Completing the Form I-9: The Electronic Process

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Agenda

- General I-9 Information
- System Access
- Section 1
- Section 2
- Remote Hires
- Reverifications
- Foreign Nationals
- Receipts
- SSN Applied For
- New Form I-9
- Resources
What is the Form I-9

• A form that requires all US Employers to verify the following to prevent the unlawful hiring of individuals in the US:
  • Proof of identity and
  • Proof of employment eligibility
The Form I-9

- Electronically completed via Equifax for CSU employees
  - The employee (or preparer/translator) must still complete their portion of Section 1
  - The employer or authorized representative must complete Section 2
  - No more paper forms are permitted as of 1/1/17
  - No copies of documentation should be made as of 1/1/17
Employee Access

- Employees should be provided department specific links
  https://hrx.talx.com/HRX/EmploymentCenter?packetid=3e021089-a4b0-45cf-8c8b-b827b498fcb2&Location=XX
  where “XXXX” is the four-digit CSU department number.

- The link should be sent or provided by the department (HR Liaison, Hiring Manager, etc.) for the employee to complete Section 1 and the SSA 1945

- Must be completed no later than their date of hire
Employer Access

• **Employer Site**
  – Located on the AAR Page under Application Systems (may need to expand the list)
• Data Access Form must be completed in advance to grant access to Equifax
  – Only requires the Department Head signature
  – Please note the department(s) access is required
  – Access Form: [http://www.hrs.colostate.edu/pdfs/form-hr-system-access.pdf](http://www.hrs.colostate.edu/pdfs/form-hr-system-access.pdf)
  – Scan to HR IS
When to complete a Form I-9

• New hire

• Re-hire after a break in service
  – Even a one day break will require a new Form I-9 to be completed

• The Form I-9 may be completed after the background check has been passed and the final offer has been made and accepted
When **NOT** to complete a new Form I-9

- Changing to a new assignment without a break in service
- Reverifications (for expired work authorization)
- Not locating an I-9 for an existing employee in Equifax
- Contact HR Records or Student Employment if in doubt
What you need to know before you get started:

• Must meet with the employee and examine the original documents in person
  – Skype, scans, retro-dating is not permitted
  – Have the documents ready prior to accessing the system

• You cannot specify what documents an employee must present for the Form I-9, this can be perceived as discriminatory
  – Instead, provide the list of acceptable documents provided with the I-9 instructions (this information is available in Equifax as well)
What you need to know before you get started, cont.

• Section 1 must be completed on or before the employee’s first day of work
• Section 2 must be completed by the 3rd day from the date of hire
• The Form I-9 should not be completed prior to the completion of the background check or acceptance of an official job offer
Documents

- List can be found on page 3 of the printable Form I-9 and examples in Part 8 of the Handbook for Employers
- Either one selection from list A, or,
- One selection from list B AND C
- As of 1/1/17, do not make copies of documentation

https://www.uscis.gov/i-9
List A Examples:
Establish both identity and employment authorization

List B Examples:
Establish identity
List C Examples:

Establish employment authorization
Section 1

• Section 1 of the Form I-9 must be completed no later than the first day of employment
• Only the employee may complete or make corrections to Section 1 of the Form I-9
  – Exception is in the case of a preparer/interpreter being used. In these cases the preparer/interpreter must complete the bottom portion of Section 1. Please see the manual for details.
• E-mail and phone number are not required fields
• Fields left blank are populated with N/A by Equifax
Completing Section 1

• The department specific links should be sent or made available to the employee by the departmental representative (HR Liaison, Hiring Manager, etc.)

• Do not provide the main link (non-department specific)
Completing Section 1, cont.

- The employee enters their personal information, reads the statement, signs (enters initials), and selects Save and Continue.
Completing Section 1, cont.

• Part of the employee’s information will populate in the Form I-9 and they will need to complete the additional fields (or enter N/A), select their citizenship or immigration status and enter any information needed, electronically sign, and select Save and Continue.
Completing Section 1, cont.

