I-9 - Employment Eligibility Verification Form

A. BACKGROUND

The law requires that all employees complete a Form I-9, “Employment Eligibility Verification”, when hired or rehired. The employee must show proof of identity and proof of employment eligibility. The Home Department Coordinator is responsible for ensuring this form is completed accurately and in the prescribed time limits.

All I-9s must be completed in ink, and “white out” may not be used. Any corrections must be crossed out and initialed.

The form is 9 pages. All 9 pages must be given to the employee at the time of completion. **Only the 2 pages of the form itself must be sent to Payroll.** The “Lists of Acceptable Documents” page is not required to be sent to Payroll.

B. WHEN AN I-9 IS REQUIRED:

- New Hire to the University
- Re-Hire to the University (status on system is “Terminated”)
- “SC” or “NE” or non-employee status changing to employee
- Other status: if the employee is IW, IA, or PP, check with your Payroll Contact. An I-9 may or may not be required.

**NOTE:** An I-9 is not required if an employee is transferring within the University. Making an employee complete an I-9 unnecessarily can be considered “discrimination”.

C. SECTION ONE: “Employee Information and Verification”

- Must be completed by the employee **on or before** the first day of employment
- All fields must be completed accurately. If nothing applies, the employee should enter N/A
- All dates entered in mm/dd/yyyy format, e.g. 07/04/1976
- The signer is responsible for reviewing Section 1 to ensure it is completed accurately.
- The information must correspond with the documents the employee provides and with the Payroll system
- Name must agree with the legal name on the Payroll system, and the name on the documents the employee presents.
  - If provided, the legal name on the Payroll system must match the Social Security card exactly
C. **SECTION ONE:** “Employee Information and Verification” (continued)

- **Address:** must be a US address, and may not be a P.O. Box. This does not have to agree with the address on the payroll system.

- **Social Security number is mandatory, because USC is an e-Verify employer (in a limited fashion)**
  - If employee does not yet have a social, leave blank

- **E-mail address & telephone number are voluntary. Enter “N/A” if not provided.**

- **Attestation Section**

  - The employee must check a box indicating status, and fill in all blanks.

  - “Noncitizen National” – used by persons born in American Samoa, certain former citizens of the former “Trust Territory of the Pacific Islands”, and certain children of noncitizen nationals born abroad. See Form Instructions.

  - The “USCIS number” is the same as a person's A number without the “A”

  - Aliens whose documents do not expire should write “N/A” in the expiration date field

  - “An Alien Authorized to Work until...” – enter the date from the I-94 if present, or else the I-766 EAD card. **Please note this is a change to prior instructions. F-1 and J-1 holders may enter “D/S” which may appear on the I-94 for “duration of status”**.

  - If the employee obtained their Admission Number from US Customs and Border Protection (“CBP”) in connection with their arrival in the US they must also record their passport information in the space provided.

  - If the employee obtained their Admission Number within the US without a foreign passport, enter “N/A” in the Foreign Passport Number and Country fields

- The form is signed and dated by the employee at the time of completion.

- **Preparer and/or Translator:** if the employee was unable to complete Section One and it was completed by a third party, that person must complete this section.
D. SECTION TWO: “Employer Review and Verification”

- Enter the employee’s name in the box provided near the top of Section 2.

- Section Two must be completed by the USC representative within 3 business days.
  - If an employee starts on Monday, the I-9 must be done by Thursday.
  - If an employee starts on Friday, the I-9 must be signed by Wednesday.

- All fields must be completed accurately. If nothing applies, enter N/A.

- All dates entered in mm/dd/yyyy format, e.g. 07/04/1976.

- The employee presents document(s) which establish identity and eligibility to work by the third day of employment.

- The Lists of Acceptable Documents page lists the documents which Congress has established as satisfactory to complete the I-9. See Section E and F below for more information.

- The employee must present original documents, either:
  - One document from List “A”, or else
  - One each from List “B” and List “C”.

- The employer must see original documents, not photocopies, and must compare these to the employee in person. The person who sees the employee and the documents must also be the person who completes the I-9.
  - The person signing the I-9 must absolutely be the person who saw the employee and who viewed original documents. It is unacceptable for the I-9 documents to be collected by one person and the I-9 completed by a different person.
  - Section 2 of the I-9 must be completed by the university’s representative. At no time may the employee complete any portion of Section 2.

