VERIFICATION DIVISION







ASCENTIS® Solutions (th)at Work

PRESENTATION

E-Verify Overview

DATE

March 2014



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- Certificates delivered electronically, to email address with which you registered, no later than July 2nd

PRESENTATION

E-Verify Overview

DATE



About our speaker

Cornelius Wyatt, Jr. is a management and program analyst within the Public Relations and Education Section, Outreach Branch with U.S. Citizenship and Immigration Services (USCIS) Verification Division in Washington, DC.

Mr. Wyatt has worked in Washington, DC as an information management specialist resolving immigration related cases on behalf of the White House.

Currently within the Verification Division in Washington DC, Mr. Wyatt continues to educate the public as he promotes various programs on behalf of the Department of Homeland Security.

PRESENTATION



Background

In 1986, in an effort to control illegal immigration, Congress passed the **Immigration Reform and Control Act (IRCA)**.

IRCA forbids employers from knowingly hiring individuals who do not have work authorization in the United States.

The employment eligibility verification provisions, and sanctions, of <u>IRCA</u> are found in <u>Section 274A</u> of the <u>Immigration and Nationality Act</u> (INA).





Working in the U.S.

Individuals who may legally work in the United States are:

- Citizens of the United States
- Noncitizen nationals of the United States
- Lawful Permanent Residents
- Aliens authorized to work



Employment Verification

To comply with the employment eligibility verification provisions of the INA an employer must:

- Verify the identity and employment authorization documents of employees hired after November 6, 1986
- Complete and retain a Form I-9 for each employee hired after
 November 6, 1986
- Refrain from discriminating against individuals on the basis of actual or perceived national origin, citizenship or immigration status

PRESENTATION

DATE



Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of <u>unlawful conduct</u>:

- Citizenship or immigration status discrimination*
- National origin discrimination*
- Document abuse during Form I-9 process
- Retaliation

* Actual or perceived

#



Office of Special Counsel (OSC)

The anti-discrimination provisions of the INA are enforced by:

Department of Justice Civil Rights Division Office of Special Counsel for **Immigration Related Unfair Employment Practices**



Employees may contact the Office of Special Counsel (OSC) to obtain additional information regarding employment discrimination and employee rights and responsibilities*

1-800-255-7688 (TDD: 1-800-616-5525)

Employers may also contact OSC*

1-800-255-8155 (TDD: 1-800-362-2735)

*callers may remain anonymous

See OSC's "Employer Dos and Don'ts."



Completing Form I-9

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Section 1. Employee information than the first day of employment, but not			and sign Sec	son T a	Pomi i-9 no later
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Date of Birth (hims/dat/syyy) U.S. Social Securit	y Number E-mail Addres			Talaph	one Number
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attect, under penalty of perjury, that I ar		ollowing):			
A noncitizen national of the United State	es (See instructions)				
A lawful permanent resident (Allen Regi	stration Number/USCI	5 Number:		- 3	
An alien authorized to work until (expiration (Gee Instructions)	date, if applicable, minido	ermo	Dome allens	nay with	e "NA" in this field.
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Country of Issuance:			-		
Some aliens may write "N/A" on the F	foreign Passport Numb	er and Country of Issuance	e fields. (See	instruct	pons)
Signature of Employees			Date (novi)	Øhnns	
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Address (Street Number and Name)	AC	City or Town	-	tiate	Zip Code
				*	
Form I-9 03/08/13	T principal		6		

