



Employment Eligibility Verification must be completed for all new employees (and some rehires). The purpose of this form is to document that each new employee (both citizen and non-citizen) is authorized to work in the United States.

Parts of the Form I-9:

- Section 1 must be completed by the **employee prior to or on the 1st day of work**- please have the employee complete Section 1 prior to performing any work.
- Section 2 must be completed by the **employer within three business days of the employee's first day of work**.

If the employee cannot present the necessary documents for Section 2 within 3 days, *they must present a receipt for the application for the documents within 3 days*. The employee then has 90 days from date of hire to present the actual documents. When a receipt is presented, write the word "receipt" on the document # line. When the actual document is received, cross out the word "receipt", enter the actual number, initial and date the change. **(The Original I-9 is retained in the dept. until the actual document is received – a photocopy should be sent to Human Resources until the "applied for" document is received and the original can be completed.)**

Note: The hire date must be completed in the "CERTIFICATION" box in Section 2.

Completing Section 2 of the Form I-9 for F and J Visa Holders

When completing the Form I-9 (Employment Eligibility Verification) for those in F-1 and J-1 Visa status, the following 3 documents are needed to complete the LIST A requirements in Section 2:

- Unexpired foreign passport
- Unexpired Form I-94
- Unexpired Form I-20 or DS-2019 (issued by W&M)

The passport information should be recorded on the first document # line. Record the admission # from the I-94 on the second document # line. The expiration date for the second document will come from the I-20 or DS 2019.

In order to be eligible for employment, the Form I-9 should reflect a future expiration date from the temporary employment authorization documents of aliens. The expiration date of an employment authorization should not be used in determining whether an alien is qualified for a particular job, as this may constitute discrimination.

Section 3 must be completed only when Updating or Reverting employment eligibility

Update -- If rehiring an employee who previously completed an I-9, you may update work authorization using Section 3 if:

- the break in service is less than one year, and
- the latest fully completed I-9 is not more than 3 years old. (Review the PEAEMPL screen in Banner to confirm the employee signature date is not more than 3 years old. This indicates that it has not been more than 3 years since the employee completed Section 1; therefore, an update is ok. If the record has no employee signature date, that is indicative of an update and not a fully completed form).
- Employee is still eligible to work on the same basis as when the original Form I-9 was completed (i.e. same non-immigrant classification if non-resident)



To update employment eligibility:

- Enter the employee's name and social security number in Section 1
- Record the date of rehire in Section 3
- Sign and date Section 3

• **Reverifications are done by Human Resources**

A reverification will be necessary in the case of an employment authorization expiring while the individual is still employed, once an extension is confirmed, or a new visa with a future expiration date is received and a reinstatement is issued.

General Information to Remember When Completing the Form I-9

- A blank Form I-9 may be reproduced provided both sides are copied.
 - The list of acceptable documents is on the reverse side of the Form I-9.
 - The instruction page must be made available to the employee during the completion of the form.
- Penalties for Prohibited Practices
 - Fines ranging from \$375 to \$3,200 can be imposed for I-9 violations.
- Anti-discrimination Provisions
 - An employer cannot request that an employee present more or different documents than are required.
 - An employer cannot refuse to honor documents, which on their face reasonably appear to be genuine and to relate to the person presenting them.
- A new I-9 is not required for employees returning to work after a break (i.e. summer).