• The employee will also be prompted to read and sign the SSA 1945 before finalizing their work in Equifax
• The employee cannot save and continue later and the session will timeout if left idle for too long
• The employee has the option to print out the documents they have completed for their records
  – They should not be printing out anything for CSU
• A completed Section 1 can be found in the “Pending” queue
Avoiding Section 1 Errors

- The employee should use their full legal name, including middle initial if any.
- The employee should only enter other last names used in the Other Names field.
- The employee should carefully enter their SSN and DOB.
Avoiding Section 1 Errors

• If they are an alien authorized to work, they may not have a SSN yet. Please ensure the employee does not list a fictitious number or the Payroll control number in this field, just leave it blank
  – Employee may have a “000” number issued by BFS. This is not the SSN. If the employee does not have a SSN, please ensure they meet with Haitao once they have received this number

• Please verify the expiration date entered for an alien authorized to work matches the work authorization documentation
  – If the date listed in Section 1 is prior to the expiration date listed on the employee’s work authorization documentation in Section 2, we must use the earlier date. Corrections can be made when completing Section 2 that will require the employee to electronically sign again.
Section 2

• Section 2 must be completed by the 3rd day of employment

• Please look over Section 1 for errors
  – This can be done by reviewing the I-9 information before finalizing Section 2 (Employer Review page)
  – If changes need to be made select “Change Information” and have the employee electronically sign the changes
Section 2

• You can locate I-9s that have Section 1 completed and require action to complete of Section 2 under the “Pending” category on the Quick Search menu.
Section 2

• Find the employee
  – In list or search

• Enter the employee’s hire date
  – This should match the employee’s effective date on the employee’s assignment in Oracle
  – You will have to correct this date in Equifax later if it changes

• Select List A or List B & List C documents presented
Documents that are not acceptable for the Form I-9

- Expired documents
- Social security cards that contain any work authorization restrictions, laminated Social Security cards that indicate “not valid if laminated” on the back, metal or plastic novelty SSCs
- A birth certificate that is not issued by a State, county, municipal authority, or territory of the US bearing an official seal
- Photocopies of documents or scanned documents
Section 2

- Enter the document information
  - Title, issuing authority, document number, expiration date
- There are many sample documents available to view in the system
Employer Review Page

- Verify all information is entered correctly
  - Please ensure that the expiration dates, issuing authorities, document numbers, SSNs, and document titles are correct

- Read the statement

- Electronically sign and select Continue
Section 2

• Section 2, including the certification portion, must be filled out by the person who met with the employee and physically examined the original documents.

Employer Electronic Signature  (English | Español)
I attest, under penalty of perjury, 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. The employee's first day of employment (mm/dd/yyyy): 1/9/2017

I also attest to the following:

• I understand the employee's work authorization may be verified electronically with the United States government.
• If the employee's work authorization is verified with the United States government, I authorize my Section 2 electronic signature to be automatically applied to the documents provided to the employee should the employee contest/not contest the verification results.
• I am not using government verifications for pre-screening purposes or discriminating against any employee who receives a tentative nonconfirmation response.

☐ I have read and agree with the certification statement above.

Back  Cancel  Continue
Section 2

• The I-9 should no longer appear in your Pending queue, though it may appear in the Reverification, Receipt, or SSN applied for queue if additional action is required
Date of Hire

Entering in the correct DOH is important. It ensures federal compliance for Form I-9 completion dates and enables CSU to adhere to proper retention guidelines.
Changing the Hire Date

- To change the date of hire, perform a search for the employee, click on the employee’s name, select “Change Hire Date,” enter the new date, and select continue. You will see a message that the hire date was updated.
Avoiding Section 2 Errors

• Make sure Section 2 is completed within 3 days from the date of hire
• Ensure the date entered in Section 2 is the date the employee began employment & matches the date entered in payroll records (this may not be the employee’s first physical day at work or even their first paid day)
• Verify all necessary documents are listed in Section 2 and all fields are completed and accurate
Avoiding Section 2 Errors cont.