(Employers or their authorized representative must physically examine one document from a the "Lists of Acceptable Documents" on the re- leasing authority, document number, and expli-	Jet A Ciff examine ed page of this form	a combination of one m. For each documen	e document from Li	of 65 and one door	ament from List C as listed or
Employee Last Name, First Name and Midd	He Initial from Sec	tion 1:			
List A identity and Employment Authorization		List B	AND		List C
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	-		9/1	ner se researcher.	
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The employee's first day of employmen	nt (mmo'dd/yyyy)	k	(See Instru	ctions for exer	nptions.)
Signature of Employer or Authorized Represen	tative	Date (mm/dd/yyy	y/ Title of En	player or Author	and Representative
Last Name (Family Norm)	First Name (Q)	ven Named	Employer's Busin	ess or Organizat	ton Name
Employer's Business or Organization Address	(Street Number en	d Name) Oby or To	win :	State	Zip Code
Section 3. Reverification and Re	hires /Total	ompleted and sign	ed by employer o	v authorized re	nvesentative)
Section 3. Reverification and Ri A. New Nerre (Fappicable) Last Name (Fami	ly Name) First Non	ne (Given Name)	Middle Initial	B. Date of Retain	e (if applicable) (mm/dd/yyyy)
C. If employee's previous grant of employment of presented that establishes current employment				ment from List A	or List C the employee
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Signature of Employer or Authorized Represe	ntative: Del	te (rossitallyyyy):	Port Name of S	imployer or Author	orland Representative.
Form I-9 D3/08/13 N					Page 8 of

PRESENTATION

Form I-9

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Form I-9 Requirements

All U.S. employers must have a Form I-9 on file for all current employees.

Exception: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

You may delegate the authority to complete Form I-9 to a responsible agent, however, you will retain liability for any errors.

Form I-9



Form I-9 Exceptions

You are NOT required to complete Form I-9 for:

- Casual domestic service employees working in a private household when work is sporadic, irregular or intermittent.
- Independent contractors for whom you do not set work hours, or provide tools to do the job.
- Employees working outside the United States.*

* 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands





List of Acceptable Documents

- Use MOST CURRENT Form I-9 VERSION, 03/08/13
- You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9

The EMPLOYEE MUST provide:

One document from List A

OR

One document from List B AND one document from List C

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.

	LIST A Documents that Establish Both Identity and Employment Authorization	OR		LIST B Documents that Establish Identity	ID.	LIST C Documents that Establish Employment Authorization
2.	U.S. Passport or U.S. Passport Card Permanent Resident Card or Alien Registration Receipt Card (Form I-551) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine- readable immigrant visa			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 ID card issued by federal, state or local government agencies or entities,	1.	A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
4.	Employment Authorization Document that contains a photograph (Form I-766)			provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2.	
5.	For a nonimmigrant alien authorized to work for a specific employer because of his or her status:		_	School ID card with a photograph Voter's registration card	3.	Certification of Report of Birth issued by the Department of State (Form DS-1350)
	a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport;		6.	U.S. Military card or draft record Military dependent's ID card U.S. Coast Guard Merchant Mariner Card	4.	Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
	and (2) An endorsement of the alien's		8.	Native American tribal document	5.	Native American tribal document
	nonimmigrant status as long as that period of endorsement has		9.	Driver's license issued by a Canadian government authority	6.	U.S. Citizen ID Card (Form I-197)
	not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		F	or persons under age 18 who are unable to present a document listed above:	7.	Identification Card for Use of Resident Citizen in the United States (Form I-179)
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		11	. School record or report card	8.	Employment authorization document issued by the Department of Homeland Security

PRESENTATION

Form I-9



Section 1: Employee Information

Section 1. Employee than the first day of emplo		·		and sign S	Section 1 of	Form I-9 no later
Last Name (Family Name)	First Nar	ne (Given Name)	Middle Initial	Other Nan	nes Used (if a	any)
Address (Street Number and	Name)	Apt. Number	City or Town		State	Zip Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	E-mail Address	5		Telepho	ne Number

- To be completed by **EMPLOYEE**.
- Employer MUST verify <u>Section 1</u> is **COMPLETE**.



It's time for our first poll.