- The documents must be original, appear to be valid, and must apply to the employee.
  - The photo must be reasonably current; a photo of a child is not acceptable. Because USC is an e-Verify employer, the List B document must contain a photograph.
  - The name(s) on the documents must agree with the I-9 and the system, and must relate to each other; if provided, the name on the social security card must match the I-9 and system exactly.
  - The employee may present any of the acceptable documents, regardless of his or her citizenship status or immigration status.
I-9 Employment Eligibility Verification Form

D. SECTION TWO: “Employer Review and Verification” (continued)

- The employer may not specify certain documents to be shown, may not refuse an acceptable document, and may not accept more documents than is allowed. Doing any of these can be prosecuted as a violation of the employee's civil rights, and the signer would be held personally responsible. *For example, a person who states that he/she is an alien is NOT REQUIRED to show an USCIS document.*

- Copies of documents: the University prefers to have photocopies of the documents the employee presents. However, the employee cannot be compelled to allow photocopies. If the employee does not want copies made, please simply make a note on the bottom of the I-9 to this effect.

- Complete the columns under “A”, “B”, and/or “C”. See Section G for examples on completing Section 2 if assistance needed. Be advised that ICE auditors are extremely fastidious and demand that the information under “A”, “B”, and/or “C” be exact or we can be fined.

- Complete the certification section, indicating the date on which the employee began work. This date must match the hire date on the Payroll system for all employees.

- The employer signs and dates the I-9 on the day acceptable documents were presented.

Payroll Services will review the I-9, and if it is satisfactory, will activate the employee. An employee is **not** eligible for pay until a satisfactory I-9 has been received by University Payroll Services.

E. ACCEPTABLE DOCUMENTS

The last page of the Form I-9, “Lists of Acceptable Documents”, shows the documents that are currently acceptable as proof of identity and/or work authorization. USC has no control over which documents are or aren’t acceptable, and is not free to make changes to this list.

**Applications:** An application for a replacement of a lost or stolen document is generally acceptable. The actual document must be presented within 90 days. *However an application for work authorization or extension of work authorization from USCIS is not acceptable* with two exceptions, (“STEM” extension and “H-1B”) see Section I below.

All List A and List B documents must be unexpired, with few exceptions, see Section I below.

All List B documents must contain a photograph, unless it is an application for replacement Driver’s License.
F. UNACCEPTABLE DOCUMENTS

The following are examples of unacceptable documents:

- Unsigned or Expired US or Foreign Passport
- Expired Employment Authorization Card, unless STEM extension see Section I below
- Certificate of Naturalization
- Certificate of Citizenship
- Re-Entry Form I-327
- Refugee Travel Document
- “United States Visa” stamp in a foreign passport for F-1, J-1, H-1B - only acceptable for extension of I-551 (Permanent Resident status pending)
- USC staff or faculty card; USCard
- Hospital issued birth certificate
- Stubs of social security cards
- Social Security Card which says “Not Valid for Employment” or “Valid Only With INS/DHS Authorization”
- Metal Social Security Cards
- Bus passes, check cashing cards, boy or girl scout cards
- Other employer i.d. cards
- Any visas other than F-1, J-1, H-1B, O-1, E3, L2, or TN -- check with Payroll Services
- Letters from parents, churches, lawyers, or any organization
- Any document with a child’s photo
### G. COMPLETING THE I-9 EMPLOYER SECTION TWO

Under each column, the correct information must be filled in the corresponding box. The List B document must be listed under List “B”, and the List “C” under List “C”, for example.

#### Example 1: US Citizen who chooses to give a Driver’s License and Social Security Card

<table>
<thead>
<tr>
<th>List B</th>
<th>List C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity</td>
<td>Employment Authorization</td>
</tr>
<tr>
<td><strong>Document Title:</strong> California Driver’s License</td>
<td><strong>Document Title:</strong> Social Security Card</td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong> California DMV</td>
<td><strong>Issuing Authority:</strong> SSA</td>
</tr>
<tr>
<td><strong>Document Number:</strong> A1234567</td>
<td><strong>Document Number:</strong> 111-22-3333</td>
</tr>
<tr>
<td><strong>Expiration Date (if any)(mm/dd/yyyy):</strong> 07/04/2016</td>
<td><strong>Expiration Date (if any)(mm/dd/yyyy):</strong> N/A</td>
</tr>
</tbody>
</table>

