Welcome to Ohio University eLearning Essentials. This presentation contains important information regarding procedures and compliance for the Federal Form I-9. Today’s training is approximately 45 minutes long, but please review the information at your own pace. You will be able to pause, rewind, fast forward, and restart at any point.
Let's begin with an overview of today's training.
Before we get started, please note that completion of this training is in no way a substitute for a thorough review of Form I-9 instructions and the Handbook for Employers (M-274) provided by the Department of Homeland Security at:
http://www.uscis.gov/files/form/m-274.pdf
Objectives

By the end of this training, you should be able to:
- properly complete sections 2 and 3 of the Form I-9 in compliance with Ohio University procedures
- guide employees through section 1 of the Form I-9
- use various documents to verify employment eligibility and identity
- comply with all Federal regulations regarding the Form I-9

By the end of this training, you should feel more comfortable with procedures and regulations regarding Form I-9. You should also be able to meet the learning objectives shown here.
What is the Form I-9?

- Federal law states employers, "must verify the identity and employment eligibility of each person hired, complete and retain a Form I-9 for each employee and refrain from discriminating against individuals on the basis of national origin or citizenship." (U.S. Department of Homeland Security, M-274 Rev. 11/04/2007, p. 3)

- This includes all employment types at Ohio University. NO EXCEPTIONS!

The Form I-9 is designed by the United States government to help employers comply with Federal laws pertaining to employee identity and work authorization within the United States. All employers, including Ohio University, are required to complete and retain a Form I-9 for every employee hired.
Federal Form I-9 is comprised of three sections: employee information and verification, employer review and certification, and updating and reverification. In today’s training, we will go through proper completion and common errors for each section.
Let's review the Form I-9 by section.
Section 1 includes employee information and verification and must be filled out by the employees on or before their first day of work. Though you should review this information for errors, the employee is the only person authorized to complete this section.
As you can see here, new employees must provide seven pieces of information: their name; full permanent U.S. address, birth date, social security number, immigration status, signature, and the current date. Employees should know all of this information—you cannot tell them what to write! You should, however, ensure that all information is entered properly and is in the correct location. For example, you may tell an employee to sign beside "employee signature" rather than above it, but you may not tell the employee which box to check for immigration status.
If an employee is an alien authorized to work in the United States, then the employee will fill out the GLACIER tax compliance form. The individual that certifies the I-9 for the employee must also sign the GLACIER form. For more information regarding the GLACIER tax compliance form, please contact the Ohio University Tax Compliance Officer.
Section 1: Common Errors

- Only include a maiden name if it is applicable.
- The address listed must be the employee’s U.S. address and must match the address listed on the employee’s documents.
- Ensure that the proper box is checked for citizen status.
  - You may NOT tell an employee which box to check.
  - Make sure that any required information is provided
    - e.g. Admission #

There are several errors that commonly occur in section 1. It is important that all information is correct, complete, and in the right spot. For example, aliens authorized to work, must be sure to give their admission number and employment authorization expiration date in the immigration status box.
Preparers and translators are rarely used—if one is used, then it is important to complete the Preparer/Translator section. If one is not used, that section must be left blank. Check to make sure that all dates are correct and all information is complete before moving on to section 2.
Section 2: Employer Review and Certification

- This section is completed by the employer no later than the third day of employment
- You will need either one approved document from List A
  OR
  one document from List B & one document from List C
  - These must be original documents—not photocopies
  - You may not tell the employee which documents to bring—they choose from the list of applicable documents
- Do not provide more/less information than required—this can lead to civil penalties for discrimination

Section two contains the employer review and certification. This section must be completed by the employer within 72 hours of the employee’s start date. In order to complete this section, the employee must provide either one document from List A or both one document from List B and one document from List C. You may direct the employee to a list of acceptable documents, but you may not ask for specific documents as this can be a form of discrimination. Similarly, it is illegal to ask an employee to provide more or less information than required to complete the Form I-9 as this is also a form of discrimination.

