HR ESSENTIALS
FORM I-9
VERIFICATION PROCESS

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Disclaimer

The information contained in this seminar is intended for educational purposes only and may contain references to Immigration and employment laws. It is not to be substituted for legal advice. Specific questions regarding I-9 processing, the E-Verify process or Workday rules related to the I-9 function, or any of the foregoing subject matter should be directed to the University of Texas at Austin Human Resources Service Center.

For more information on the law and regulations please see refer to the E-verify Web site: www.e-verify.gov
# Agenda

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Pre-test

1. An employee who does not have a social security is not allowed to work without completing a Form I-9:
   a. True False

2. Employees who are working 0% effort will not need a Form I-9.
   a. True False

3. All University of Texas at Austin student employees are exempt from completing a Form I-9.
   a. True False

4. The law requires that employees complete the Form I-9 on their first day of work.
   a. True False

5. If an employee is living outside of the United States and working for U.T. Austin do they need to complete an I-9 during their initial onboarding?
   a. True False

6. Employees who have an expired work authorization are allowed to remain working for U.T. (Under “normal” non-pandemic circumstances)?
   a. True False

7. One of my documents are expired, can I still use it to verify my employment?
   a. True False
Immigration Reform and Control Act (IRCA) Background

In 1986, in an effort to control illegal immigration, congress passed the Immigration Reform and Control Act (IRCA).

IRCA forbids employers from knowingly hiring individuals who do not have work authorization in the United States.

The employment eligibility verification provisions, and sanction, of IRCA are found in Section 274A of the Immigration of Nationality Act (INA).
Working in the U.S.

Individuals who may legally work in the United States are:

- Citizens of the United States
- Noncitizen nationals of the United States
- Lawful Permanent Residents
- Aliens authorized to work
Employment Verification

To comply with the employment eligibly verification provision of the INA an employer must:
  ◦ Verify the identity and employment authorization documents of employees hired after November 6, 1986
  ◦ Complete and retain a Form I-9 for each employee hired after November 6, 1986
  ◦ Refrain from discriminating against individual on the basis of actual or perceived national origin, citizenship or immigration status
Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of unlawful conduct:

- Citizenship or immigration status discrimination*
- National origin discrimination*
- Document abuse during Form I-9 process
- Retaliation

*Actual or perceived
Immigrant and Employee Rights Section (IER)

The anti-discrimination provisions of the INA are enforced by:

- Department of Justice Civil Rights Division
- Immigrant and Employee Rights Section
  - Employees may contact the Immigrant and Employee Rights Section (IER) to obtain additional information regarding employment discrimination and employee rights and responsibilities*
    - 1-800-255-7688 (TDD: 1-800-616-5525)
  - Employers may also contact IER*
    - 1-800-255-8155 (TDD: 1-800-362-2735)
  - Callers may remain anonymous
Form I-9 Requirements

All U.S. employers must have a Form I-9 on file for all current employees.

◦ The revised form has a revision date of 10/21/2019. As of May 1, 2020, employers must use this revised form for all newly hired employees and any necessary reverification.

◦ Exception: Employers are not required to have Forms I-9 for employee hired on or before November 6, 1986.

◦ You may delegate the authority to complete the Form I-9 to responsible agent, however, you will retain liability for any errors.
Completing Form I-9
You are **NOT** required to complete **Form I-9** for the following:

- Casual domestic service employee working in a private household when work is sporadic, irregular or intermittent.
- Independent contractors for whom you do not set work hours, or provide tools to do the job.
- Employees working outside the United States*
  - 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands
List of Acceptable Documents

Use the most current **Form I-9** version 10/21/2019

You must make the List of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9

The EMPLOYEE MUST provide:
- One document from **List A**
- Or
- One document from **List B** & one document from **List C**

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.
# Section 1: Employee Information

To be completed by **EMPLOYEE**.

Employer **MUST** verify **Section 1** is **COMPLETE**.
- All employees must complete Section 1 no later than the **First Day** of employment for pay.