#### Example 2: Nonresident alien presenting Foreign Passport, I-94 Card, and I-20 showing F-1 Status

Note: Enter the SEVIS number from the I-20 (this is a change to prior instructions)

<table>
<thead>
<tr>
<th>List A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity and Employment Authorization</td>
<td></td>
</tr>
<tr>
<td><strong>Document Title:</strong> French Passport</td>
<td></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong> France</td>
<td></td>
</tr>
<tr>
<td><strong>Document Number:</strong> # 12121234</td>
<td></td>
</tr>
<tr>
<td><strong>Expiration Date (if any)(mm/dd/yyyy):</strong> 06/05/2020</td>
<td></td>
</tr>
<tr>
<td><strong>Document Title:</strong> I-94 *</td>
<td></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong> CBP *</td>
<td></td>
</tr>
<tr>
<td><strong>Document Number:</strong> A0001110001</td>
<td></td>
</tr>
<tr>
<td><strong>Expiration Date (if any)(mm/dd/yyyy):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>D/S</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Document Title:</strong> Form I-20</td>
<td></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong> DHS</td>
<td></td>
</tr>
<tr>
<td><strong>Document Number:</strong> N9988999898</td>
<td></td>
</tr>
<tr>
<td><strong>Expiration Date (if any)(mm/dd/yyyy):</strong> 05/13/2014</td>
<td></td>
</tr>
</tbody>
</table>

- * CBP stands for “Customs and Border Protection”. We will also accept DHS (Dept of Homeland Security”). See next page for an important alert about the I-94
G. COMPLETING THE I-9 EMPLOYER SECTION TWO (continued)

**Important alert regarding I-94:** Effective April 21, 2013, Customs and Border Protection (“CBP”) will no longer be issuing a paper I-94.

*New Hire and Rehire Nonresident aliens, arriving in the US on or after April 21, 2013, and relying on the passport/I-94 to establish authorization to work must go to [www.cbp.gov/I94](http://www.cbp.gov/I94) and print out a paper copy of their I-94 if they do not already have a paper copy of the I-94. (This website will not be active until April 21 2013).*

H. SECTION 3 - UPDATING AND RE-VERIFICATION

*Under no circumstances may an employee work beyond the end of the work authorization. There are no exceptions.*

This section is completed when an I-9 “expires”.

Record the employee name at the top of Page 2 of the I-9 Form.

Only the 2\(^{nd}\) page of the I-9, along with copies of the supporting documents, is required. Page 1 of the I-9 is not needed for a re-verification.

An I-9 expires when the document which established work authorization expires. An I-9 re-verification, completing Section 3 only, must be submitted before that date. The employee *must not be allowed to work after the expiration of the document*.

Not all documents require re-verification. Listed below are the documents which, upon expiration, must be re-verified:

- I-20 (F-1 visa)
- DS-2019 (J-1 visa)
- I-797 (H-1B and O-1 visa)
- I-94 Card showing TN (Trade-Nafta), Canada or Mexico only
- USCIS stamp “In process for I-551”
- I-766 “EAD” Card (usually held by those with asylum, paroled into US, in process for residency, F-1 practical training, E2 and L2 status, and J-2 visa holders)
H. SECTION 3 - UPDATING AND RE-VERIFICATION (continued)

Payroll Services will notify you, via the “Expired Work Authorizations” memo, of those employees whose I-9 work authorizations have expired or will expire within the next 120 days. In addition, Glacier will also send an email directly to a non-resident alien. You must obtain a new work authorization document on or before the expiration date.

Non-resident Alien:

If the employee on the “Expired Work Authorizations” memo is a non-resident alien (here on a visa), send them to OIS immediately. OIS must begin processing the application for extension of visa as soon as possible, preferably 3 to 4 months before the expiration date.

When the application is to extend an H-1 visa, the non-resident alien may continue working during the application period, see Section I below. However, if the employee is applying for a change of visa type, the employee may not work after the expiration of the current visa type, until the new visa is approved.

Employee no longer working:

If the employee was a student, and is not expected to return next semester, make a notation on the memo, and return to UPS, or send an email to payroll@usc.edu so we may terminate the student from the system and also stop Glacier emails.