• Ensure all documents provided for Section 2 are valid and unexpired
  – Equifax will notify you if you enter an expired document
• Do **NOT** make copies of documents listed in Section 2
Remote Hires

• It is preferred that a CSU employee complete Section 2 of the Form I-9, however, it may be necessary for a non-CSU employee to complete Section 2 for remote hires
• It is the department’s responsibility to assist the new employee in locating an individual to complete the I-9
• Once the CSU representative has been located a Remote Agent Access form will need to be completed to grant access to Equifax
  – Remote Access Form: http://hrs.colostate.edu/pdfs/i9_remote_agent_access.pdf
• This form should then be scanned to HR Records or Student Employment (depending on the hire type)
Remote Hires, cont.

- The employee can complete their part in Equifax prior to when the remote agent has access
- Please send these access request forms in advance, same day set up may not be possible
- Paper forms are not permissible
- An email with instructions and credentials will be sent to the remote agent after access has been set up
- Make sure to have the employee set up a time to meet with the remote agent no later than 3 days from the date of hire
- It is recommended to review both Sections 1 & 2 for accuracy
Remote Hires, cont.

• I-9 Reciprocal Processing Consortium is available through CUPA-HR
  – Not required, but may provide a helpful resource

• We advise contacting HR representatives from other HR institutions to assist with this process when other options are not possible
Section 3 - Reverifications

• Section 3 is used to reverify employment authorization for foreign nationals who previously provided employment authorization which has expired

• Reverification **must occur** no later than the date that the existing employment authorization expires

• Only Section 3 should be completed
  – **DO NOT** have the employee complete Section 1 and **DO NOT** complete Section 2
  – **DO** complete Section 3
When to Reverify

• Reverification (I-9 Expiration Report) information is still provided through VistaPlus

• Prior to when the employee’s work authorization document expires
  – Late reverifications may lead to interruptions in the employee’s pay and employment

• Locate the employee in the “Reverification Due” section in Equifax and complete Section 3
  – If you cannot locate the employee in the Reverification Due section, please contact HR Records or Student Employment
Do Not Reverify:

- US Citizens
- Noncitizen Nationals
- Lawful Permanent Residents (LPR)
- Expired US passports, list C documents, etc.
- Foreign Passports

Examples of documents used to reverify:

- DS-2019
- I-20
- I-94 (for H-1B)
Reverifications

- Locate Reverifications under the “Reverifications Due” section of the Quick Search menu
Reverifications, cont.

• Select the employee’s name from the list (or perform a search)
  – If you cannot locate the I-9, contact HR Records or Student Employment
• Select Section 3
Reverifications, cont.

- Select the documents that were presented for work authorization
- Enter the required fields for the document(s)
- I-94 used for reverification must have an Admit Unit Date or additional documentation
Reverifications, cont.

• Review the information on the Employer Review page for accuracy
• Complete the electronic signature after reading the certification statement
• The Reverification should now be complete
I-9 Reverifications Review

- I-9s are being uploaded into Equifax for reverifications
- If you cannot locate the employee under the reverification queue in Equifax, please contact Student Employment or HR Records
- Complete only Section 3
- The employee should not need to access the system (no Section 1 should be completed again)
- Do not re-verify identity, only work authorization documentation
- Foreign passports should not need to be included in a reverification
- Do not complete a new I-9
I-9 Reverifications, cont.