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>Other Last Names Used (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address (Street Number and Name)</th>
<th>Apt. Number</th>
<th>City or Town</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Birth (mm/dd/yyyy)</th>
<th>U.S. Social Security Number</th>
<th>Employee’s E-mail Address</th>
<th>Employee’s Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 1: Employee Information and Attestation

Employee’s email address is an optional Field

Employees should enter N/A if choosing to skip field

**Employers should not enter their business email address in Section 1**
Section 1: Employee Attestation

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 boxes):

1. A citizen of the United States
2. A noncitizen national of the United States (See instructions)
3. A lawful permanent resident (Alien Registration Number/USCIS Number): A
4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): N/A

Some aliens may write “N/A” in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: N/A
2. Form I-94 Admission Number: N/A
3. Foreign Passport Number: N/A

Signature of Employee

Today's Date (mm/dd/yyyy)

The EMPLOYEE MUST select one of the four categories and sign and date Section 1 of Form I-9. All employee must complete Section 1 no later than the First Business Day of employment for pay.
Section 1: Preparer/Translator (P/T) Certification

Required when Section 1 is prepared by someone other than the employee.

- Employees must:
  - Check the first box if they don’t use a prepare or translator. No entries can be made in the fields as the box is equivalent to stating N/A.
  - Check the second box if they use a P/T, then choose from the drop down menu the number of preparers and translators used.
QUESTIONS ON SECTION 1
Section 2: Employer Certification of Document Review

Completed by EMPLOYER.

MUST be completed no later than 3 business days after the employee begins 1st day of work for pay.

EMPLOYER MUST examine original documents in presence of employee to ensure documents have not been tampered with.

Documents MUST be UNEXPIRED.
Section 2: Examining Documents

Expectations

You are not required to be document expert

You MUST accept a document presented by an employee if it:

◦ Reasonably appears to be genuine; AND,
◦ Relates to the individual presenting it

The document MUST be original* - photocopies are not acceptable

*Exception: Certified copy of a birth certificate

Employers may not specify which document or combination of documents that the employee should provide.
Redesigned Green Cards & Employment Authorization Documents

The Permanent Resident Card (Form I-551) and Employment Authorization Document (Form I-766) have been redesigned with:

- Enhanced graphics and farad resistant security features
- A unique graphic image and color palate
- Green Cards will have an image of the Statue of Liberty and a predominately green palette
- EAD Cards will have an image of a bald eagle and a predominately red palette

Effective Jan 17, 2017

Rule for Retention of EB-1, EB-2 and EB-3 Immigrant Worker and Program Improvements Affecting High-Skilled Nonimmigrant Workers

Auto Extends Validity period of Certain EAD’s for up to 180 days

Employers use expired EAD with Form I-797C

Form I-9 Guidance: Handbook for Employers (M-274) and Auto Extended EAD Fact Sheet

Visit I-9 Central for more information
Section 2: Receipt Rule

There are only three type acceptable receipts:

1. A receipt showing that your employee has applied to replace a document that was **lost**, **stolen** or **damaged**.
   ◦ Employee must present a replacement document within 90 day of the hire date.
   ◦ You cannot accept receipt if employment is less than 3 days.

2. The Arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
   ◦ Receipt is valid until the expiration date on the stamp, or one year after the issuance date if the stamp does not contain an expiration date
   ◦ Employee must show you their Permanent Resident Card (I-551) upon expiration.

3. The departure portion of the Form I-94/I94A with a refugee admission stamp or computer-generated printout of Form I-94 with admission code “RE”/
   ◦ Employee must present an EAD or List B document and unrestricted Social Security Card within 90 days of the hire date.
Section 2: Copying Documents

You may choose to make copies of employee documentation presented to you for Section 2.

◦ IF you choose to photocopy documents, you must do so for ALL employee, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation or anti-discrimination laws.
◦ UT Austin only copies documents requiring a photo match (e.g. US passport/passport card, employment authorization card, EAD card, etc.)
**Section 3: Reverification & Rehires**

You **MUST** reverify an employee using **Section 3** if his or her temporary employment authorization has expired.

You **MAY** also complete Section 3 if you:
- **Rehire** the Employee **within 3 years** of the date of initial execution of the Form I-9*, for US citizens.
- Non-citizens require a new I-9 with any break in service, following UT Austin policy
- Update the **biographic information** of an employee, such as name change

* USCIS recommends completing a new Form I-9 for Rehires
Section 3: When to Reverify

Reverify
- When employment authorization document (List A or C) has an expiration date
- Form I-94 with a temporary I-551 stamp
- An unexpired foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa, MRIV)

Do Not Reverify
- U. S. Passport or Passport Card
- Permanent Resident Card (Form I-551)
- List B document

Currently, we have to re-verify permanent resident cards otherwise Workday will show the employee has expired work authorization.
Documentation for Different Visa Status

