

## Key Pints 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 1<sup>st</sup> 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 in the CERTIFICATION box is the first day the employee shows up for work**. It is recommended that Section 2 be completed at the same time as Section 1 when possible.

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 document is received, cross out the word “receipt”, enter the number, and initial the change. (The Original I9 is retained in the dept. until the document is presented – a photocopy should be sent to Payroll until the “applied for” document is received and the original can be completed.)

### 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.**

**Note:** If the F1 visa holder has OPT, then you will record the information under List A from their **Employment Authorization Card, not the passport and I-94 information.**

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.

### Updates Related to Form I-9

Please note the following important changes to the I-9 completion process. These changes have transpired as a result of a mandate from the Governor for Virginia Tech to process all new hires and rehires through E-Verify. E-Verify is a federal program that compares the information recorded on the I-9 Form to information in the Social Security Administration and Department of Homeland Security databases.

### **Updating an I-9 is no longer a viable option in our decentralized hiring environment.**

As a result of E-Verify we are required to enter all rehired employees as a new case in the E-Verify database. We can no longer accept an updated I-9 Form because the documents used to complete the original form might now be expired. Because we have decentralized hiring and I-9 completion with centralized E-Verify submission, departments have no way of knowing whether or not a document used on the original I-9 form on file in Payroll has expired. E-Verify will not allow processing a verification using an expired document. Going forward, if an I-9 action is required as a result of an employee's break in service, a whole new I-9 form will need to be submitted to the Payroll Office (MC 0339).

Once you complete the Form I-9 for all NEW hires or rehires, **please attach LEGIBLE copies of the document(s) used to complete Section 2.** As a result of E-Verify, some documents now require photo-matching.

### **Following are some reminders related to completion of the I-9 Form**

- Employees are required to **complete Section 1 on or before the first day of employment.**
- The departmental representative should complete Section 2 at that time in order to get the form to payroll prior to the third business day from the date of hire.
- It is imperative that you **send the I-9 (and supporting documents) to Payroll immediately upon completion (Mail Code – 0339)** - do not wait to gather a completed packet of information. The federal requirement is to have the information from the I-9 entered into E-Verify within three days of the date of hire.
- Please make sure that the form is signed by the employee and the departmental representative and **ALL** dates are recorded on the form I-9. There are two signature dates, the **employee signature date in Section 1** and also **the employer signature date in Section 2.**
- Make sure that you have recorded **the employee's first day of work in the Certification section (Section 2)** of the form.
- If an employee checks the second citizenship category indicating they are "A noncitizen national of the United States" – A noncitizen national is defined as persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific. Most employees do not fall in this category; it is likely this person is an alien authorized to work.
- Departmental representatives should review Sections 1 AND 2 to ensure the form is complete and seemingly accurate. Common mistakes are missing signatures and date by employees and departments, missing or incorrect citizenship category (the employee citizenship attestation should be supported by the documents provided to complete Section 2), the "employment begin" is missing or not reflective of the first day of work.

**An I-9 SHOULD NOT be completed until after a job offer has been extended and accepted.**