• After the I-9 is completed, the I-9 expiration date will be updated in Oracle (currently manually)

• Reverified I-9s **must** be completed prior to the previous work authorization expiration in accordance with federal guidelines and to avoid interruptions in pay and employment
Common Types of Foreign National Form I-9 Documentation

- J-1 Exchange Visitor
  - Foreign Passport, I-94, DS 2019
- F-1
  - Foreign Passport, I-94, I-20
- H-1B
  - Foreign Passport, I-94
- Temporary Protected Status, F-1 with OPT
  - EAD
List A Examples: Nonimmigrant alien authorized to work for a specific employer due to his or her status
J-1 Exchange Visitor

- The following would qualify as **List A documents** under **Section 2**, for example:
  - Unexpired **foreign passport** number, issuing authority, and passport expiration date
  - 11-digit Form I-94/Form I-94A number and its expiration date (including duration of status, which is indicated on the card as “D/S”)
  - Form **DS-2019** number (SEVIS number) and expiration date of employment authorization listed on the form

- For Section 3 reverification, you would select Form I-94 or I-94A and DS-2019

- Questions on exchange visitor’s status? Contact the responsible officer in International Programs whose name and number is listed on the DS-2019
  
Example of J-1 with DS-2019

Nonimmigrant exchange visitors (J-1) must have a Form I-94 or Form I-94A accompanied by an unexpired Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, issued by the US Department of State, that specifies the sponsor. J-1 exchange visitors working outside the program indicated on the Form DS-2019 also need a letter from their responsible officer.

Source: http://www.uscis.gov/sites/default/files/files/form/m-274.pdf
F-1 Student

• The following would qualify as **List A documents** under **Section 2**, for example:
  – Unexpired **foreign passport** number, issuing authority (country), and passport expiration date
  – 11-digit Form **I-94/Form I-94A** number and its expiration date (including duration of status, which is indicated on the card as “D/S”)  
  – Form **I-20** (with the designated school official’s endorsement for employment on page 3) number and expiration date of employment authorization listed on the form

• For Section 3 reverification, you would select Form I-94 or I-94A and I-20

• Questions on exchange visitor’s status? Contact the responsible officer in International Programs whose name and number is listed on the I-20

Example of F-1 with I-20

Form I-94 or Form I-94A for F-1 nonimmigrant students must be accompanied by a Form I-20, Certificate of Eligibility for Nonimmigrant Students, endorsed with employment authorization by the designated school official for off-campus employment or curricular practical training. USCIS will issue an Employment Authorization Document (Form I-766) to all students (F-1 and M-1) authorized for a post-completion OPT period.

H1-B

• The following would qualify as List A documents under Section 2, for example:
  – Unexpired foreign passport number, issuing authority (country), and passport expiration date
  – 11-digit Form I-94/Form I-94A number and its expiration date
    • There should be an expiration date on the I-94
    • Please do not list the I-797 as the document name. This is not an acceptable document for the Form I-9
  – Make sure if Section 1 is being completed that the I-94 number entered matches

• For Section 3, select Form I-94 or Form I-94A
**H1-B Example**

**Section 2 - Employer Review and Verification**

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

**List A document - Foreign passport with I-94 or I-94A**

**Document Title:** Foreign Passport

**Issuing Authority:**
- Antarctica - ATA

**Document #:**
- 000000000000

**Expiration Date:**
- 01/01/2020

**Document Title:** I-94 or I-94A

**I-94 #:**
- 12345678901
- The number on the document is the same

**I-94 Admit Until Date (mm/dd/yyyy):**
- 01/01/2019

[Back] [Cancel] [Continue]
Example EAD

**List A**

List A proves identity AND work authorization: [ ] Receipt (e.g., replacement) What's This?

Form I-766 - Employment Authorization Document that contains a photograph

**Section 2 - Employer Review and Verification**

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

List A document - Form I-766 - Employment Authorization Document that contains a photograph

Issuing Authority:
DHS/USCIS

Document #:
XXX0000000000

Expiration Date (mm/dd/yyyy):
08/31/2015

Alien #:
000-000-001

Category:
Other

Country:
Other

[ ] Back [ ] Cancel [ ] Continue
Employment Authorization Extensions Requiring I-9 Reverifications

- Cap-Gap Extensions
- H-1B Portability
- F-1 Stem Extension

Please contact HR Records or Student Employment if you encounter one of these circumstances for assistance.