Most Common International Student/Scholar Status

- Visa Status can be found on the I-94 card / printout
- Make sure all documents provided are **UNEXPIRED**

**F-1 Status**
- Foreign Passport
- I-94
- Form I-20
- J-1 Status
  - Foreign Passport
  - I-94
  - Form DS-2019

**H-1B Status**
- Foreign Passport
- I-94
The employee may present you with an Unexpired Foreign Passport, I-94, and Form I-20. These documents establish the employee’s identity and employment authorization for Form I-9 purposes and should be recorded under List A in Section 2 of Form I-9.
Examples of I-94 Documents

Form I-94 or Form I-94A Arrival/Departure Record

U.S. Customs and Border Patrol or U.S. Citizenship and Immigration Services issue arrival-departure to nonimmigrants. This document indicates the bearer’s immigration status, the date that the status was granted, and when the status expires.

While the I-94 will generally list D/S (duration of stay) as the expiration date, the duration of stay for employment cannot exceed their work authorization document expiration date.

Thus, the expiration date for the I-94 should be listed to match that on their work authorization document.
Example of Form I-20

**Form Name**

**Document Number**

**Expiration Date**

**School Name** – In most cases will be University of Texas however, it is possible that is from another school with an endorsement for University if Texas at Austin employment on page 3.
Example: Employment Authorization Card

If the employee presents you with an Employment Authorization Document (EAD) that contains a photograph (Form I-766), it is a List A acceptable document.
New Hire EAD Example

The document is 3 letters & 13 digits (sometimes located on the back of the card)

EMPLOYMENT AUTHORIZATION CARD
Copy the front & back of the card.
J-1 Status Example

If an employee presents an Unexpired Foreign Passport, I-94, and DS-2019 you will need to verify if a Sponsor Letter is also needed.

These documents establish the employee’s identity and employment authorization for Form I-9 purposes and should be recorded in Section 2 under List A.
Document number can be found in upper right hand corner.

Verify Exchange Visitor Category, if category states Student—additional documentation may be needed.

Expiration Date is located on the middle left of page unless Exchange Visitor Category states student, then defer to Sponsor Letter for expiration.
J-1 Example on Form I-9

New Hire J-1

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9
ORE 05/19

Section 1. Employee Information and Affidavit

I, the undersigned employer, do hereby certify that I have, on the basis of information and belief, determined that the person(s) whose signature appears below is authorized to work in the United States.

Employee Information:

Last Name (Family Name)
First Name
Middle Initial
Other Last Name (Nanme)

Address
City, State, Zip Code

Social Security Number

Date of Birth

Date of Employment

Signature of Employer

Preparer and/or Translator Certification:

Name
Address
Email
Phone

Section 2. Form I-9 Certification

Certification

I, the undersigned employer, do hereby certify that I have, on the basis of information and belief, determined that the person(s) whose signature appears below is qualified to work in the United States, and that the information in Section 1 of this form is true and correct.

Signature of Preparer or Translator

Date

J-1 Visa Status

Unexpected Event

Unexpected Event Form DS-2019
H-1B Visa Example

An Unexpired Foreign Passport, Form I-94 or Form I-797 establish the employee’s identity and employment authorization for Form I-9 purposes and should be recorded in Section 2 under List A of Form I-9.

This is not the current UT Austin practice. We require the foreign passport, I-94, and I-797A, and the I-797A document is recorded in List A.
Form I-797 Approval Notice Example

Form name can be found at top right corner

School or employer name can be found at top and bottom of page.

Valid dates of form can also be found at top and bottom of page.

Record the I-94 number on the Form I-9 and not the Receipt number.
H-1B Example on Form I-9

And one of these three choices...

The expiration date is on the I-94...
Correcting the Form I-9

Correcting Mistakes
- If you discover a mistake on Form I-9, correct the existing form OR prepare a new Form I-9:
  - If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
  - If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

Missing Forms
- If you discover you are missing the Form I-9 for an employee:
  - Provide the employee with a Form I-9
  - Complete the Form I-9 as soon as possible
  - **DO NOT backdate the Form I-9.**
## Civil Fines and Criminal Penalties For Form I-9 Violations