PRESENTATION

E-Verify Overview

DATE

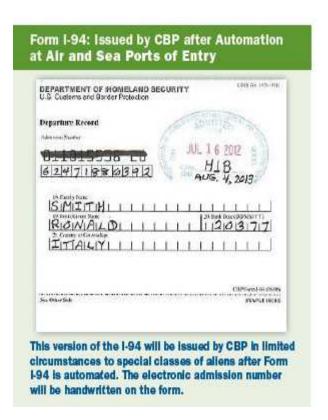
March 2014





Examples of I-94 Documents after CBP I-94 Automation Initiative

Use hand-written number



 Printout from <u>www.cbp.gov/l94</u> website



PRESENTATION

DATE

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Section 1: Employee Attestation

Foreign Passport Number:	3.5	
If you obtained your admission number from CBP in connection with your arriv States, include the following:	ral in the United	
OR 2. Form I-94 Admission Number:		3-D Barcode Do Not Write in This Space
For aliens authorized to work, provide your Alien Registration Number/USCIS Number: 1. Alien Registration Number/USCIS Number:	umber OR Form I-94	Admission Number:
An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy)(See instructions)	Some aliens	may write "N/A" in this field.
A lawful permanent resident (Alien Registration Number/USCIS Number):		
A noncitizen national of the United States (See instructions)		
A citizen of the United States		

- The EMPLOYEE **MUST** select one of the four categories and sign and date Section 1 of Form I-9.
- All employees must complete <u>Section 1</u> no later than the first business day of employment for pay.

PRESENTATION

DATE



Section 1: Preparer/Translator Certification

Preparer and/or Translator Certification (To be employee.)	completed and signed if Section 1 is pr	epared by a perso	on other than the
l attest, under penalty of perjury, that I have assisted information is true and correct.	d in the completion of this form and	that to the best o	of my knowledge the
Signature of Preparer or Translator:		Date	(mm/dd/yyyy):
Last Name (Family Name)	First Name (Given	n Name)	
Address (Street Number and Name)	City or Town	State	Zip Code

- This certification is required when Section 1 is prepared by someone other than the employee.
- By signing, the preparer is attesting that <u>Section 1</u> is **true and correct** to the best of his or her knowledge.
- Note that only the EMPLOYEE can sign the Section 1 Employee Signature Block.



Section 2: Employer Certification of Document Review

Completing Section 2

- Completed by EMPLOYER.
- MUST be completed no later than 3 business days after the employee begins work for pay.
- EMPLOYER MUST examine original documents.
- Documents MUST be UNEXPIRED.

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Employee Last Name, First Name and Mi	iddle Initial from 5		1191000		TOTAL CONTRACTOR OF THE CONTRA
LIST A Identity and Employment Authorization	OR	List 8 Identity	AN		ment Authorization
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ssuing Authority:	Issuing Aut	hority:		Issuing Authority:	
	7050,000	TOTAL TOTAL			
Document Number:	Document I	Number:		Document Number	BC :
Expiration Date (if any)(mm/dd/yyyy)	Expiration 0	Date (if any)(mm/dd/yy	997	Expiration Date (i	fany)(mm/dd/yyyy):
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ssuing Authority:	-				
Document Number:	1				
Expiration Date (if any)(mm/dd/yyyy)	-1				
Certification					
attest, under penalty of perjury, that above-listed document(s) appear to b employee is authorized to work in the	be genuine and				
The employee's first day of employm		ari-	Lee ins	tructions for ex-	emptions.)
Signature of Employer or Authorized Repres		Date (mm/dd/yy)	(y) Title of	Employer or Autho	rized Representative



Section 2: Examining Documents Genuineness and Photocopies

- You are not required to be a document expert
- You MUST accept a document presented by an employee if it reasonably appears to be:
 - Genuine; AND,
 - Relates to the individual presenting it
- The document **MUST** be original* photocopies are **NOT** acceptable

*Exception: Certified copy of a birth certificate

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Section 2: Receipt Rule

- Receipts may be used as temporary proof of employment eligibility when a List A, B or C document has been lost, stolen or damaged.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date. EXCEPTIONS:
 - The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
 - The departure portion of the Form I-94/I-94A with a refugee admission stamp
- A receipt indicating that an individual has applied for an initial employment authorization document (Form I-766) or for a renewal of an expiring employment authorization document (Form I-766) is NOT acceptable for Form I-9.
- Receipts are never acceptable if employment will last less than 3 business days.

