



Northeastern



# I-9 Refresher & Introduction to E-Verify



## I-9 Refresher

- Required to verify employment authorization, regardless of workers' immigration status
- Employee's section (1) must be completed on start date; employer's section (2) must be completed within 3 business days of employee's start date
- Use Section 3 only for rehire, extended work authorization or name change.



## I-9 Refresher (cont.)

- **List of Acceptable Documents**
  - One document from List A: document that establishes both identity and authorization to work
- Or**
- One document from List B: document that establishes identity
- and**
- One document from List C: document that establishes only authorization to work



SAMPLE

OMB No. 1615-0047; Expires 06/30/09  
**Form I-9, Employment Eligibility Verification**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification.** To be completed and signed by employee at the time employment begins.

Print Name: Last <u>Doe</u>	First <u>Joanne</u>	Middle Initial <u>B.</u>	Maiden Name
Address (Street Name and Number) <u>12 main Street</u>		Apt. #	Date of Birth (month/day/year) <u>05/15/1973</u>
City <u>Anywhere</u>	State <u>VA</u>	Zip Code <u>23456</u>	Social Security # <u>123-45-6789</u>

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen or national of the United States
- A lawful permanent resident (Alien #) A
- An alien authorized to work until 12/31/2010

(Alien # or Admission #) A011-111-111 of 11222333 44

Employee's Signature <u>Joanne B. Doe</u>	Date (month/day/year) <u>03/02/2009</u>
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**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

**Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

Document title:	OR	List B	AND	List C
<u>EMPLOYMENT AUTHORIZATION CARD</u>				
Issuing authority: <u>DHS/USCIS</u>				
Document #: <u>9876543210</u>				
Expiration Date (if any): <u>12/31/2010</u>				
Document #:				
Expiration Date (if any):				

**CERTIFICATION -** I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) 03/02/2009 and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative <u>Theresa Boss</u>	Print Name <u>THERESA BOSS</u>	Title <u>Program Director</u>
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) <u>Northeastern University, 360 Huntington Ave, Boston MA 02115</u>		Date (month/day/year) <u>03/02/2009</u>

**Section 3. Updating and Reverification.** To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
Document Title: <u>Employment Authorization Card</u>	Document #: <u>9876543210</u>
Expiration Date (if any): <u>12/31/2010</u>	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.	
Signature of Employer or Authorized Representative <u>Theresa Boss</u>	Date (month/day/year) <u>03/02/2009</u>

Note - Section 3 only if rehire, extended work authorization or name change.



## LISTS OF ACCEPTABLE DOCUMENTS

LIST A Documents that Establish Both Identity and Employment Eligibility	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Eligibility
1. U.S. Passport (unexpired or expired)		1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		1. U.S. Social Security card issued by the Social Security Administration ( <i>other than a card stating it is not valid for employment</i> )
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		2. Certification of Birth Abroad issued by the Department of State ( <i>Form FS-545 or Form DS-1350</i> )
3. An unexpired foreign passport with a temporary I-551 stamp		3. School ID card with a photograph		3. 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
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)		4. Voter's registration card		4. Native American tribal document
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer		5. U.S. Military card or draft record		5. U.S. Citizen ID Card ( <i>Form I-197</i> )
		6. Military dependent's ID card		6. ID Card for use of Resident Citizen in the United States ( <i>Form I-179</i> )
		7. U.S. Coast Guard Merchant Mariner Card		
		8. Native American tribal document		7. Unexpired employment authorization document issued by DHS ( <i>other than those listed under List A</i> )
	9. Driver's license issued by a Canadian government authority			
	<b>For persons under age 18 who are unable to present a document listed above:</b>			
		10. School record or report card		
		11. Clinic, doctor or hospital record		
		12. Day-care or nursery school record		

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)



## I-9 Refresher (cont.)

- **Common problems**
  - Information not accurately recorded
  - Section 1 is typed; must be hand-written
  - Cannot accept copies of documents
  - Employee fails to complete Section 1 on start date
  - Three day rule violations



## E-Verify

### What is E-Verify?

- A web-based employment authorization verification system
- A supplement to I-9 employment eligibility verification
- Voluntary
- Real-time notification

### Why is Northeastern enrolling?

- Some states require enrollment to be awarded research grants or contracts
- Northeastern has been awarded two contracts by the State of Rhode Island



## Benefits

- Qualifies University to pursue research grants and contracts with agencies/states that require E-Verify
- OPT STEM extensions (speak with ISSI)
- Electronic verification of eligibility to work



## E-Verify

- **Requirements**

- ALL new hires, including full and part-time employees as well as students
- I-9 must be completed first
- Photocopy documents provided by employee
- SSN is now required
- Both I-9 and E-Verify must be completed during first three days of employment
- Documents stored together in same location as now
- Training required for both Program Administrators and General Users