<table>
<thead>
<tr>
<th>Civil Violations</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
<td>Minimum</td>
</tr>
<tr>
<td>Hiring or continuing to employ a person, or recruiting or referring for a fee, knowing that the person is not authorized to work in the United States.</td>
<td>$375 for each worker.</td>
<td>$3,200 for each worker.</td>
<td>$3,200 for each worker.</td>
</tr>
<tr>
<td>Falling to comply with Form I-9 requirements.</td>
<td>$110 for each form.</td>
<td>$1,100 for each form.</td>
<td>$110 for each form.</td>
</tr>
<tr>
<td>Committing or participating in document fraud.</td>
<td>$375 for each worker.</td>
<td>$3,200 for each worker.</td>
<td>$3,200 for each worker.</td>
</tr>
<tr>
<td>Committing document abuse.</td>
<td>$110 per violation.</td>
<td>$1,100 per violation.</td>
<td>$110 per violation.</td>
</tr>
<tr>
<td>Unlawful discrimination against an employment-authorized individual in hiring, firing, or recruitment or referral for a fee.</td>
<td>$375 per violation.</td>
<td>$3,200 per violation.</td>
<td>$3,200 per violation.</td>
</tr>
</tbody>
</table>

### Asking an employee for money guaranteeing that the employee is authorized to work in the United States, also called an indemnity bond.

- Pay $1,100 for each bond the employee paid to the employer.
- Refund the employee the full amount of the bond. If the employee cannot be found, this refund will go to the U.S. Treasury.

<table>
<thead>
<tr>
<th>Criminal Violations</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engaging in a pattern or practice of hiring, recruiting or referring for a fee unauthorized aliens.</td>
<td>• Up to $3,000 for each unauthorized alien.</td>
<td>• Up to $3,000 for each unauthorized alien.</td>
<td>• Up to $3,000 for each unauthorized alien.</td>
</tr>
<tr>
<td></td>
<td>• Up to 6 months in prison for the entire pattern or practice.</td>
<td>• Up to 6 months in prison for the entire pattern or practice.</td>
<td>• Up to 6 months in prison for the entire pattern or practice.</td>
</tr>
</tbody>
</table>
Form I-9 Inspection Process

1. Notice of Inspection (NOI)
   - Inspect Forms I-9
     - Violations
       - Yes: Substantive Violations
         - Warning Notice
       - No: Technical Violations
         - Notice of Intent to Fine (NIF)
           - Settlement
           - OCAHO Hearing
     - Notice of Suspect Documents
     - Notice of Discrepancies
     - Compliance
**Storage & Retention**

**Form I-9 MUST be on file for all current employees.**

Store Forms I-9 securely in a way that meets your business needs—on site, off-site, storage facility.

Store copies of documents with the Form I-9 or with the employee’s records.

Ensure that only authorized personnel have access to stored Forms I-9.

Make Forms I-9 available within 3 days of an official request for inspection.

Only retain completed forms containing a signature and date.
Storage & Retention

Form I-9 must be retained for:

- 3 years after the date you hire an employee; or,
- 1 year after the date employment terminates, whichever is later.

Example:
- John Smith was hired on November 1, 2017, and terminated on July 5, 2018

\[
11/01/2017 + 3 \text{ years} = 11/01/2020
\]
\[
07/05/2018 + 1 \text{ year} = 07/05/2019
\]
Effective September 1, 2015

What is E-Verify?

◦ E-Verify is an electronic system that verifies the employment eligibility of:
  ◦ Newly hired employees
  ◦ Existing Employees assigned to work on a qualifying federal contract

E-Verify is a FREE web-based service provided by the Federal Government that is FAST and EASY to use.

Effective 09/01/2015, Governor Greg Abbot signed legislation that requires all State of Texas Agencies to use the Federal E-Verify System for all new employees.
E-Verify

E-Verify is NOT...
- A system that provides immigration status
- Used for prescreening
- A safe harbor from worksite enforcement

E-Verify Goals
- **Reduce** unauthorized employment
- **Minimize** verification-related discrimination
- Be **quick and non-burdensome** to employers
- **Protect** civil liberties and employee privacy
## I-9 Process with E-Verify

