FORM I-9: REFRESHER TRAINING

CWD | October 2018
Today’s Agenda

I. What’s an I-9
II. Harvard’s Process: New Hires, Re-Certification
III. Verifying and Listing Documents in Section 2
IV. Review the I-9 Visa Types
V. For More Information
I | FORM I-9

• Full Title: Form I-9, Employment Eligibility Verification

• Purpose: Completed by all newly hired employees in order to verify their identity and authorization to work in the United States.

• Affects: US Citizens and Non-US Citizens working in the US
  • New Hires
  • Rehires
  • (non-US Citizens only) – any status change, such as from an H1-B Visa to Permanent Resident

• Issued By: Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS)

I | Who Completes this Form?

Section 1: Employee (page 1)
- Any person to perform labor or services
- New employees hired after November 6, 1986
- All Rehires (Harvard Process)
- Recertification

Section 2: The Employer (page 2)
- Examine and record document(s) provided
- Attestation

Section 3: Recertification (do not use)
- Harvard Process – do not use this section. For recertification, complete Sections 1 & 2 of a NEW I-9
New Hires: On-boarding Process

Offer Accepted → Completed I-9 to Central Payroll* → Start Date

*ASAP! Central Payroll has a 24-hour turnaround time on correctly completed forms.

Job pushed to PS

ID Card → Tub’s Directory Contact

Tub’s Directory Contact → 1-2 days → HR/Fin Authorized Requestor

HR/Fin Authorized Requestor → E-mail, Phone, Applications
II | Payroll & the I-9

Payroll Process (24-hours)
- Reviews the I-9 and supporting documentation
- Adds SSN (or Temp SSN) to the I-9 table and checks “Eligible to work in US”

Remember Those Payroll Calendar Deadlines
II | I-9 Re-Certification


   This report returns all visas that either **have expired** or **will expire** in 180 days.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>PAYGR DEPT</td>
<td>HO</td>
<td>DEPARTMENT</td>
</tr>
<tr>
<td>POU 123456 HMS*HCC Asample Aperson</td>
<td>11223344</td>
<td>403000 SLV</td>
</tr>
<tr>
<td>WTM 123457 HMS*Divm Bsample Bperson</td>
<td>23343455</td>
<td>703000 JPN</td>
</tr>
<tr>
<td>POU 123456 HMS*HCC Csample Cperson</td>
<td>33455566</td>
<td>403000 UNK</td>
</tr>
<tr>
<td>MFC 123459 HMS*Pays Dsample Dperson</td>
<td>44306077</td>
<td>403 CAN</td>
</tr>
</tbody>
</table>

2. Contact the employee to bring in updated documents.

3. Complete a **NEW** Form I-9, sections 1 and 2.

4. Send the completed I-9 and document copies to Central Payroll or HMS HR

**Update**

- **HUD** = 22222222
- **Paygroup** = POU
II | Harvard International Office (HIO)

Working with the HIO

- www.hio.harvard.edu
- Sponsorship Submittal
- Working through all necessary paperwork
- Extension Requests
  - Example: submitting a Form I-129 –indicating a continuation of employment
II | Policy on Expired Visas

Harvard’s Process for Expired Visas

• Direct deposit is turned off, and physical checks are created
• Tub instructs the employee to stop working until he or she provides a new Form I-9 with supporting documentation
  - You may work with the employee and the HIO – for example, for an H-1B extension
• Once the I-9 is received, Central Payroll re-establishes direct deposit.

If the employee cannot recertify, he or she is given outstanding checks and removed from active payroll by their local department – they are no longer eligible to work.

Penalties for Hiring/Continuing to Employ Unauthorized Aliens

• Individuals can be held personally responsible
• Fines may be assessed per unauthorized alien
  First Offense $375 - $3,200
  Second Offense $3,200 - $6,500
  Third Offense $4,300 - $16,000
III | Verifying and Listing Documents in Section 2
III | List A Documents - UNEXPIRED

US Passport or US Passport Card

Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)

Permanent Resident Card or Alien Registration Receipt Card (Form I-551)

Employees with J-1 Visas (exchange visitors) and F-1 Visas (students) must provide additional documentation

Employment Authorization Document (Card) that contains a photograph (Form I-766)

Foreign passport with Form I-94 or Form I-94A

Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A
III | List B Documents (Identity Only)

- Drivers License issued by State or outlying territory of the US
- Federal/State I.D. card
- School I.D. card
- Voters registration card
- U.S. Military card/draft record
- Military Dependent ID
- Coast Guard Merchant mariner Card
- Native American Tribal Document
- Canadian driver’s license

If Under 18:
- School record/report card
- Clinic, hospital, doctor record
- Day care or nursery school record
III | List C Documents (Employment Authorization)