If the employee was a student or faculty and is expected to return next semester, make a notation on the memo and return to UPS, or send an email to payroll@usc.edu, so we may maintain a tickler file on the employee.

If the employee was a staff or faculty and is not expected to return, a termination form must be submitted immediately.
I. OTHER ISSUES

1. Authorized Signers for the I-9 Form

   The following are automatically authorized to sign I-9s:
   
   Home Department Coordinator / HR Partner
   All Deans, Directors, Vice Presidents
   Senior Business Officer
   (Please note that Payroll Services relies on the official title on the Payroll System, not the internal title.)

   Additionally, the department may designate any one as an authorized signer. Simply send an e-mail to Payroll Services at payroll@usc.edu.

2. Employee works out-of-area and cannot come to campus to complete the I-9

   Designate anyone at the satellite office as an I-9 signer. If the employee works without supervision, someone must be found to take the I-9 responsibility.

   Notary: If a Notary Public is utilized for an out of area employee, the Notary is required to complete ALL of Section 2. If the Notary refuses, then you must find a different Notary or an alternate signer.

3. Employee not able to present documents by 3rd day of employment

   The employee must not be allowed to work further. Call Payroll Services before taking action such as termination. We may be able to suggest solutions.
I. OTHER ISSUES

4. Name problems

Ask employee for different document(s). If appropriate, refer the employee to the nearest Social Security Administration or California DMV office to apply for a new document in the correct name.

<table>
<thead>
<tr>
<th>University Park Campus</th>
<th>Health Sciences Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>Hoover and Adams</td>
</tr>
<tr>
<td>DMV</td>
<td>Hope and Exposition</td>
</tr>
<tr>
<td></td>
<td>Breed St. &amp; Cesar Chavez Ave</td>
</tr>
<tr>
<td></td>
<td>Mission Road near Lincoln Park</td>
</tr>
</tbody>
</table>

Sometimes an employee will have a “B” document in one name, and the “C” document in the other. There must be a ‘chain of evidence’ linking the “B” to the “C”. If the “C” is the social security card, we must use that name. If the “C” is a birth certificate, we can use either. The ‘chain’ linking the two documents could be the appearance of one name as the ‘middle name’ on the license, or a marriage license showing both names.

Problems: call your payroll contact for suggestions and solutions

5. Child Photos on Documents

Child photos are not permitted if the employee is an adult.

6. Blank I-9 Forms

Available on the payroll website at www.usc.edu/payroll. The six pages of “Instructions” must be part of the I-9 when given to the employee, but need not be retained or sent to Payroll.
I-9 Employment Eligibility Verification Form

1. OTHER ISSUES continued

7. Keeping Copies of completed I-9s in the department.

*Don't* Do not keep copies of the I-9 or the documents for these reasons:

- If the USCIS came to your office and found some I-9s and not others, you would be considered by USCIS to be the "Office in Retention of I-9s", and would be fined for those you didn't have, even if Payroll Services had all I-9s, and even for I-9s for employees in other departments.

- The copies in your office might not reflect corrections made after our review--USCIS would fine you for these errors as well.

- USCIS may see the I-9 upon demand, without a subpoena. To see an employee’s file, however, they must have a subpoena. If you have the I-9 in the file, this gives USCIS access to the file without a subpoena.

- The I-9 has demographic information, which is not found on a job application, such as date of birth and citizenship status, and the documents have photos. If copies were in your office, where they could be reviewed on job applicants, you would be open for charges of discrimination based on sex, age, ethnic background, or citizenship status.

For these reasons, do not keep copies of the I-9s. (You may, and should, keep copies of documents sent in support of the Glacier Tax Summary, see User's Guide 300-14).

In general, an employee may not work beyond the expiration date of an EAD card. There are a couple of exceptions.

**“STEM” extension** Because USC is an e-Verify employer, our F-1 OPT students may work in a staff or faculty position for a longer period of time if they qualify under the STEM provisions (“Science, Technology, Engineering, or Medicine”). Generally, OPT is limited to 12 months and that will be the limit of their initial EAD card. Students in those fields can apply for an additional 17 months. If the student’s EAD card expires while the application is pending, he or she may work for 180 days from the date of the expiration of the initial EAD card.