<table>
<thead>
<tr>
<th>I-9 Process</th>
<th>I-9 Process with E-Verify</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee completes Form I-9, Section 1.</td>
<td>• Employee must include SSN when completing Form I-9, Section 1.&lt;br&gt;• If the employee has not been issued his SSN, complete Form I-9 as usual and attach a memo to Form I-9 indicating the reason for the delay in creating the case in E-Verify.&lt;br&gt;• If employee provides email address, employer MUST enter it into E-Verify.</td>
</tr>
<tr>
<td>Employee chooses which acceptable document(s) to present.</td>
<td>• Employee chooses which acceptable document(s) to present.&lt;br&gt;• If a List B document is chosen, it MUST contain a photograph.&lt;br&gt;• If an employee chooses to provide a photo matching document, the employer must make a photo copy and retain with the Form I-9.</td>
</tr>
<tr>
<td>Employer completes Form I-9, Section 2.</td>
<td>• Employer completes Form I-9 Section 2.</td>
</tr>
<tr>
<td>If necessary, employer updates or re-verifies employee’s work eligibility in Section 3.</td>
<td>• E-Verify Case Status will prompt employer to update or reverify in Section 3 or Form I-9. However, a case should NOT be created in E-Verify.</td>
</tr>
</tbody>
</table>

**NOTE:** All documents must be unexpired. Names should appear on Form I-9 exactly as they appear on documents. No nicknames should be used.

When using E-Verify voter registration cards cannot be used as a List B document.
When to Use E-Verify?

The Form I-9 must be completed in Workday for all newly hired employees no later than the third business day after the employees’ first day for pay.

The I-9 should automatically sync with E-Verify and the E-Verify case results should update almost immediately after completing the I-9 in Workday (refresh page to see updated E-Verify status on I-9).

I-9s that are manually launched for an employee must be entered into E-Verify by HRSC staff. I-9 partners must reach out to the HRSC to have these cases entering into E-Verify.
- These I-9s can be identified by the presence of the “Complete Form I-9” task with the twin “Manage Form I-9”.

You must have a Social Security number to process an E-Verify case.

An E-Verify case must be completed by the third business day after date of hire.

Communication within departments about your hiring process will be the most proactive step to staying compliant.

If the I-9 status does not automatically update as “Employment Authorized” the I-9 partner should immediately reach out to the HRSC to review the case in E-Verify.
How E-Verify Works
E-Verify Tentative Non Confirmation (TNC)

A TNC issued from E-Verify indicates that the SSA (Social Security Administration) or the DHS (Department of Homeland Security) is unable to verify the information provided for the employee.

It does **NOT** mean that the employee is unauthorized to work.

Once TNC received, no adverse action should be taken against the employee. Employers may not fire, suspend, delay training, withhold, or lower pay during the time the TNC is being contested.
E-Verify Overview Tentative Non Confirmation

Processing TNC for Social Security non Validation
E-Verify TNC Step One
Meet with Employee to Review Forms

Both the employer and employee must review the TNC FAN.
E-Verify TNC Step Two

Employee decides to contest or not to contest:

- Review I-9 with employee to confirm all data is correct.
- Employee call E-Verify, 888-897-7781, to discuss issue. Majority of calls will immediately resolve outstanding issue over the phone.
- Departments must sign and date Page 1 of TNC form and employee selects to contest or not contest and then sign page 2.
- Department returns copy of signed form back to payroll for processing.
E-Verify – TNC Step Three

Referral to SSA or DHS

The referral date confirmation reflects the date the employer referred the employee to SSA and offers instructions for the employee (employee must take FAN to SSA).

The due date the employee must resolve the TNC also populates.

FAN – Further Action Notice
I-9 Partner will send department SSA or DHS Referral Date

Confirmation letter which contains employee instructions for next step.

Department must provide this letter to employee.

Employee will take this letter to SSA Office for discussion.
E-Verify – TNC Step Four

Employee must visit SSA within 8 federal government workdays.

If DHS letter, then employee must contact E-Verify at phone number (888) 897-7781 within 8 federal government workdays.

E-Verify may take up to 15 federal government workdays to respond to a TNC.
E-Verify – TNC Step Five

Employer receives updated results

- An E-Verify final case result of “SSA No Show” results when the employee does not visit the SSA office within their allocated time. If “SSA No Show” employee will be terminated from employment.

