, immigration status or national origin in regard to hiring, firing, or recruitment.
Unlawful Discrimination

To avoid unlawful discrimination during the I-9 process:

- Never make assumptions about a person’s eligibility to work based on his or her name, place of birth, country of origin, ancestry, native language, accent, or because he or she is perceived as looking or sounding “foreign.”

- Never require that an employee complete the I-9 before an offer of employment has been made.

- Never refuse to accept a document, or refuse to hire an individual, because a document has a future expiration date.
Unlawful Discrimination

- Never require that an employee present specific documents.
  - Employees are free to choose any list A document or combination of lists B and C documents.
  - We may reject documents or request additional documents only when the presented documents are clearly inconsistent or insufficient.
Revision / Expiration Date:

- The Form I-9 currently in effect is the version dated 10/21/2019 (lower left of form). This is the only acceptable version.

- The most current form can be found online: [https://www.uscis.gov/i-9](https://www.uscis.gov/i-9)
The I-9 Form and Timeline

The I-9 has three sections:

● Section 1.
  Employee Information and Attestation
  Completed by the employee after a job offer is made and accepted, but no later than the first day of work.
Section 2.

Employer Review and Verification

- Completed by the employer after the employee section is complete, but no later than the third day of work.
- Employees have until the third day of work to present their documents.
- Section 2 should be completed by the first day of work if the employee will work for less than three days.
Section 3.

Updating and Reverification

- Completed by OHRM or RF HR when necessary.
- I-9s are only updated or reverified when an employee’s work authorization needs to be updated.
- OHRM or RF HR keeps track of employment authorization dates and contacts employees when the I-9 needs to be updated.
The I-9 Form and Timeline

- All new hires are required to fill out the I-9.

- The University treats all rehired and returning employees with a break in service of more than 12 consecutive months as new hires for I-9 purposes.

- An approved paid or unpaid leave of absence is not considered a break in service for I-9 purposes.
Employer Review of Section 1.

- Name, address, and date of birth are required fields.
- The employee must enter N/A in any field for which there is no information (middle initial, other name, apartment number, etc.) to avoid the appearance that the field was overlooked.
Reviewing Section 1.

- The SSN field does not have to be filled in if the employee does not have a SSN.
- Employees may begin working without a SSN.
- Employees are required to apply for a SSN once they have started working.
- Email and phone number are optional fields (employee must enter N/A if not providing).
Reviewing Section 1.

- The employee must check the appropriate box attesting to U.S. citizenship, noncitizen national, permanent resident, or alien status.
Reviewing Section 1.

- U.S. Citizens include persons born in the U.S., Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands.
- Noncitizen nationals include those born in American Samoa (see instructions for info).
- U.S. Permanent Residents must include their alien/USCIS number in section 1.
- Aliens authorized to work are temporary nonimmigrant visitors including (but not limited to) F-1, J-1 and H-1B visa holders.
Reviewing Section 1.

Employees who check the last box, “alien authorized to work” should present their documents to Human Resources for completion of Section 2 (if they will be on State Payroll)*.

* Employees on Research Foundation payroll should complete the I-9 with RF personnel.
Reviewing Section 1.

- Employees must check one box for Preparer and/or Translator Certification

**Preparer and/or Translator Certification (check one):**

- [ ] I did not use a preparer or translator.
- [ ] A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

*(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)*
The employer uses this section to verify both the identity of the employee and the employee’s eligibility to work.

- Documents from List A establish both identity and eligibility to work.
- Documents from List B establish identity only
- Documents from List C establish employment authorization

All documents must be unexpired originals.
Completing Section 2.

Employee Info from Section 1

Enter the employee’s last name, first name, middle initial, or N/A if applicable, and enter the number (only) of the employee’s citizenship/immigration status checked in Section 1.
Completing Section 2.

Once the employee’s documents have been reviewed each document title, number, and expiration date (if any) should be recorded in the appropriate List A or List B and List C sections.
Completing Section 2.

- Certification:
  - Be sure to enter the employee’s first day of work. For I-9 purposes, this is the day that work actually begins, which is not necessarily the payroll date.

- Sign, print your name, title, office address, and date the form.

- Submit original form to **OHRM** or **RF HR**.
Review the documents to assure that they are:

- on the list of acceptable documents
- original and genuine
- unexpired
- consistent with the employee information in Section 1.
Reviewing Documents

- Checking for consistency – examples:
  - If an employee checks the permanent resident box and presents a permanent resident card, the alien/USCIS number on the card should match the number provided in section 1. of the form.
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): 0 0 0 0 0 0 0 0 0

☐ An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) . Some aliens may write "N/A" (See instructions)

For aliens authorized to work, provide your Alien Registration Number/USCIS Number OR Form I-94 Admission Num
If an employee checks the U.S. citizen box and presents a U.S. social security card as a List C document, the social security card should have no restrictions. A restricted card (see below) is not a valid List C document.
# Acceptable Documents

**LISTS OF ACCEPTABLE DOCUMENTS**

All documents must be UNEXPIRED

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

<table>
<thead>
<tr>
<th>LIST A</th>
<th>LIST B</th>
<th>LIST C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Documents that Establish Both Identity and Employment Authorization</strong></td>
<td><strong>Documents that Establish Identity</strong></td>
<td><strong>Documents that Establish Employment Authorization</strong></td>
</tr>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<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>
<td>1. A Social Security Account Number card, unless the card includes one of the following restrictions:</td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<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>
<td>(1) NOT VALID FOR EMPLOYMENT</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</td>
<td>3. School ID card with a photograph</td>
<td>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</td>
</tr>
<tr>
<td>4. Employment Authorization Document that contains a photograph (Form I-766)</td>
<td>4. Voter’s registration card</td>
<td>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</td>
</tr>
<tr>
<td>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:</td>
<td>5. U.S. Military card or draft record</td>
<td>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</td>
</tr>
<tr>
<td>a. Foreign passport; and</td>
<td>6. Military dependent’s ID card</td>
<td>3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</td>
</tr>
<tr>
<td>b. Form I-94 or Form I-94A that has the following:</td>
<td>7. U.S. Coast Guard Merchant Mariner Card</td>
<td>4. Native American tribal document</td>
</tr>
<tr>
<td>(1) The same name as the passport;</td>
<td></td>
<td>5. U.S. Citizen ID Card (Form I-197)</td>
</tr>
</tbody>
</table>

**UNIVERSITY AT ALBANY**

State University of New York
Questions:

- A more comprehensive I-9 handbook can be found online:
  https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274

- You may send any questions for: OHRM (state payroll) to ohrm@albany.edu or rfhr@albany.edu