It is critical that all documents are originals—not photocopies!
The top portion of section two is the employer review. Here, you will either fill out the information for List A or the information for Lists B & C, depending on the documents given to you by the employee. Later, we will discuss the various documents within each of the three lists.
Section 2: Employer Review

When filling out information for lists A, B, and/or C:

**Line 1 is ALWAYS the Document Title**

**Line 2 is ALWAYS the Issuing Authority**

**Line 3 is ALWAYS the Document Number**

**Line 4 is ALWAYS the Expiration Date (if any)**

<table>
<thead>
<tr>
<th>List A</th>
<th>OR</th>
<th>List B</th>
<th>AND</th>
<th>List C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document Title</td>
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<td>Expiration Date (if any)</td>
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<td>Expiration Date (if any)</td>
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For the employer review, you will enter the information from each document into the corresponding list. Regardless of which list you are working with, you will need four pieces of information: the document title which will be recorded on the first line, the issuing authority which will be recorded on the second line, the document number which will be recorded on the third line, and the expiration date (if any exists) which will be recorded on the bottom line.
The bottom portion of section two is the employer certification. This section asks for information regarding the employer under penalty of perjury. The employer must accurately provide all requested information including the employee’s start date, your signature, your full legal name, your title at Ohio University, your Ohio University department and address and the current date. It is important that this information is complete and unabridged. For example, instead of writing “OUHR HRTC Room 103" in the address field, you would write out “Ohio University Human Resources 169 West Union Street, Athens, Ohio 45701.”
As with section 1, there are several errors that commonly occur within section two. Make sure that all documents are current and match all information provided in section one given by the employee such as name, social security number, or admission number. Again, provide the exact information required—too much or too little could result in civil penalties.
Section 2: Common Errors

- Do **NOT** make any copies of the original document(s) provided by the employee—use the document(s) only to complete the employer portion of the Form I-9
- Do not use abbreviations
  - **Example:** Social Security Card **NOT** S.S. Card
  - **One Exception:** You MAY write U.S.A. for United States of America
- Verify all dates (start, expiration, & current)

When completing section 2, keep in mind that it is illegal to make photocopies of any documents provided by the employee. Also, be sure to avoid abbreviations and double check information—especially dates!
Section 3: Updating and Reverification

- If the employee is being rehired within three years of the original Form I-9 completion date, this can be used in place of a new Form I-9.
- If an employee’s work authorization is nearing expiration while s/he is employed, s/he must reverify employment eligibility by producing an original document that proves that s/he is eligible to work in the U.S.
- If you are updating/reverifying employment, the employee still MUST fill out section 1, but SECTION 2 WILL BE LEFT BLANK!

Section 3 is the final section of the Form I-9, and is only used in certain circumstances such as an employee being rehired when the original I-9 is still on file, or an employee’s work authorization is changing or set to expire. In either situation, the employee should complete section 1 and the employer representative (you) should complete section 3—section two should be left blank.

If none of these situations is present, the employee should complete section 1 and the employer should complete section 2, leaving section 3 blank.
Section 3 is specifically for updating and reverification purposes. As with other sections of the I-9, the employer representative must certify the documented information under penalty of perjury. Only the employer representative may complete this section with information from an unexpired List A or List C document, the employer’s signature, and the current date. The employee’s name should only be given if it has changed. The rehire date is only included if there has been a break in employment. Otherwise, these two fields should be left blank.
Section 3: Common Errors

- This section must be completed before the employee’s work authorization expires!
- Ensure that all documents are current
- If a name change has occurred, include the employee’s new name
- If an employee moves, only a new W-4 is needed, not a new I-9
- Only include a rehire date if the employee has left the university and is returning as a new employee
- Use your signature—not the employee’s

The most common error pertaining to section three is allowing the employee’s work authorization to expire before updating the Form I-9. However, other errors can easily occur, such as those listed here.
Section 3: Common Errors

- Use only one document from List A OR List C.
  - Document number and expiration date (if any) must be recorded.
  - Identity does not need to be re-established (List B documents).
- Do NOT make any copies of the original document(s) provided by the employee—use the document(s) only to complete the employer portion of the Form I-9

Unlike section two, the employer representative should only use one document from List A or one document from list C to complete section three. List B is obsolete because there is no need to reverify identity—only employment authorization. As always, it is unlawful to make copies of documents or request specific documents from the employee.
Mistakes happen all the time—as long as they are properly addressed, it’s no problem! If there are several errors, or a large error, it is best to shred the Form I-9 with mistakes and start over with a new form. Otherwise, if the employee makes a mistake, ask the employee to cross through it one time, write his or her initials, and provide the correct information. If you make an error in the employer section, cross through the mistake one time, write your initials, and enter the correct information.
As there are several distinct documents that can be used to complete Federal Form I-9, this section of today’s training has been designed to walk you through the commonly used documents. If you encounter documents other than those discussed in this section while completing an I-9, please feel free to contact Human Resources for guidance. For a complete list of acceptable documents, please refer to the Handbook for Employers found at USCIS.gov.
Documentation Differentiation

List A contains documents that show both identity and employment authorization, List B documents show identity only, and List C documents show employment authorization only.

