Form I-9 Process

Training for Supervisors and Designees

Developed by
Talent Development & Human Resources

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Objectives

Upon completion of this learning aid, the participant will

• Know what steps are involved to complete, update or re-verify information on a Form I-9
• Be aware of penalties associated with non-compliance
• Be familiar with UA’s compliance with the IRCA
• Understand what is expected of the employee
• Understand the supervisor’s scope of responsibilities
Background

On November 6, 1986, the Immigration Reform and Control Act of 1986 (IRCA) became law and thereby created new obligations for all employers to obtain and keep verification of each new employee’s identity and employment eligibility. The provisions further changed with additional legislature in 1990 and 1996.

The intent of the Act is to gain control of the immigration process (through use of the employment process).
Unlawful Discrimination and Penalties

• The Immigration and Nationality Act prohibits discrimination based on any of the following:
  • Citizen or Immigration Status
  • National Origin
  • I-9 Document Abuse (i.e. requiring specific documents)
  • Retaliation

• Failure to properly complete, retain, and/or make Form I-9 available for inspection could result in civil penalties not less than $216 and up to $2,156, per offense.

• Knowingly hiring an unauthorized alien or continuing to employ an unauthorized alien can lead to a severe monetary penalty up to $21,563 for each offense!
UA’s Compliance with IRCA

Regardless of a new employee’s nationality, the University must:

• Ensure the new employee completes Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

• Check and verify the identity and employment eligibility of the new employee within the first 3 business days of the individual’s employment.

• Retain the original completed Form I-9 document for as long as the employee works at UA.

• Upon an employee’s termination, retain the original Form I-9 document for 3 years after the date the employee began work, or 1 year after the person’s employment is terminated, whichever is later (see I-9 retention calendar worksheet).

• Update or re-verify Form I-9s that contain work authorization data with expiration dates.

• Make all Form I-9s available for inspection by officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices upon request.
Who completes the Form?

All employees (full-time, part-time, regular and temporary) hired on/or after November 6, 1986 at The University of Akron, are required to have a Form I-9 on file.

The most recent Form I-9 has a revision date of July 17, 2017. The use of the I-9 form with this revision date is mandatory as of September 18, 2017.

For purposes of the Form I-9 process, the term “employee” represents:

• Faculty
• Contract Professional
• Staff (classified, unclassified and bargaining unit)
• Graduate Assistant
• Student Employee
Section 1 - Employee

The employee must:

• Read all notices on the form.

• Complete Section 1 **no later than first business day of employment**, but **after** the employment offer has been accepted.

• Attest to his/her citizenship or immigration status by checking the correct box. If applicable, enter an Alien Registration Number/USCIS Number or I94 Admission Number, OR Foreign Passport Number.

• Sign and date the form.

• Complete the Preparer and/or Translator Certification by checking one of the boxes. If applicable, complete the Preparer/Translator information section.

• Submit form to his/her immediate supervisor or UA designee. **“UA Designee” applies to any employee who is not a student assistant nor graduate assistant.**

• Submit documents that establish his/her identity and employment authorization.

**NOTE:**
The employer **cannot** require an employee to provide his/her social security number.
Section 2 - Employer

The supervisor or UA Designee must:

1. Compare documents received from the employee to the *List of Acceptable Documents*, created by the U.S. Citizenship and Immigration Services (USCIS), to determine which establish identity and employment eligibility.

2. Fill in the required information in Section 2 of the form.
   - Enter the document title, issuing authority, document number and expiration date, if applicable.
   - Write information from the document(s) onto the I-9 Form. Do NOT attach copies for Human Resources to complete Section 2.
   - Do not use white out on the form! If you make a mistake, cross out the error, date it and initial it.
NOTE:

• Employers CANNOT specify which document(s) they will accept from a new employee.

• Employers CANNOT refuse to accept a document(s) that reasonably appears to be genuine and to relate to the person presenting the document(s). To do so could be an unfair immigration-related employment practice.

• Only original documents can be accepted from the employee. The only exception is the employee may present a certified copy of a birth certificate.

• Student employees or graduate assistants should not be given the responsibility of verifying documents or completing Form I-9s.
Section 2 - Employer

IMPORTANT:

• **Section 2 must be completed within 3 business days from the date employment begins.**

• **Failure to fully complete this form by the 3rd day of employment will result in termination of the employee.**

• The documents used to complete Section 2 may be entered prior to the employee’s start date. However, the UA designee cannot certify the first day of employment until the employee begins working.

• **Do not over-document. Only a List A document or a List B and List C document should be accepted.**

• **Do not retain copies of the documents.**

• **Section 2 should not be signed nor dated by any UA designee until the employee begins employment.**
Section 3 – Updating and Re-verification

• **Re-verification** refers to reconfirming an employee’s proof of extended work authorization using a previously completed form.

• If the employee’s work authorization is approaching expiration, he or she will need to **re-verify** employment eligibility by providing additional documentation.

• An HR Representative will contact faculty, contract professional, and staff employees prior to the employee’s expired work authorization date to set up a date and time for the employee to re-verify information.

**NOTE:**
Re-verification is sometimes necessary for H-1B non-immigrant visa holders or those with Employment Authorization Documents (EADs).
A new Form I-9 will need to be completed by the employee if one or more of the following situations occur:

- The employee is rehired after a 12-month break in service.
- The employee’s previous work authorization has expired but he or she is currently eligible to work on a different basis or under a new work authorization than when the original Form I-9 was completed.
- The employee changes employment status (i.e., student assistant to full-time staff employee, graduate assistant to part-time faculty, etc.)
- The original Form I-9 on file was previously re-verified.
Form I-9
Where to Obtain a Blank Form

Paper Copy:
It is the University of Akron’s practice to include a copy of Form I-9 as part of the hiring forms packet to faculty, contract professionals and staff employees.

Electronic Version:
• Talent Development & Human Resources’ Forms Directory
• Student Employment’s web site
• Graduate School’s web site
Distribution and Filing Requirements

**Contract Professionals, Staff, and Part-time Faculty**
Employment Services will handle the completion of Form I-9 during the hiring process.

**Full-time Faculty**
Forward completed original Form I-9 for filing and maintaining to:

**Human Resources**
Campus Mail: +4730
Hand Deliver: ASB Room 130

**Graduate Assistants**
1. Attach completed Form I-9 to an *Acceptance Agreement and Appointment Form*
2. Forward documents for filing and maintaining to Graduate School +2101

**Student Employees**
1. Attach completed Form I-9 to a *Student Employment Form*
2. Forward documents for filing and maintaining to Student Employment Office +6211
For More Information:

For questions about faculty, contract professional or staff Form I-9s, contact Employment Services at 330-972-5988.

Links to helpful websites:

- [Handbook for Employers, Guidance for Completing Form I-9](#)
- [USCIS I-9 Central](#)
- [UA Employee Immigration Services](#)