April 2014

PRESENTATION



Section 2: Copying Documents

You may choose to make copies of employee documentation presented to you for Section 2.

 If you choose to photocopy documents, you must do so for ALL employees, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation of anti-discrimination laws.

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Section 3: Reverification

Section 3. Reverification and Rehires ($ au$ o	be completed and signed	l by employer (or authorized repres	entative.)
A. New Name (if applicable) Last Name (Family Name) First	t Name <i>(Given Name)</i>	Middle Initial	B. Date of Rehire (if a	applicable) (mm/dd/yyyy):
C. If employee's previous grant of employment authorization is presented that establishes current employment authorization.			ument from List A or Lis	st C the employee
Document Title:	Document Number:		Expiration D	Pate (if any)(mm/dd/yyyy):
l attest, under penalty of perjury, that to the best of n the employee presented document(s), the document				
Signature of Employer or Authorized Representative:	Date (mm/dd/yyyy):	Print Name of	Employer or Authorize	d Representative:

- You MUST reverify an employee using <u>Section 3</u> if his or her temporary employment authorization has expired.
- You MAY also complete Section 3 if you:
 - Rehire the EMPLOYEE within 3 years of the date of initial execution of the Form I-9*
 - Update the biographic information of an employee

* USCIS recommends completing a new Form I-9 for rehires



Section 3: When to Reverify

Do Not Reverify U.S. Passport or Passport Card Permanent Resident Card (Form I-551) List B documents Permanent Resident Reverification Reverify only if employee presents Exceptions a Form I-94 with a temporary I-551 stamp, or A foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV)) Usually Reverify When employment authorization document (List A or C) has an expiration date



It's time for our second poll.

PRESENTATION

E-Verify Overview

DATE

March 2014





Correcting Form I-9

Correcting Mistakes

If you discover a mistake on Form I-9, correct the existing form **OR**

prepare a new Form I-9:

- If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
- If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

Missing Forms

If you discover you are missing the Form I-9 for an employee:

- Immediately provide the employee with a Form I-9.
- Allow employee 3 business days to provide acceptable documents.
- DO NOT backdate the Form I-9.

PRESENTATION

DAT



STORAGE AND RETENTION



PRESENTATION

DATE



Storage

- Form I-9 MUST be on file for all current employees.
- Store Forms I-9 securely in a way that meets your business needs – on site, off-site, storage facility or electronically.
- Store Forms I-9 and document copies together.
- Ensure that only authorized personnel have access to stored Forms I-9.
- Make Forms I-9 available within 3 days of an official request for inspection.



Retention

Forms I-9 must be retained for:

3 years after the date you hire an employee

or

1 year after the date employment terminates, whichever is later.

Example:

Form I-9

John Smith was hired on November 1, 1993, and on July 5, 1994, employment was terminated.

November 1, 1993 + 3 years = November 1, 1996

July 5, 1994 + 1 year = July 5, 1995

The retention date is November 1, 1996

PRESENTATION

DATE





FORM I-9 AND E-VERIFY

FORM I-9 MUST BE COMPLETED BEFORE A CASE CAN BE CREATED IN E-VERIFY.

PRESENTATION

Form I-9

DATE



What is E-Verify?

- Free web-based service
- Fast and easy to use







- Helps maintain a legal workforce
- Protects jobs for authorized workers
- Partnership between the U.S. Department of Homeland Security (DHS)
 and the Social Security Administration (SSA)





E-Verify Goals

- Reduce unauthorized employment
- Minimize verification-related discrimination
- Be quick and non-burdensome to employers
- Protect civil liberties and employee privacy

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How does E-Verify work?