## No SSN

- Direct employee to SSA office with letter from employer with start date
- Complete I-9 and make notation that employee does not have SSN
- Obtain copy of SSA receipt from employee and keep with I-9
- Once employee receives SSN, note in red ink on I-9 and run E-Verify
- On average it takes 2 weeks for SSA to issue new SSN to employee



## E-Verify

- Potential outcomes
  - Work authorization confirmed
  - Temporary non-conformation (TNC)
    - *Social Security Administration; or*
    - *Department of Homeland Security*



## E-Verify

### Northeastern's Process

- I-9 completed by assigned employee, General User or Program Administrator
- Information from I-9 entered into E-Verify system by General User or Program Administrator
- Employee information confirmed or not confirmed in real time through E-Verify system



## E-Verify

- **If authorization confirmed:**
  - Write case verification number on I-9 and attach case details to I-9
  - Retain as under normal procedures
- **If a temporary non-confirmation (TNC) occurs:**
  - Recheck the data entered for accuracy
  - If still a non-confirmation, two alternatives



## E-Verify

- **Employee given opportunity to contest**
  - Will not contest, terminate immediately
  - Will contest, given a referral letter to either Social Security Administration or Department of Homeland Security
  - Employee must contact SSA (at a field office) or DHS (via telephone) within 8 federal government working days
  - While non-confirmation is pending, employee continues to work



## E-Verify

- If TNC is from SSA, General User or Program Administrator emails HRM Operations at [hrops@neu.edu](mailto:hrops@neu.edu)
- If TNC is from DHS, General User or Program Administrator emails University Counsel for foreign non-student employees or ISSI for foreign scholars and student employees
- If employee fails to contact SSA or DHS in eight days, agency will flag as a No Show and we must terminate
- Northeastern must pay employee for days worked



## E-Verify

- **Important things to remember:**
  - Cannot use to verify current employees or to pre-screen candidates
  - You cannot process E-Verify before start date
  - E-Verify requires both the alien number and the card number for Permanent Resident Cards and Employment Authorization Documents
  - Photo from DHS needs to match the I-9 document
  - E-Verify times out in 5 minutes



## E-Verify

- Next Steps
  - You'll receive an email with your user name and password
  - E-verify tutorial and test take 1+ hours
  - Ask for help:
    - *Deanna Jantzen x2157 or Jigisha Patel x7073*
    - *Liz Mace x5385, May Lee x4319 or Sonia Willingham x7282*

## E-VERIFY OVERVIEW

February 19, 2009

### What is it?

E-verify is a web-based employment authorization verification system, sponsored by the Federal Government. Participation is voluntary but incentives are provided both by U. S. agencies and state governments to encourage participation.

### Why is Northeastern Enrolling?

The University's research centers have been awarded two significant grants/contracts with the State of Rhode Island who requires employers to be E-verifiers. In order to take advantage of the research opportunity, we must enroll.

### Who does it affect?

Once enrolled, all new hires, regardless of status within the University, must be E-verified. The system is I-9 driven. Students will be handled through the Office of Student Employment. International Students will be handled through ISSI. Non-student employees will be handled by the departments that are currently responsible for completing I-9 employment authorizations.

### **NOTE:**

It is against the law to verify existing employees. Violations are subject to fines. The system does not take the place of the I-9.

### Who will implement it?

Those who are currently responsible for processing hiring at Northeastern will be the primary implementers. There are two access levels, program administrator and general user. Program administrators provide access to the general users and can monitor all cases and run reports. General users can submit queries and follow their own cases. All general users will be people who do I-9s but not all who do I-9s will be users. How I-9s are handled in your area will inform who will be engaged at each level. May will explain more on this later.

### How does it work?

1. Within the first three days of employment, the I-9 must be completed. Within those same three days, the e-verification must take place.
2. Information from the I-9 is transferred into the e-verify website. One of two things will happen:

- a. Employment authorization will be confirmed and a confirmation will issue;
  - b. Employment authorization can not be confirmed and a “temporary non-confirmation” will issue.
3. If authorization is confirmed, write the certification number on the I-9, attach the certificate to the I-9 and retain under normal procedures.
4. If a temporary non-confirmation occurs, the system will tell you to recheck the data entered. If the result is still a non-confirmation:
- a. The employee is given the opportunity to contest or not contest the result
    - i. If the employee opts not to contest: S/he is terminated immediately.
    - ii. If the employee opts to contest, S/he is given a referral letter directing them to the agency that is the source of the non-confirmation: Social Security Administration or the Department of Homeland Security
  - b. The referral letter will direct the employee to contact either the Social Security Administration (at a field office) or DHS via telephone within 8 federal government working days to resolve the issue.

**NOTE: WHILE THE NON-CONFIRMATION IS PENDING, THE EMPLOYEE IS ALLOWED TO CONTINUE TO WORK.**

- c. The program administrator responsible for the department will monitor the status of the case until it is resolved.
  - i. If authorization is received, attach the certificate to the I-9 and proceed as noted.
  - ii. If authorization is permanently non-confirmed, then the department must terminate the employee immediately.
  - iii. If the employee does not contact the agencies within the allotted time, the agency will flag the case as a “No Show” and the employee must be terminated as soon as the report is issued.