- An E-Verify final case result of “DHS No Show” results when the employee does not E-Verify within their allocated time. If “DHS No Show” employee will be terminated from employment.
Case Closed

- I-9 Partner reaches out to the HRSC with status of case and the HRSC completes the process by physically closing case.
- Employer may terminate workers based upon E-verify results. Only upon receipt of a final non confirmation (including a no show), or when an employee has chosen not to contest a TNC.
## Results after TNC

Check E-Verify periodically for one of the following responses:

<table>
<thead>
<tr>
<th>Response</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Authorized</td>
<td>The employee’s information matched records available to SSA and/or DHS.</td>
</tr>
<tr>
<td>Verification In Process</td>
<td>This case was referred to DHS for further verification.</td>
</tr>
<tr>
<td>Case in Continuance</td>
<td>The employee has visited an SSA field office or contacted DHS, but more time is needed to determine a final case result.</td>
</tr>
<tr>
<td>Final Nonconfirmation</td>
<td>E-Verify cannot confirm the employee’s employment eligibility after the employee visited SSA or contacted DHS.</td>
</tr>
<tr>
<td>Close Case and Resubmit</td>
<td>SSA or DHS requires that you close the case and create a new case for this employee. This result may be issued when the employee’s U.S. passport, passport card, or driver’s license information is incorrect.</td>
</tr>
</tbody>
</table>
Completing I-9 To Do Tasks

Section 1
Section 2
Section 3
Work Authorizations
Amend Form I-9 Process
Guiding Principles for Business Continuity in Workday and on Our Teams

- Keeping the core mission in view
- Work the same
- Continuously improve
- Follow best practices and embrace the Workday community
- Do no harm

Focus on incremental improvements, with guidance from our governance council and Workday bi-annual update releases.

Focus on ensuring continual I-9 process improvements are shared and best practices are followed.
How to Complete Section 1 To Do Task

Employee must log into workday and locate the “Complete Form I-9” task from their inbox

Employees who do not have a Social Security Number on their first day of employment must still complete this task no later than their first day of employment

When an employee chooses their citizenship status this will change the available document options in Section 2

An alien authorized to work in the US must include the expiration date of their work authorization as the date they are authorized to work until
Workday Completing I-9 task – Section 2 “To Do Task”

Acceptable Documents

All documents listed on the I-9’s list of acceptable documents can be valid for proving identity

Not all documents can be used with the E-Verify system

And some documents listed come with caveats

For Example:

• Voter registration cards **cannot** be used to complete I-9s that receive authorization through E-Verify

• An employee presenting a foreign passport and I-94 must also provide proof of endorsement (work authorization document naming UT Austin)

• An I-797A can be used as a List C document **only** if it is presented in conjunction with a valid I-551 **stamp** in their passport
The I-9 partner should record the employee’s document information in the applicable List section (A, B, C).

The employee’s first day of employment will always be the start day of their most recent assignment.

- This can be found under “All Jobs” in the employee’s Workday profile.

If the I-9 task is being completed > 3 days after the employee’s first day of employment you will be required to select a reason.

- If you choose “other” as your reason you will be required to write a short note about the reason.
- These notes are sent to the federal government and should be thoughtful and accurate.

### List A
- **Identity and Employment Authorization**

  - **Document Title**: (empty)
  - **Document presented is a receipt**: No
  - **Select Issuing Authority**: (empty)
  - **Document Number**: (empty)
  - **Expiration Date (if any)**: (empty)

### List B
- **Identity**

  - **Document Title**: (empty)
  - **Document presented is a receipt**: No
  - **Select Issuing Authority**: (empty)
  - **Document Number**: (empty)
  - **Expiration Date (if any)**: (empty)

### List C
- **Employment Authorization**

  - **Document Title**: (empty)
  - **Document presented is a receipt**: No
  - **Select Issuing Authority**: (empty)
  - **Document Number**: (empty)
  - **Expiration Date (if any)**: (empty)
**Workday – Completing I-9 task – Section 2**

**Aliens Authorized to Work**

An international employee will generally have one of the following:

   a) This will be recorded under List A in section 2 and a scan of the front and back of the card must be attached

   a) The employee will need to provide their passport, I-94, and the above document.
   b) All 3 must be recorded in List A

Note: I-797A is not an option in the pull-down for the 3rd List A document. Record the document information as one of the available, and make a note in the “Additional information” section of section 2.
If your employee receives an alert from Workday about their work authorization:

1. Check to see if the alert is for expired or soon to be expiring work authorization.
2. Check the employee’s Workday Worker History to see if there is an I-9 on file.
3. If there is an I-9 task in the Worker History, does it say successfully completed?
4. If it shows “Successfully Completed” in the Worker History open the I-9 task to verify it was completed correctly and has a Final US Verification Status of Employment Authorized.