Employees with employment authorization documents that will expire should file the necessary application or petition sufficiently in advance extension to avoid interruptions in employment.

Please refer to the I-9 handbook for details.

Errors with Foreign National I-9s

- Listing the I-94 electronic form expiration (at upper right of form) as the I-94 expiration date (generally should be N/A or D/S)
- An I-94 without an Admit Until Date cannot be used for revalidation alone
- Only reverify work authorization documents (not identity)
Receipts

• Only three types of acceptable receipts
  – A receipt showing the employee has applied to replace a document that was lost, stolen, or damaged (receipts for new documents are not permitted)
  – The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the employee
  – Departure portion of Form I-94/I-94A with a refugee admission stamp
  – 90 days to present document the receipt was issued for

• You cannot accept a receipt for the application for an initial or renewal employment authorization
• You cannot accept an extension for a previously submitted receipt
Receipts, cont.

- Select Receipt and enter the receipt information
- Expiration date is prepopulated

**Section 2 - Employer Review and Verification**

**Warning! DO NOT accept a Social Security Card stating “Not Valid For Employment”**

The employer must examine the document(s) presented by the employee and record the issuing authority, document number, and document expiration date, if any.

**List B document - Driver’s License Issued by State or Possession with Photo**

- **Issuing Authority:**
  - Colorado

- **Document #:**
  - 12345678900

- **Expiration Date (mm/dd/yyyy):**
  - 04/09/2017

**List C document - Social Security Account Number Card Without Employment Restriction**

- **Issuing Authority:**
  - Social Security Administration

- **Social Security Number (XXX-XX-XXXX):**
  - 555-55-1234

- **The number on the document is the same**

[Options: Sample Document, Close]
Receipts, cont.

- Entering document info after a receipt was presented (Update existing Form I-9 in Equifax)
- Find the Employee
- Select Receipt Update
Receipts, cont.

• Select the receipt to update and continue

• Enter the document information

Click continue and you are done
SSN Applied For

- Find employee in SSN Applied For, Select Change, SSN, Edit SSN, Enter the number
New Form I-9 Available

• Changes
  – Translator/Preparer mandatory field
    • Allows for multiple Translator/Preparers
  – Other Last Names Used replaces “Other Names Used (if any)”
  – Dedicated field for margin comments (AC-21, STEM ext., etc.)
  – Changes to alien authorized to work information in Section 1
  – Instructions have also changed
    • A new USCIS Handbook for Employers will be available soon
Other notes

• You do not need to print the Form I-9
  – Do not keep copies in the department

• Backdating is not permitted
  – Untimely Form I-9 completion could result in large fines

• Do complete Section 2 or 3 of the Form I-9 if you did not meet with the employee and physically inspect the documentation

• Do not complete new Form I-9s for Reverifications
Resources

• I-9 Page on HR website: [http://hrs.colostate.edu/hr-liaisons/i9.html](http://hrs.colostate.edu/hr-liaisons/i9.html)
• Access Form: [http://www.hrs.colostate.edu/pdfs/form-hr-system-access.pdf](http://www.hrs.colostate.edu/pdfs/form-hr-system-access.pdf)
• Remote Agent Access Form: [http://hrs.colostate.edu/pdfs/i9_remote_agent_access.pdf](http://hrs.colostate.edu/pdfs/i9_remote_agent_access.pdf)
• USCIS I-9 Central Website : [http://www.uscis.gov/i-9-central](http://www.uscis.gov/i-9-central)
• International Programs : 970-491-5917
• HR Records : [HR_Records@Mail.Colostate.Edu](mailto:HR_Records@Mail.Colostate.Edu)
• Student Employment : [StudentEmployment@colostate.edu](mailto:StudentEmployment@colostate.edu)
Any questions?