



UNIVERSITY AT ALBANY

State University of New York

## Employment Eligibility Verification (Form I-9)

Office of Human Resources Management

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[www.albany.edu/hr](http://www.albany.edu/hr)

# Topics Covered:

- Purpose of the I-9
- Unlawful Discrimination
- Current edition of the form
- The I-9 form and timeline for each section
- Rehired and returning employees
- Reviewing Section 1
- Reviewing Section 2 documents
- Completing Section 2
- Useful links



# 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

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.



# Use the most current I-9...

## Revision / Expiration Date:

- The Form I-9 currently in effect is the version expiring on 8/31/2019. After 1/22/2017, this is the only acceptable version.
- The most current form can be found online:

<http://www.uscis.gov/files/form/i-9.pdf>



# 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.





# The I-9 Form and Timeline

## ● 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.



# The I-9 Form and Timeline

## ● Section 3.

### Updating and Reverification

- Completed by **OHRM** when necessary.
- I-9s are only updated or reverified when an employee's work authorization needs to be updated.
- OHRM keeps track of employment authorization dates and contacts employees when the I-9 needs to be updated.



# Rehired and Returning Employees

- 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.



# Reviewing Section 1.

- Name, address, and date of birth are required fields.
  - The employee must enter N/A in the field if there is no middle initial, no other name used, no apartment number.

These fields cannot be left blank otherwise it may appear that they were 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.

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 boxes):

<input type="checkbox"/> 1. A citizen of the United States
<input type="checkbox"/> 2. A noncitizen national of the United States ( <i>See instructions</i> )
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. ( <i>See instructions</i> )


Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:  
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____
OR
2. Form I-94 Admission Number: _____
OR
3. Foreign Passport Number: _____

Country of Issuance: \_\_\_\_\_

Signature of Employee	Today's Date (mm/dd/yyyy)
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QR Code - Section 1  
Do Not Write In This Space





# 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.

- An alien authorized to work: Employee must enter the date that employment authorization expires, if any, in the space provided. In most cases, the employment authorization expiration date is found on the document(s) evidencing employment authorization.
- Aliens authorized to work must enter one of the following to complete Section 1\*:
  1. Alien Registration Number (A-Number) USCIS Number; or
  2. Form I-94 Admission Number; or
  3. Foreign Passport Number and the Country of Issuance

\*If information is not entered in one of the fields then enter N/A.

<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)	
<i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i>	
1. Alien Registration Number/USCIS Number: _____ OR	
2. Form I-94 Admission Number: _____ OR	
3. Foreign Passport Number: _____ Country of Issuance: _____	
	QR Code - Section 1 Do Not Write In This Space



# 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 I-9 Form – Section 2.

- 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.**



# Reviewing Documents

- 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.



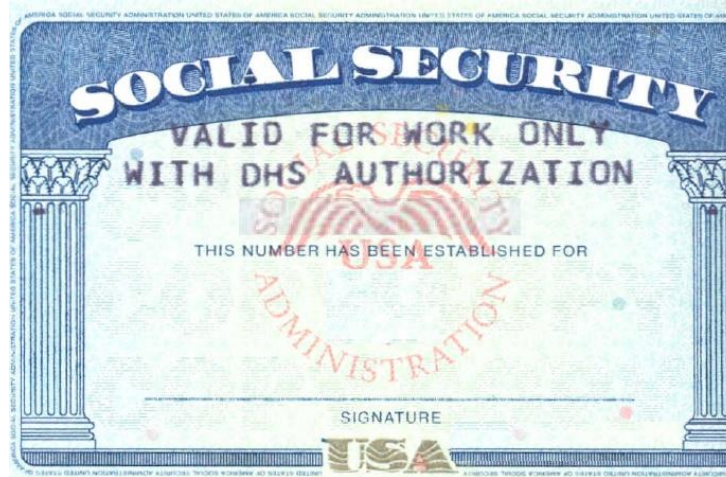
# Reviewing Documents

- 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.



# Reviewing Documents

- 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.

<b>LIST A</b> <b>Documents that Establish Both Identity and Employment Authorization</b>	<b>OR</b>	<b>LIST B</b> <b>Documents that Establish Identity</b>	<b>AND</b> <b>LIST C</b> <b>Documents that Establish Employment Authorization</b>
<ol style="list-style-type: none"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-766)</li> </ol>		<ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol>	<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, <u>unless</u> the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of Birth Abroad issued by the Department of State (Form EC 515)</li> </ol>





# 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.

## ● Employee Info from Section 1

- Be sure to enter the employee's last name, first name, middle initial, and enter the number (only) of the citizenship/immigration status checkbox the employee selected in Section 1.

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status

- If the employee entered N/A for middle initial then record N/A in the M.I. field.



# 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***.



# Questions:

- A more comprehensive I-9 handbook can be found online:
  - <http://www.uscis.gov/files/form/m-274.pdf>
- You may send any questions to Tina Gitto:  
[sgitto@albany.edu](mailto:sgitto@albany.edu)