I-9s that are completed and have a status of Employment Authorized – Common Errors causing I-9 alerts in Workday:

1. Employee recorded “D/S” or a past date in section 1 where they attest they are “An alien authorized to work until”.
2. I-94 document expiration recorded as “D/S,” an I-94 that is valid for an employee’s “Duration of Stay” should reflect the expiration date of the employee’s work authorization document.
3. Work authorization document is not recorded as the 3rd List A document:
   a) The I-20, DS-2019, or I-797A must all be recorded in section 2 as the 3rd List A document (following I-94).
What to Do When Employee has:
No Work Authorization or an Incorrect Date

**List A**

<table>
<thead>
<tr>
<th>Identity and Employment Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Document Title</strong></td>
</tr>
<tr>
<td>Document presented is a receipt</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Select Issuing Authority</td>
</tr>
<tr>
<td>Foreign Passport</td>
</tr>
<tr>
<td>Document Number</td>
</tr>
<tr>
<td>Expired Date (if any)</td>
</tr>
<tr>
<td>(empty) D/S Yes</td>
</tr>
<tr>
<td>Document Title</td>
</tr>
<tr>
<td>U.S. Arrival/Departure Card (Form I-94 or I-94a) with foreign passport</td>
</tr>
<tr>
<td>Select Issuing Authority</td>
</tr>
<tr>
<td>U.S. Customs and Border Protection</td>
</tr>
<tr>
<td>Document Number</td>
</tr>
<tr>
<td>Expired Date (if any)</td>
</tr>
<tr>
<td>(empty)</td>
</tr>
</tbody>
</table>

**List A**

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<tr>
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</tr>
<tr>
<td>Document Number</td>
</tr>
<tr>
<td>Expired Date (if any)</td>
</tr>
<tr>
<td>05/22/2021 N/A D/S</td>
</tr>
<tr>
<td>Document Title</td>
</tr>
<tr>
<td>Certificate of Eligibility for Nonimmigrant (F-1)/(M-1) Students (Form I-20)</td>
</tr>
<tr>
<td>Select Issuing Authority</td>
</tr>
<tr>
<td>Department of Homeland Security</td>
</tr>
<tr>
<td>Document Number</td>
</tr>
<tr>
<td>Expired Date (if any)</td>
</tr>
<tr>
<td>05/22/2021</td>
</tr>
</tbody>
</table>
Section 1. Employee Information and Attestation

Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>N/A</th>
<th>Other Last Names Used (if any)</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address (Street Number and Name)</td>
<td>Apt. Number</td>
<td>City or Town</td>
<td>Austin</td>
<td>State</td>
<td>TX</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>U.S. Social Security Number</td>
<td>Employee's E-mail Address</td>
<td>Employee</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

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

- A citizen of the United States
- A noncitizen national of the United States (See instructions)
- A lawful permanent resident (Alien Registration Number/USCIS Number):
  - Yes
  - An alien authorized to work until expiration date, if applicable, mm/dd/yyyy
  - Some aliens may write 'N/A' in the expiration date field. (See instructions)
  - 08/09/2023 | N/A | D/S

VS

Section 1. Employee Information and Attestation

Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

<table>
<thead>
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<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>N/A</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Address (Street Number and Name)</td>
<td>Apt. Number</td>
<td>City or Town</td>
<td>Austin</td>
<td>State</td>
<td>TX</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>U.S. Social Security Number</td>
<td>Employee's E-mail Address</td>
<td>Employee</td>
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<td></td>
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- A citizen of the United States
- A noncitizen national of the United States (See instructions)
- A lawful permanent resident (Alien Registration Number/USCIS Number):
  - Yes
  - An alien authorized to work until expiration date, if applicable, mm/dd/yyyy
  - Some aliens may write 'N/A' in the expiration date field. (See instructions)
  - N/A | Yes
Workday – I-9 Work Authorization Alerts

Troubleshooting, I-9 status meanings

These are finalizations that cannot be changed

**Employment Authorized** – employment has been authorized through E-Verify

**Verification NOT determined** – employee’s work status cannot be determined, a new I-9 must be completed to authorize employment

**Employment NOT Authorized** – employment must be terminated

When an I-9 is initially completed the status should update with “**Employment Authorized**” or “**Employment NOT Authorized**” within 1 minute of submission

Refresh your page to see the updated status

<table>
<thead>
<tr>
<th>Details</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-9 Process Status</td>
<td>Process Finalized</td>
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</table>

Example of What an I-9 Partner Should Look for in Workday:
Workday – I-9 Work Authorization Alerts

Troubleshooting, I-9 status meanings

Finalizations needing to be updated \textit{by the HRSC}

- Awaiting E-Verify Submission
- Returned for E-Verify Data Review
- In document review
- Pending Finalization
- Authorization Pending

The above finalizations can be seen on an I-9 alone, or with others listed, and can all refer to different I-9 situations.

