

I-9 Overview

PURPOSE: To verify employment eligibility and identify all workers hired in the US after November 6, 1986.

CURRENT REVISION REQUIRED:

Expiration date: 8/31/12

The current form can be found on the following website:

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

EMPLOYEE'S RESPONSIBILITY:

1. Complete Section 1 no later than the close of business the first working day.
2. Sign the form attesting to the accuracy of the information. If the employee refuses to sign the form, there is no need to complete Section 2 and the employer should not continue to employ the individual.

EMPLOYER'S RESPONSIBILITY:

1. Ensure the employee completes section 1 in full. Employers are held responsible for deficiencies of information in Section 1.
 - a. The name, complete address, maiden name (if applicable) and date of birth are required. (SSN is optional.)
 - b. If the employee checks "A Lawful Permanent Resident" the expiration date is not required.
 - c. If the employee checks "An alien authorized to work until _____", an end date and Alien # or Admissions # are required.
 - i. Admissions # is found on the I-94
 - ii. Alien # is found on a Work Authorization Card
 - iii. End Dates can be found on one of the following documents:
 1. F-1 visa – I-20
 2. J-1 visa – DS 2019
 3. F-1 on OPT – Work Authorization Card
 4. J-1 on CPT – Letter from Sponsor
 5. H1B visa – I-797
 6. TN visa – I-94

2. Supply the employee a list of acceptable documents.
 - a. The employee can choose from a list provided by the employer which documents to use to establish identity and work eligibility.
 - b. The employer cannot require certain documents but can reject documents that don't meet the requirements.
3. Documents provided by employee must be originals, not copies.
4. Examine the documents presented by the employee and accept them if they appear to be genuine and relate to the individual. The Employer is not expected to be a document expert.
 - a. If an employee is unable to present the required documents within 3 business days of employment, employment must be terminated, unless the employee can produce a receipt showing the document has been applied for and present the document to you within 90 days of the hire.
5. Complete the entire form no later than the close of business on the 3rd working day. Submit the completed form for student employees to Student Employment. For all other employees, submit the form to HRS-Records.

DOCUMENTS:

1. ACCEPTABLE DOCUMENTS to establish identity and work eligibility are listed on the form I-9. List A documents establish both identity and work eligibility. List B establishes identity and List C establishes work eligibility.
2. ACCEPTABLE RECEIPTS for I-9 purposes
 - a. A receipt for a replacement document, when the document has been lost, stolen or damaged, is valid for 90 days. After the 90-day period, the individual must present the replacement document to complete the I-9. This rule does not apply for new documents following the expiration of their previously held document.
 - b. A Notice of Action (I-797C) for an H-1B visa holder that is extending their visa or changing employers will be accompanied by a memo from International Programs and provides work authorization for up to 240 days, pending receipt of the H-1B approval notice.

3. LEGAL PERMANENT RESIDENT CARD (GREEN CARD):
An expired Green Card does not affect current employment.
4. SOCIAL SECURITY CARD:
 - a. A card with a stated restriction, such as “Valid for work only with DHS (INS) Authorization,” **cannot be used to satisfy I-9 requirements.**
5. WORK AUTHORIZATION DOCUMENT (CARD): Authorizes work until the end date printed on the card.

I-9 UPDATING, REVERIFICATIONS & REHIRES:

1. Employers are required to reverify employment when an employee’s employment authorization (indicated in Section 1) or evidence of employment recorded in Section 2 has expired.
2. Reverification must take place no later than the date the authorization or documents expire by completing a new I-9, Sections 1 and 2, and Employment Verification Affirmation, indicating on the top of the form that it is an update.

Employees with expiring I-9s, who have extended or updated their work authorization at CSU, must visit their department’s HR/Payroll liaison to complete an updated I-9.

Submit the updated I-9s and acceptable document copies to the Foreign National Tax Administrator, 6003 Campus Delivery. After processing, the forms and document copies will be forwarded to HRS-Records or Student employment, as applicable.

Do not submit I-9s for new employees to the Foreign National Tax Office. Send directly to HRS or Student Employment.

DISCOVERING UNAUTHORIZED EMPLOYEE:

Contact the Director of Human Resources immediately.