Before we explore the various documents, it is important to understand that each “list” identifies a different type of information. List A contains documents, such as passports, that prove both identity and employment authorization. List B contains documents, such as driver licenses, that only prove identity. List C contains documents, such as social security cards, that only prove employment authorization within the United States.
In order for any document to be acceptable, it must meet a few qualifications. All documents must be original, unexpired, and unaltered. It is also important that all documents provided match the employee’s information. Some examples of documents that are not valid include a laminated social security card, an expired passport, or a document with someone’s maiden name on it instead of her current last name.
We will first go through documents in List A, beginning with an unexpired Domestic Passport. As you can see here, the Document Title, Issuing Authority, Document Number, and Expiration Date are all visible on the page with the new employee’s photo. The secondary document number and expiration date do not pertain to domestic passports and thus, are left blank.
A domestic Passport Card is also a valid form of documentation under list A. Again, as the secondary document number and expiration date do not pertain to domestic passport cards, these lines are left blank. All information can be found on the front of the passport card—only the document number is repeated on the back side of the card.
Foreign Passports also fall under List A, though additional documents are required for a secondary document number and secondary expiration date. The same information from the foreign passport will be entered on the first four lines, just as you would do with a domestic passport. However, the second document number, known as an arrival or departure record, will come from the Form I-94 (which is usually stapled into the foreign passport). The second expiration date will come from the employee’s MRIV—Machine Readable Immigrant Visa—with I-551 notation, I-551 stamp, DS-2019, I-797, or I-20—which indicates the employee’s expiration of work authorization within the United States.

Please note: If this is used as documentation, the employee will eventually be subject to Form I-9 section 3 update and reverification.

Now, we will go over the information for each of the documents used in conjunction with a foreign passport individually.
If the employee has given you a Foreign Passport, the first step is to collect the passport information for the first four lines under List A: Document Title, Issuing Authority, Document #, and Expiration Date as shown here.
After you have collected the information from the passport, find the I-94 (typically stapled inside the passport). At the top of the I-94, there is a departure number. This is used as the SECOND document number.
After gathering information from the Foreign Passport and I-94, you must find the expiration of employment authorization. For this information, you will use either an I-551 Stamp (located inside some Foreign Passports such as the one shown here), a Machine Readable Immigrant Visa with I-551 notation, a DS-2019, an I-797, or—if the MRIV is expired—an I-20.

What you see here is an I-551 Stamp. Simply write down the “valid until” date from the stamp as the secondary expiration date as shown here.
Frequently, Foreign Passports will have an MRIV—Machine Readable Immigrant Visa—with I-551 notation in place of an I-551 stamp. MRIVs that take the place of an I-551 stamp will be marked with phrasing such as the highlighted sentence here that indicates the visa serves as a temporary I-551 that proves permanent resident status and work authorization. After obtaining the information from the foreign passport and the I-94, the MRIV expiration date will be used for the secondary expiration date.
Occasionally, an individual’s MRIV will be expired, but the will still be eligible to work until the final expiration date listed in the middle of the I-20. This expiration date may be used as the secondary expiration date ONLY IF the MRIV has already expired. The secondary document number is still the departure number from the I-94 and the first four pieces of information still come from the Foreign Passport.
Research scholars, visiting professors, students, and short-term scholars can all be J-1 visa holders. When hiring a J-1 visa holder, the employee will present a DS-2019 that indicates the employee's visa status and the expiration of work authorization as shown above. The expiration date listed on the DS-2019 is used as the secondary expiration date. The secondary document number is still the departure or admissions number from the I-94 and the first four pieces of information still come from the unexpired Foreign Passport.
The I-797 is used for H-1B visa holders and is referred to as a notice of action. The I-797 can verify either initial H-1B visa status approval or an extension of stay for the employee. The expiration date listed on the I-797 should be used as the secondary expiration date as shown above. If the employee presents an acceptance receipt, meaning they have applied for an extension of stay, the receipt automatically entitles the employee to a 240-day extension from the last day of their previously granted stay. Please note, an I-797 that acknowledges receipt of an application for initial I-551 permanent resident status may NOT be used to complete the Form I-9. The secondary document number is still the departure or admissions number from the I-94 and the first four pieces of information still come from the unexpired Foreign Passport.
The I-766 is an Employment Authorization Card granted by the Department of Homeland Security and qualifies as a List A document. All information is given on the face of the card as shown in this example. No secondary document number or expiration date is required.