If your I-9 results in one of these statuses (after waiting 1 minute and refreshing your page) you need to contact the HRSC about the status of the I-9.
Section 3 updates can only be launched for an I-9 task that has a status of: Employment Authorized

1. Search “Complete Form I-9 Section 3” select appropriate task
2. “Worker Form I-9” = Employee’s name from Workday profile, hit enter
   a) If the employee has an I-9 with a status of Employment Authorized this task will auto-populate in the field
   b) If the employee has more than one I-9 with this status you must select the correct task based on the completion date
3. Select “OK” at the bottom of the screen, the section 3 task will automatically open for you to complete
4. Scroll down to complete the section 3 update
   a) If the employee changed their name, you record the new name
   b) If the employee is a rehire, record the date of rehire
   c) If the employee is updating expired documents record the document title, number, and expiration date
5. Check the “I agree” box, Workday will auto-sign the section for you, submit
Section 3. Reverification and Rehires

(To be completed and signed by employer or authorized representative)

A. New Name (if applicable)

Last Name (Family Name)     First Name (Given Name)     Middle Initial

B. Date of Rehire (if applicable)  MM/DD/YYYY

C. If employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title

Document presented is a receipt

Document Number

Expiration Date (if any)  MM/DD/YYYY

Signature of Employer or Authorized Representative

I affirm, under penalty of perjury, that to the best of my knowledge, this employee is authorized 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.

I Agree

Today's Date  07/22/2020

Name of Employer or Authorized Representative  * Your Name

Submit  Save for Later  Cancel
Amend Form I-9 tasks can only be launched for an I-9 task that has a status of Employment Authorized

1. Search “Amend Form I-9” select appropriate task

2. “Worker Form I-9” = Employee’s name from Workday profile, hit enter
   a) If the employee has an I-9 with a status of Employment Authorized this task with auto-populate in the field
   b) If the employee has more than one I-9 with this status you must select the correct task based on the completion date

3. Select “OK” at the bottom of the screen, the Amend task will automatically open for you to complete

4. Select which section of the I-9 is being amended
   a) Attachments must be amended separately from section 1 and 2

5. If needing employee to amend section 1, write a detailed description in the required instruction box

6. If making corrections to section 2 or attachments, correct the information and write a detailed note of the corrections made in the required description box

7. Submit
Per the US Customs and Immigration Status Guidelines:

“If you choose to copy or scan documents an employee presents when completing Form I-9, you must retain the copies with their Form I-9 or their employee record. If you are enrolled in E-Verify, you must copy the following List A documents used as part of photo matching:

- U.S. passport;
- U.S. passport card;
- Form I-551, Permanent Resident Card; and
- Form I-766, Employment Authorization Document (EAD).”

“...If you choose to retain copies of an employee’s documents for reasons unrelated to E-Verify requirements, you must do so for all employees, regardless of actual or perceived national origin or citizenship status, or you may violate anti-discrimination laws.”

Only scans of the E-Verify required documents should be attached to an employee’s I-9 task.

Any other documents attached to the I-9 may open UT Austin to prosecution under anti-discrimination laws.
Previous Employees – Who needs a new I-9?

US citizens with a break in service > 1 year, or with an I-9 completed more than 3 years = **New I-9 task**

US citizens with a break in service < 1 year, with a valid I-9 completed within the last 3 years = **Section 3 update**

Non-US citizens with any break in service require a new I-9
Post-test

1. An employee who does not have a social security is not allowed to work without completing a Form I-9:
   a. True          False

2. Employees who are working 0% effort will not need a Form I-9?
   a. True          False

3. All University of Texas at Austin student employees are exempt from completing a Form I-9.
   a. True          False

4. The law requires that employees complete the Form I-9 on their first day of work.
   a. True          False

5. If an employee is living outside of the United States and working for U.T. Austin do they need to complete an I-9 during their initial onboarding?
   a. True          False

6. Employees who have an expired work authorization are allowed to remain working for U.T. (Under “normal” non-pandemic circumstances)?
   a. True          False

7. One of my documents are expired, can I still use it to verify my employment?
   a. True          False
Thank You For Attending!