Completing the I-9 on a STEM extension: Attach the expired EAD I-766 card and the I-20 showing the endorsement for STEM OPT. The employee also must update Glacier entering the “expiration date” as the old date plus 180 days.

When the new EAD card is received, Glacier must be updated again, and a new I-9 re-verification must be submitted.

**“TPS” extensions** Certain employees from certain countries are authorized to work in the US under “Temporary Protected Status (TPS)”. Generally these are individuals from countries which experienced a significant political or geologic upheaval, such as an earthquake. When the EAD expires, the US CIS/ICE will issue a blanket extension of the card, often for about six months. This will automatically extend the work authorization, and your employee will then have those six months to apply for and receive a new card.

If a blanket TPS extension has occurred, University Payroll Services will update the I-9 on the employee’s behalf for that six-month period. Your employee will have been contacted by ICE directly. By the end of that six month period, your employee should obtain and present a new EAD card.

If you have a new hire who presents an expired EAD card and indicates he or she is on TPS, please contact Payroll Services to confirm.

**“H-1B extension”** A current H-1B may continue to work for USC beyond the expiration date of the I-94 only if OIS has filed an extension before the expiration date of the current H-1B. The extension is only valid for 8 months. OIS will send a notification to Payroll Services, and to you, when this occurs. Your employee should update Glacier only for this 8 month period. Payroll Services will update the I-9.

When the employee receives his or her new H-1B I-797/I-94, the employee must update Glacier with the new valid expiration date, and bring the documentation to the I-9 signer, and an I-9 re-verification submitted.
I. OTHER ISSUES continued

9. H-1B “Porting” – When an H-1B is from another employer

A person who has an H-1B from one employer may transfer that H-1B to USC. This is referred to as “porting”.

The employee may begin to work as soon as OIS has filed the appropriate paperwork. The H-1 from the prior employer (I-797 and I-94) along with the foreign passport will qualify for work authorization. OIS will provide you a memo supporting the statement they applied for the portage of the H-1 to USC. Attach this memo to the I-9 with the other I-9 documentation, and write the words “AC-21” along with the date provided by OIS in the margin of the I-9 next to Section 2.

10. Receipts for lost or stolen documents; Temporary I551 Stamp; Refugee Stamp

You may accept a receipt in lieu of a List A, B, or C document in certain circumstances. The receipts are valid for a limited period of time.

NOTE: A receipt indicating the employee has applied for initial work authorization or for extension of expired work authorization is not acceptable, except as described in item 8 above.

<table>
<thead>
<tr>
<th>Type of Receipt</th>
<th>Who may present</th>
<th>Period of Time the receipt is valid</th>
<th>What must be presented at the end of that period</th>
</tr>
</thead>
<tbody>
<tr>
<td>A receipt for a replacement of lost, stolen, or damaged document</td>
<td>Any employee</td>
<td>90 days from the date of hire/rehire or reverification.</td>
<td>The actual document</td>
</tr>
<tr>
<td>The arrival portion of the I-94 containing a “temporary I-551 stamp and photograph”</td>
<td>Lawful Permanent Resident</td>
<td>Expiration date on the I-94 if present, or else 1 year from date of issue</td>
<td>Actual Permanent Resident Card</td>
</tr>
<tr>
<td>The departure portion of the I-94 with an unexpired refugee Admission stamp</td>
<td>Refugees</td>
<td>90 days</td>
<td>Unexpired EAD (I-766) or other List B/List C combination.</td>
</tr>
</tbody>
</table>
I. OTHER ISSUES continued

11. Employee comes forward and admits they were illegal, but now they are legal

Complete a new I-9 (all sections) and contact University Payroll Services prior to sending I-9 in. Attach paperwork to update the name and/or Social Security Number on the system if needed.

12. Reinstated employee

If an employee was terminated in error, and is being reinstated, a new I-9 is not required.

13. Potential Fines

In the case of an audit, if fines are levied, they will be the responsibility of the Home Department.

The amounts of potential fines have been increased in certain cases.

Technical Violations (e.g. paperwork): from $110 to $1100 per error. If there is a high percentage of errors compared to population, the higher amount is being levied.

Allowing an unauthorized person to work: from $375 to $16,000 per case

ICE (Immigration and Customs Enforcement) may also file criminal charges.