Social Security card, except for one that states that the person is not authorized to work

Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)

Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)

Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal

Native American tribal document

U.S. Citizen ID Card (Form I-197)

Identification Card for Use of Resident Citizen in the United States (Form I-179)

Employment authorization document issued by DHS, for example:
- Form I-94 issued to an asylee or work-authorized nonimmigrant (e.g., H-1B non-immigrants),
- Unexpired Reentry Permit (Form I-327),
- Certificate of U.S. Citizenship (Form N-560 or N-561).
III | Section 3

Section 3 is NOT Completed

• Central Payroll retains all original I-9 forms

For Recertification

• Use a new Form I-9
• Include on top of the form:
  o Update
  o HUID
  o Paygroup
• Complete Sections 1 & 2
• Send form and copies of the documentation to Central Payroll
The Quiz

Q1.

A candidate can complete the I-9 before accepting a position with an employer?

A. True
B. False

Feedback
Form I-9 should never be completed before the employee accepts the job offer.
Q2.

When completing the I-9 Form, the employee must attest to his/her citizenship or immigration status in Section 1.

A. True

B. False

Feedback
All employees must attest in Section 1, under penalty of perjury, to their citizenship or immigration status by checking that they are one of the four checkboxes.
Q3.

When completing the I-9 Form, the employer can ask the employee to present specific documents.

A. True
B. False

Feedback

The employee determines the documents that are presented for identity and eligibility to work.
The Quiz

Q4.

Once an employee has been hired and has filled out Section 1 of the I-9 form they have ____ business days in which they must provide you with acceptable documentation in order to fill out and finish Section 2

A. One
B. Two
C. Three
D. Four

Feedback
Employee has 3 business days from the hire date.
The Quiz

Q5.

Which documents MUST be re-verified when expired.

A.  Driver’s License

B.  Employment Authorization Card

C.  Permanent Resident Alien

Feedback

Employers must re-verify employees with authorization to work in the U.S. if they are not a permanent resident, Noncitizen National or U.S. Citizen. If current employee’s work authorization is about to expire re-verification of eligibility to work in the U.S. must be done.
Q6.
If an employee presents a SSN Card that states Not Valid for Employment, you can accept it as a valid List C Document.

A. True
B. False

Feedback
Restricted SSN cards cannot be used for employment eligibility.
The Quiz

Q7.
Copies of IDs can be used to complete Section 2 of the form.
A. True
B. False

Feedback
Employees should present unexpired, original documents. The IDs must appear to be genuine and related to the individual you are meeting with.
IV | Types of Visas
IV | Who Has What Visa?

**J-1 Visa:** Specialists, scholars, government visitor, students

**F-1 & M-1 Visa:** Students

**H-1B Visa:** “Specialty Occupation” such as scientists, engineers

**TN Visa:** Residents of Canada or Mexico (part of NAFTA)

http://www.hio.harvard.edu/visa-types

**GREEN CARD**

Permanent Resident (No Visa)
IV | Lawful Permanent Residents

Who? Someone who is lawfully admitted to the United States to live and work permanently. Also known as a green card holder. I-9 is not recertified.

Section 1 Checkbox
✓ Check the third box
✓ Alien / USCIS #
✓ Do not have to show the permanent resident card (green card) (I-551)

Required Documents (Either/OR)

<table>
<thead>
<tr>
<th>Permanent Residence Card</th>
<th>OR</th>
</tr>
</thead>
<tbody>
<tr>
<td>List B Document (ex. Driver’s License)</td>
<td></td>
</tr>
<tr>
<td>List C Document (ex. SSN Card)</td>
<td></td>
</tr>
</tbody>
</table>
IV | Sample I-9: Permanent Resident

Permanent Resident Card

NOTE: A permanent resident does not need to provide his/her “green card” for original documents. He/she can provide just a driver’s license and unrestricted social security card.
**IV | J-1 Visa — Exchange Visitors and Students**

**Who?** An alien who is authorized to work for a specific program, such as government visitor, research scholar, professor, student (associate through doctoral).

If extended on a J-1, must get a new DS-2019 form.

**Section 1 Checkbox**
- ✓ Check the fourth box
- ✓ I-94/I-94A Admission #
- ✓ I-94/I-94A Expiration (departure, D/S) date
- ✓ Provides passport data used to enter U.S.

**Required Documents (Must present ALL, under Type A)**

| • Unexpired foreign passport | • I-94 or I-94A indicating J-1 status |
| • Form DS-2019 with SEVIS* number and end date of employment authorization | • (optional, students only) letter from official program sponsor |

*SEVIS = International Student & Exchange Visitor Program*
IV | F-1 Nonimmigrant Student Visa

F-1 Visa Holders = foreign students pursuing academic studies
- On-campus employment
- Curricular Practical Training

Section 1 Checkbox
✓ Check the fourth box
✓ I-94/I-94A Admission #
✓ I-94/I-94A Expiration (departure, D/S) date
✓ Provides passport data used to enter U.S.