#### Expectations:

Current statistics show that 90% of queries are confirmed.

The process should only add a few minutes to the completion of the I-9 if confirmation occurs.

Training: We will provide more intense training sessions the week of March 2. Each user will need to complete an on-line tutorial as part of activating their account.

# What employers, lawyers need to know about E-Verify



By Bradley Maged

E-Verify (formerly the Basic Pilot/Employment Eligibility Verification Program) is an online system operated jointly by the Department of Homeland Security and the Social Security Administration.

Participating employers can check the name, Social Security number and work status of new hires online by comparing information from an employee's I-9 form against SSA and Department of Homeland Security databases.

Employer participation is voluntary with the exception of: those who have been ordered to participate; federal government departments; congressional offices within participating states; and federal government contractors.

Employers register online at [www.dhs.gov](http://www.dhs.gov). Once the registration is complete, the employer's representative must sign a memorandum of understanding between the employer, the Social Security Administration and the U.S. Citizenship and Immigration Service, which outlines the terms and conditions for participation in the program.

At minimum, the employer must agree that:

- (1) it will not initiate any verification proce-

dures until after the employee has been hired and the Form I-9 completed;

- (2) it will verify all new employees under the terms of the program and within three business days of hire;
- (3) it will display notices to inform employees and prospective employees about its participation in the program and provide anti-discrimination information;
- (4) it will not take any adverse action against an employee while the SSA or ICE is processing a verification request, unless the employer obtains information that the employee is unauthorized;
- (5) it will provide access to its employment records to Homeland Security and SSA for the purposes of program evaluation; and
- (6) it will use the information provided to it through the confirmation system only to supplement and confirm the identity and work authorization of newly hired employees, and not for any other purposes.

A voluntary employer-participant may terminate participation in the program at any time, and ICE may terminate an employer's participation for substantial failure to comply with its obligations under the program.

#### Tentative and Final Non-Confirmation

"Tentative Non-Confirmation" occurs when either the SSA or ICE indicate an employee's preliminary non-eligibility for employment. Upon receipt of a Tentative Non-Confirmation, the employer must notify the employee and determine whether the employee will contest the finding.

If the employee does not contest the Tentative Non-Confirmation, it will become a Final Non-Confirmation. If the employee con-

tests the Tentative Non-Confirmation from the SSA, she must visit an SSA field office within eight working days to resolve the issue. If the employee contests a Tentative Non-Confirmation from ICE, she must contact ICE either by phone or by visiting a local office to resolve the discrepancy.

The SSA or ICE must respond within 10 working days from the date the agency was advised of the Tentative Non-Confirmation. During this time, the employer may not terminate or take adverse action against the employee absent other information that the employee is not authorized to work.

The employer must make a second inquiry to the SSA database at the end of the 10-day period to obtain a confirmation or a Final Non-Confirmation. ICE will electronically transmit the result of the referral to the employer within the 10-day period.

If an employer receives Final Non-Confirmation, it may terminate the employee and will not be liable for the termination so long as there is good-faith reliance.

If the employee is not terminated, the Department of Homeland Security must be notified through an automated system. Failure to notify the department is a paperwork violation under the Immigration and Nationality Act and may result in a fine for each unreported case.

#### Advantages and disadvantages

The advantages for an employer to participate in the E-Verify program, per the Department of Homeland Security's website are: "E-Verify is free and voluntary, and is the best means available for determining employment eligibility of new hires and the validity of their Social Security numbers."

Another advantage is the "rebuttable pre-

sumption" that an employer did not knowingly or intentionally hire unauthorized workers if it relied in good faith on the E-Verify system.

Arguable disadvantages of E-Verify include restrictions on the employer throughout the lengthy verification process; the requirements that employers safeguard the information provided to and received from E-Verify, or face criminal penalties and allow Homeland Security and SSA to make periodic site visits to review E-Verify records; and fines and penalties associated with non-compliance, such as failure to notify Homeland Security of any employee with a Final Non-Confirmation.

An oft-cited problem with the E-Verify system is its accuracy and the inconvenience of an incorrect Tentative Non-Confirmation on an eligible worker. However, it is generally agreed that E-Verify has an accuracy rate in excess of 90 percent, although exact figures are hard to come by as they are often contained in reports of studies conducted by advocacy organizations.

Moreover, there are issues that arise when E-Verify is used incorrectly. The first is that the employer loses the rebuttable presumption that it did not knowingly or intentionally hire unauthorized workers.

The second problem for employers who incorrectly use E-Verify is that it exposes it to possible claims of discrimination if E-Verify is used in pre-employment screening or selectively.

On Sept. 27, 2008, Congress extended the E-Verify program until March 6. The future of the program beyond that point is uncertain because it is believed that there may be strategic political reasons to attach it to another attempt at Comprehensive Immigration Reform once a new administration and a new Congress are in place.

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