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PRESENTATION

Form I-9

DATE



E-Verify Case Resolution

You should check E-Verify periodically for one of the following responses:

Employment Authorized

Review and Update Employee Data

Case in Continuance

DHS Verification in Process

DHS No Show

Final Nonconfirmation

PRESENTATION

Form I-9

DATE

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RESOURCES



PRESENTATION

Form I-9

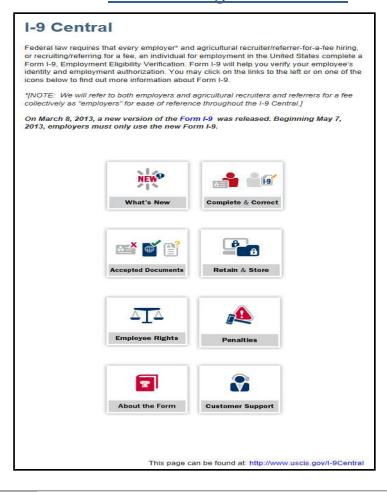
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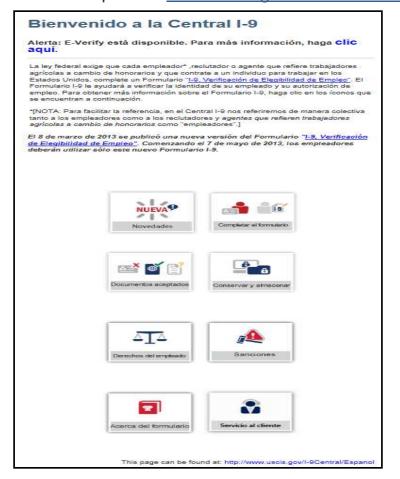


I-9 Central

I-9 Central: www.uscis.gov/I-9Central



I-9 Central Spanish: www.uscis.gov/i-9Central/Espanol



PRESENTATION

DAT



Form I-9 Resources

Form I-9, Employment Eligibility Verification

www.uscis.gov or www.uscis.gov/I-9Central

M-274, Handbook for Employers, Guidance for Completing Form I-9

(Employment Eligibility Verification Form)

M-274 in Spanish

Mergers & Acquisitions

Examples of documents:

- Acceptable Documents
- Additional Documentation Requirements
- Guide to Selected US Travel & Identity Documents



PRESENTATION

DATE

April 2014



Form I-9 Vignettes

Section 1 Vignette



Section 2 Vignette



Section 3 Vignette



April 2014

PRESENTATION



E-Verify Outreach

- Free Webinars
- Content for your newsletters
- Authorization to use the E-Verify® Logo and Name and I E-Verify
 Seal
- Add E-Verify to your job announcements
 - Example: "Our company uses E-Verify to confirm the employment eligibility of all newly hired employees. To learn more about E-Verify, including your rights and responsibilities, please visit www.dhs.gov/E-Verify."





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Customer Service

E-Verify received the highest rating for customer service of all federal agencies. (2013 American Customer Satisfaction Survey)

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: <u>I-9Central@dhs.gov</u>
- E-Verify E-Mail: <u>E-Verify@dhs.gov</u>
- Form I-9 Website: www.uscis.gov/I-9Central
- E-Verify Website: www.dhs.gov/E-Verify

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It's time for our last poll.

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E-Verify Overview

DATE

March 2014



Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our Web site: www.dhs.gov/E-Verify.

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DATE

April 2014



Questions?



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DATE

How Can Ascentis Help Me?

Ascentis delivers on-demand (SaaS) human capital management solutions that reduce costs while increasing productivity. Your HR and payroll team becomes more efficient, accurate and accelerated.



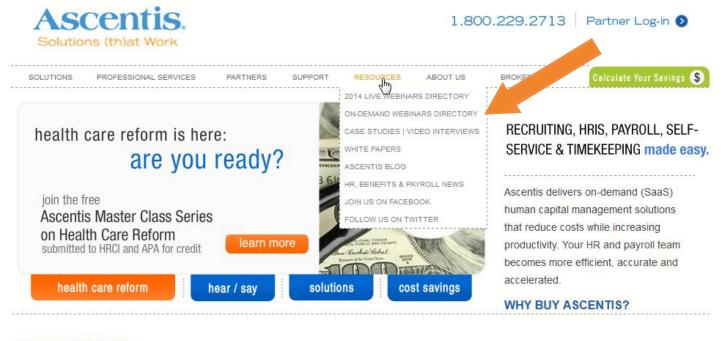
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E-Verify Overview



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