Required Documents (Present All under Type A)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unexpired foreign passport</td>
<td>I-94 or I-94A indicating F-1 status</td>
</tr>
<tr>
<td>Form I-20 with school’s official endorsement</td>
<td>OPT only: EAD Card</td>
</tr>
</tbody>
</table>
IV | Sample I-9: F-1 Visa
IV | OPT (Optional Practical Training) for F-1 Visas

What: Provides practical experience to an F-1 student’s area of study.

Hours: 20 hours/week when school is in session & 40hrs/week when not

Duration: Eligible students can apply to receive up to 12 months of OPT employment authorization before completing their academic studies (pre-completion) and/or after completing their academic studies (post-completion). However, all periods of pre-completion OPT will be deducted from the available period of post-completion OPT. Extensions may be possible

• STEM extension of 24 months of additional employment if they have a job or job offer from an E-Verify employer and meet all the required criteria. E-Verify process to follow in upcoming slide.

Restrictions: OPT cannot begin until USCIS has granted the application for employment authorization (Form I-766)

Section 1 Checkbox
✓ Check the fourth box
✓ EAD #
✓ EAD Expiration Date

Required Document

EAD (Employee Authorization Document) Card

I-766 (EAD Card)
When an F-1 visa holder has been granted an EAD to continue working, write "update," employee's HUID, and pagroup on top of the I-9 form. For the hire date, use the original date of hire.

Use the employee's original hire date.

Section 2. Employer or Authorized Representative Review and Verification

Employers or their authorized representatives must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents."

Employee Info from Section 1

Last Name (Family Name)
First Name (Given Name)
M.I.
Citizenship/Immigration Status
S

List A

Document Title
Employment Auth Document (Form I-766)
Issuing Authority
U.S. Citizenship and Immigration Services
Document Number
0000000000
Expiration Date (if any) (mm/dd/yyyy)
03/01/2023

List B

Document Title
Issuing Authority
U.S. Citizenship and Immigration Services
Document Number
EAD 1766
Expiration Date (if any) (mm/dd/yyyy)
03/01/2023

List C

Certification:
I, under penalty of perjury, certify that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

Date of Employment (mm/dd/yyyy)
02/11/2013

Signature of Employer or Authorized Representative

Date of Employment (mm/dd/yyyy)
05/01/2017
IV | F-1 STEM OPT E-Verify Process

- If a department wants to hire one or more F-1 STEM OPT employee on extension, it must use the federal E-Verify background check system for all new hires*

- E-Verify is done through Harvard’s HireRight system using the SSN # which is required in order to run the report.

- Employees cannot begin work until E-Verify is complete and it typically clears the employee to work within minutes. The cost to run a single E-Verify report in HireRight is $2.10.

- Determine if your department employs anyone under the STEM OPT program or could hire such a person.

- Once you know you have and/or will hire someone on the extension reach out to:
  SPH HR: Rebecca Feeney or Samantha Longo
  HMS HR: Jose Martinez
  HSDM HR: Mary Andersen or William Budding

*Please Note: An E-Verify report is not required for rehires or additional jobs if the employee already has an I-9 on file.*
H-1B Visas — Specialty Occupation

Who: foreign worker in a specialty occupation that requires theoretical or technical expertise in a certain field. Ex: scientists, engineers, computer programmers. Sponsored by Harvard University.

Extension (work with the HIO): I-129 must be filed by Harvard before the H-1B expires. The employee can still work up to 240 days while petition is being filed.

Section 1 Checkbox
✓ Check the fourth box
✓ I-94/I-94A Admission #
✓ I-94/I-94A Expiration (departure, D/S) date
✓ Provides passport data used to enter U.S.

Required Documents

• Unexpired foreign passport
• I-94 or I-94A indicating H-1B status
• I-797 Form - Notice of Approval
IV | Sample I-9: H-1B Visa
When the H-1B extension approval notice paperwork is received, the employee must fill out a new I-9 form and present the new visa information.

On top of the I-9 form, write "UPDATE," the employee's HUID, paygroup, and "Approved H-1B Extension."
V | Resources

Central Payroll Contact Information:

ufs_crt@harvard.edu
617-495-8500, option 4

• USCIS I-9 Central
• Student and Exchange Visitor Program (SEVP)
• Handbook for Employees: Instructions for Completing Form I-9
• Harvard International Office/Immigration
Questions