Please note: If this is used as documentation, the employee will eventually be subject to Form I-9 section 3 update and reverification.
Another List A document is the Form I-551 Permanent Resident Card (commonly referred to as a Green Card). When completing the information in section 2 or 3, it is important to write “Permanent Resident Card” NOT “green card.” All information is available on the face of the card as shown here. This is the new version of the Form I-551, though the old version is still in use by some individuals.

No secondary document number or expiration date is required. However, if this is used as documentation, the employee will eventually be subject to Form I-9 section 3 update and reverification.
Here is an example of the previous version of the I-551 Permanent Resident Card, still in use by some individuals. With this version, the document title and expiration date are on the face of the card, the issuing authority is on the back, and the document number is on both sides. No secondary document number or expiration date is required.

Again, if this is used as documentation, the employee will eventually be subject to Form I-9 section 3 update and reverification.
Now we will discuss various List B documents, beginning with the driver’s license. List B documents must be accompanied by a valid List C document as well.

For a driver’s license, all of the information is found on the face of the card as shown here. It is important to pay attention to how everything is presented on the card, because you must write down the information exactly as it appears. For example, Ohio licenses say “Driver License” not “Driver’s License.”
A state-issued Identification card is another valid List B document. Again, be sure to write the information exactly as it appears on the card. If you have difficulty locating some of the information, it is permissible to ask the employee if they know where it is on his or her document.
Frequently, student employees will present their Ohio University issued student identification cards for a List B document—this is perfectly acceptable! Any school I.D. card from a PUBLIC institution WITH a photograph may be used for list B documentation—this even includes employee identification cards issued by a public school.
List B: Exception for Minors

- The following documents are ONLY for use with MINORS under the age of 18 who do NOT have any other List B documents with a photo.
  - School Record or Report
  - Hospital Record
  - Day Care Record
- The employer must ask if the minor has any other item from List B with a photo—if they do, that must be used instead of those listed here!
- An item from List C is still required in conjunction with these documents.

All list B items must contain a photo as we have seen thus far. The ONLY exception is for minors under the age of 18 that do not have any photo identification card as listed with acceptable List B documents. In this case, a minor may present a school record or report, hospital record, or day care record.

It is important to remember a few things with this exception. First, it only pertains to minors under the age of 18. Second, the employer representative must ask if the minor has any other valid document from List B—if so, that must be used instead of one of these documents. Lastly, a valid document from List C is still required to be used in conjunction with any of these options, as any other employee would be required to do. (Alternatively, minors may submit one item from List A).
List C documents, such as a social security card, provide proof of work authorization within the United States. List C documents do not expire, therefore employers should leave the line for an expiration date blank.

As with other documents, it is important to write the information exactly as it appears on these documents. For example, you should write, “Social Security Administration” beside “Issuing Authority” as opposed to “SSA.”
Occasionally, you may encounter a social security card that is laminated, unsigned, or stamped with “Not valid for employment” or “Valid for work only with DHS authorization.” In these instances, the social security card is not a valid List C document for the Form I-9.
List C: Certification of Report of Birth
Issued by the U.S. Department of State (DS-1350)

As List C documents include Certification of Report of Birth (such as the one seen here), Certification of Birth Abroad, Certified copy of a birth certificate, and Certificate of live birth, issued by various municipal, county, state, and federal authorities, it is extremely important to write down exactly what appears on the document presented by the employee, so as to avoid misdocumenting the information.

Here, you see a Certification of Report of Birth issued by the U.S. Department of State. Also, as there is no expiration date, this line should be left blank.
In this example, you see a certificate of live birth. Often, employees will present a certified copy with a valid stamp and/or signature from the issuing authority. You may accept either the original document or a certified copy of any report of birth. Remember, each state and county formats their reports differently, so the document number may not always be located in the same spot.

As always, write the information exactly as it appears. As there is no expiration date, this line should be left blank.
The Form I-197 is called a Citizen Identification Card and is issued by the United States Department of Justice. Though this card will include a photo of the employee, it is ONLY valid under list C, NOT lists A or B. As there is no expiration date, this line should be left blank.
List C: Identification Card for Use of Resident Citizen in the United States (Form I-179)

As you may notice, the Form I-179 is very similar to the Form I-197. However, the Form I-179 (shown here) is an Identification Card for Use of Resident Citizen in the United States. This card is also issued by the United States Department of Justice. Though this card will also include a photo of the employee, it is ONLY valid under list C, NOT lists A or B, and as there is no expiration date, this line should be left blank.
What you see here is a certificate of Naturalization, indicating that an immigrant has been granted citizenship. When entering the document number, you should include the certificate number, not the USCIS Registration number. Though this card will also include a photo of the employee, it is ONLY valid under list C, NOT lists A or B; and as there is no expiration date, this line should be left blank.
The compliance laws and regulations that accompany Federal Form I-9 are designed to keep employees safe from discrimination and ensure that all employers are held to the same standard.
The Form I-9 was created as part of the Immigration Reform and Control Act, or IRCA, in November of 1986. IRCA was designed to set a standard for all employers to avoid discrimination and ensure that all employees are authorized to work within the U.S.
Currently, there are dozens of visas available through the United States Federal government that prove employment authorization. However, there are four that are most commonly used at Ohio University.

