

I-9s

The Employment Eligibility Verification Form (Form I-9) enables employers to verify individuals who are authorized to work in the United States. The Immigration Reform and Control Act of 1986 (IRCA) requires that employees present an original document or documents that establish identity and employment authorization within three (3) business days of the date employment begins when completing an Employment Eligibility Verification Form (Form I-9).

Questions

- What is an I-9 and why do I have to show originals as supporting documentation?
- Can I complete Section 1 of Form I-9 for an employee?
- Who can complete Section 2 of the I-9 form? (Employer Review and Verification Section) of the I-9 for my department when we hire new faculty, employees or student workers.
- May I specify which documents I will accept for verification?
- May I accept an expired document?
- How often do I have to complete an I-9 form?
- If someone accepts a job but will not start work for a month, can I complete Form I-9 when the employee accepts the job?
- Some employees are presenting me with Social Security cards that have been laminated. May I accept such cards as evidence of employment authorization?
- Some employees have presented Social Security Administration printouts with their name, Social Security number, date of birth and their parents' names as proof of employment authorization. May I accept such printouts in place of a Social Security card as evidence of employment authorization?
- What should I do if an employee presents a Social Security card marked "NOT VALID FOR EMPLOYMENT," but states that he or she is now authorized to work?
- May I accept a photocopy of a document presented by an employee?
- Do I need to fill out Forms I-9 for independent contractors or their employees?
- What should I do if the person I hire is unable to provide the required documents within 3 business days of the date employment begins? Can I terminate?

- **My employee has presented a foreign passport with a Form I-94 or I-94A (List A, Item 5 on the List of Acceptable Documents) indicating an employment-authorized nonimmigrant status. How do I know if this nonimmigrant status authorizes the employee to work?**
- **What should I do if an employee presents a Form I-20 and says the document authorizes her to work?**

Answers

What is an I-9 and why do I have to show originals as supporting documentation?

The **(Form I-9)** is a federally required document which verifies that an individual is eligible for employment in this country. According to the rules governing the completion of the I-9, only original documents can be used.

Can I complete Section 1 of Form I-9 for an employee?

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

Who can complete Section 2 of the I-9 form? (Employer Review and Verification Section) of the I-9 for my department when we hire new faculty, employees or student workers.

Only designated authorized staff that has been trained by the Human Resources Office may sign the **Employment Eligibility Verification Form** (I-9 form) for their school/college

May I specify which documents I will accept for verification?

No. The employee may choose which document(s) he or she wants to present from the lists of acceptable documents. You must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on Form I-9 that reasonably appears on their face to be genuine and to relate to the person presenting them. To do otherwise could be an unfair immigration-related employment practice which is in violation of the anti-discrimination provision in the Immigration and Nationality Act (INA).

May I accept an expired document?

No. Expired documents are no longer acceptable for Form I-9. However, you may accept Employment Authorization Documents (I-766) and Permanent Resident Cards (Form I-551) that appear to be expired on their face, but have been extended under the limited circumstances.

Individuals under the Temporary Protected Status (TPS) Program who's Employment Authorization Documents appear to be expired but were actually automatically extended via Federal Register notice may continue to work based on their Employment Authorization Documents during the automatic extension period specified in the Federal Register notice announcing the extension.

Note: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.

How often do I have to complete an I-9 form?

U.S. citizens: I-9's are valid continuously unless a break of more than a year of employment occurs.

International employees on F-1 (student) visas must renew their I-9 each year. Those on H-1B (specialty occupation) or J-1 (exchange visitor) visas must have their I-9 updated each time their visa is renewed.

If someone accepts a job but will not start work for a month, can I complete Form I-9 when the employee accepts the job?

Yes. The law requires that you complete Form I-9 only when the person actually begins working. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use the **Employment Eligibility Verification Form** (Form I-9) process to screen job applicants.

Some employees are presenting me with Social Security cards that have been laminated. May I accept such cards as evidence of employment authorization?

It depends. You may not accept a laminated Social Security card as evidence of employment authorization if the card states on the back "not valid if laminated." Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.

Some employees have presented Social Security Administration printouts with their name, Social Security number, date of birth and their parents' names as proof of employment authorization. May I accept such printouts in place of a Social Security card as evidence of employment authorization?

No. Only a person's official Social Security card is acceptable.

What should I do if an employee presents a Social Security card marked "NOT VALID FOR EMPLOYMENT," but states that he or she is now authorized to work?

You should ask the employee to provide another document to establish his or her employment authorization, since such Social Security cards do not establish this and are not acceptable documents for Form I-9. Such an employee should go to the local SSA office with proof of his or her lawful employment status to be issued a Social Security card without employment restrictions.

May I accept a photocopy of a document presented by an employee?

No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.

Do I need to fill out Forms I-9 for independent contractors or their employees?

No. For example, if you contract with an authorized vendor through our Purchasing Department to provide services, you do not have to complete Forms I-9 for that company's employees. The individual company is responsible for completing I-9 Forms for its own employees. However, you must not knowingly use contract labor to circumvent the law against hiring unauthorized aliens.

What should I do if the person I hire is unable to provide the required documents within 3 business days of the date employment begins? Can I terminate?

If an employee is unable to present the required document(s) within 3 business days of the date employment begins; the employee must produce an acceptable receipt for the application for a replacement document(s).

You may terminate an employee who fails to produce the required document or documents, or a receipt for a document within three (3) business days of the date employment begins. However, you must apply these practices to all employees.

My employee has presented a foreign passport with a Form I-94 or I-94A (List A, Item 5 on the List of Acceptable Documents) indicating an employment-authorized nonimmigrant status. How do I know if this nonimmigrant status authorizes the employee to work?

You, as the employer, likely have submitted a petition to USCIS on a nonimmigrant worker's behalf. However, there are some exceptions to this rule:

1. You made an offer of employment to a Canadian passport holder who entered the United States under NAFTA with an offer letter from your company. This nonimmigrant worker will have a Form I-94 or Form I-94A indicating TN status, and may present either a passport or a valid Canadian driver's license in combination with Form I-94 or Form I-94A.

2. A Temple University student working in on-campus employment or participating in curricular practical training.
3. A J-1 exchange visitor.

Most employees who present a foreign passport in combination with a Form I-94 or I-94A (List A, Item 5) are restricted to work for their petitioning employer. If you did not submit a petition for an employee who presents such documentation, then that nonimmigrant worker is not usually authorized to work for you. You should consult with our Office of International Services @ 1-7708.

What should I do if an employee presents a Form I-20 and says the document authorizes her to work?

Form I-20 is evidence of employment authorization in two specific situations:

1. The employee works on the campus of the school where he or she is an F-1 student for an employer that provides direct student services, or at an off-campus location that is educationally affiliated with the school's established curriculum or related to contractually funded research projects at the post-graduate level where the employment is an integral part of the student's educational program.
2. The employee is an F-1 student who has been authorized by the Designated School Official (DSO) to participate in a curricular practical training program that is an integral part of an established curriculum (e.g., alternative work/study, internship, cooperative education, or other required internship offered by sponsoring employers through cooperative agreements with the school). Form I-20 must be endorsed by the DSO for curricular practical training, and list the employer offering the practical training, and the dates the student will be employed.

In both situations, Form I-20 must accompany a valid Form I-94 or I-94A indicating F-1 status. When combined with a foreign passport, the documentation is acceptable for List A of Form I-9.