

Key Points to Understanding and Completing the Form I-9 (Employment Eligibility Verification)

Employment Eligibility Verification must be completed for *all* new employees (and some rehires):

- Citizen/Non-citizen
- Faculty/Staff
- Student/Non-student
- Salary/Wage

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 prior to or within three business days of hire date. For the purpose of completing the I-9, the **“employment begin” date is the first day the employee shows up for 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, and initial the change. (The Original I9 is retained in the dept. until the actual document is received – a photocopy should be sent to Payroll 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 (except for Canadian citizens)
- Unexpired Form I-94
- Unexpired Form I-20 or DS-2019 (issued by Virginia Tech)

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 **Reverifying** employment eligibility **Update -- If rehiring an employee who previously completed an I-9, you may update work authorization using Section 3 if:**
 - 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 PZII9HS 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 employees 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 Payroll!**
 - 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.
 - To maintain continuous employment **eligibility, an employee with temporary work authorization should apply for new work authorization a minimum 90 days before the current expiration date.**
- **To reverify you must:**
 - Enter the employees name and social security number in Section 1
 - Record the date of rehire in Section 3
 - Record the document title, number, and expiration date in Section 3
 - Sign and Date Section 3

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.
- Regulations require that the employee *complete Section 1 on or prior to their first day of employment* and that the employer *complete Section 2 with three business days*. Complying with this requirement becomes a problem in the case of academic year faculty and graduate assistants where the employment contract begins on August 10, but the first actual day of work is a later date (i.e. August 16). The solution is to use the first day of actual work as the date that the employee “began employment on” in the Certification box in Section 2 of the I-9. By following this guideline, the date the employee completes the form will be the same as the employment begin date and the departments can complete Section 2 within three days. This is legitimate and defensible since this actually reflects the first day of work even though the Banner hire date is earlier for various administrative reasons.
- Don't forget to include the **Department #** at the bottom of the form.
- A new I-9 is not required for employees returning to work after a break (i.e. summer).