The H-1B visa is a work visa granted for one to six years which not only allows an immigrant to work in the United States, but also to bring his or her spouse and dependents to the United States while working.

The F-1 visa is strictly for students in a degree-seeking program. This visa allows students to work on campus while enrolled in school.
The M-1 Visa is also for students, but is restricted to non-degree seeking or vocational study. This visa is only valid for one year, but an individual may apply for an extension for up to three years.

Finally, the J-1 is specifically for Foreign exchange visitors such as those in a foreign exchange school program or foreign exchange internship program. This visa may be granted for the full course of the program in which the individual is participating.

This information is strictly for your understanding of commonly encountered visas at Ohio University. At no point will you or should you include the visa type while completing the Form I-9.
As an employer, Ohio University is required to have employees fill out section 1 on or before their first day of work. Also, as an employer representative, you must review all documents and properly complete either section 2 or section 3 depending on the situation. Remember, section 2 must be filled out within 72 hours of the employee beginning work, and section 3 must be completed before an employee's work authorization expires.
Federal Requirements for Ohio University (cont.)

- All Form I-9s should be sent to the Ohio University Payroll Department. The Payroll Department will:
  - retain the Form I-9 for 3 years after the date the person begins work or 1 year after the person's employment is terminated, whichever is later; and
  - Upon request, provide Forms I-9 to authorized officers of the Department of Homeland Security (DHS), or the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) for inspection. (DHS Memo, p. 3)

Once you have completed a Form I-9, it should be sent to the Payroll office so that they may file it in compliance with federal law. The payroll department will maintain the files and present them as necessary.
Penalties for Violation of IRCA & Form I-9 Laws

Employers who violate the law may be subject to:
• civil fines (see next slide)
• criminal penalties (when there is a pattern or practice of violations)
• debarment from government contracts
• a court order requiring the payment of back pay to the individual discriminated against
• a court order requiring the employer to hire the individual discriminated against

Employers that violate IRCA and laws pertaining to the Form I-9 are subject to various penalties from civil fines to criminal charges and loss of government contracts. It is important that we discuss these laws to help you avoid such consequences.
Fines for Violation of IRCA & Form I-9 Laws

Penalties for hiring or continuing to employ unauthorized aliens or discriminating against individuals due to citizenship status or national origin:

- **First Offense:** Not less than $375 and not more than $3,200 for each individual;
- **Second Offense:** Not less than $3,200 and not more than $6,500 for each individual;
- **Subsequent Offenses:** Not less than $4,300 and not more than $16,000 for each individual.

As you can see, fines for discrimination or for employing an unauthorized alien can range from a few hundred dollars to several thousand dollars for each offense. Properly completing the Form I-9 and providing the exact documentation required for each form can help you avoid these penalties.
Fines for Violation of IRCA & Form I-9 Laws

- Penalties for failing to comply with Form I-9 requirements:
  - Each Offense: Not less than $110 and not more than $1,100 for each form
- Penalties for committing document abuse:
  - Each Offense: Not less than $110 and not more than $1,100 for each form

Fines can also be charged as a result of committing document abuse and failure to comply with Form I-9 requirements. Therefore, it is important that you check each document presented by the employee for validity and understand what you are signing when completing the Form I-9.
Fines for Violation of IRCA & Form I-9 Laws

- Penalties for committing or participating in document fraud
  - First Offense: Not less than $375 and not more than $3,200 for each worker
  - Subsequent Offenses: Not less than $3,200 and not more than $6,500 for each worker

Lastly, committing or participating in document fraud can result in large fines. Again, it is important to check the validity of each document presented by an employee and ensure that the Form I-9 is filled out with complete and truthful information.
If you have any questions, or if you would like any further information pertaining the Federal Form I-9 or today's training, please feel free to contact University Human Resources at 740.593.1636. Employees are always welcome to stop by our office in the Human Resources Training Center, Room 103.
For additional resources, please visit any of these websites.
Thank you for your time and attention. This concludes today's training. This has been a production of University Human Resources.

For a desk copy of this presentation, complete with documentation examples, please click on the link above for the UHR employment website.