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.
We will begin with an overview of this training and an introduction to the Form I-9.
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

The information in this module is take directly from the M-274 Handbook for Employers issued by U.S. Citizenship and Immigration Services, last revised on March 8, 2013.

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 provided by the Department of Homeland Security. If you would like to access the complete Handbook for Employers, please visit USCIS.gov.
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 Document
- Nine pages
  - 1-6: Instructions
  - 7-8: Form/Entry Fields
  - 9: List of Acceptable Documents
- Everything must be available for the employee while completing the form!

The Form I-9 is an employment form issued by the Department of Homeland Security through U.S. Citizenship and Immigration Services. Federal Form I-9 is a nine-page document including several pages of instruction and a list of acceptable documents as well as the physical form for employees and employers to complete.

When completing a Form I-9, the instructions and list of acceptable documents must be available for the employee's use.
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. 11/01/2007, 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.
What is the Form I-9?

- The Form I-9 is divided into three sections:
  - Section 1: Employee Information and Attestation
    - Must be completed by the employee on or before the first day of employment!
  - Section 2: Employer or Authorized Representative Review and Verification
    - Must be completed by the employer on or before the third day of employment
  - Section 3: Reverification and Rehires
    - Only used in certain circumstances
    - Must be completed before employment authorization expires

Federal Form I-9 is comprised of three sections: employee information and attestation, employer or authorized representative review and verification, and reverification and rehires. In the next section, we will go through proper completion and common errors for each section.
Let’s review the Form I-9 by section.
Section 1: Employee Information & Attestation

- Must be filled out by employee
  - on or before first day of employment
  - Employees may not begin work until it is complete
- The employee should:
  - Read all notices on the form
  - Provide all requested information
  - Return the form to the designated department for certification
- You should review this information for errors

Section 1 includes employee information and attestation 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 provide eight pieces of information in section one: their name; full permanent U.S. address, birth date, social security number, contact information, immigration status, signature, and the current date. An employee has the right to choose if they would like to provide their contact information and social security number. In any field that the employee intentionally leaves blank, such as “other names used” or “telephone number,” the employee should enter “N/A” so as to ensure that the field was not left blank by accident.

Employees should know all of the information entered in this section—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 checks the fourth (4th) immigration status box as shown below, they must fill out a GLACIER tax compliance form.

If an employee is an alien authorized to work in the United States, then the employee will also 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 Payroll Department.
Section 1: Common Errors

- "Other Names Used" includes maiden names
- Write "N/A" in any entry field intentionally left blank
- The address listed must be the employee's permanent U.S. address.
- Ensure that the proper box is checked for citizen or immigration status.
  - You may NOT tell an employee which box to check.
  - Make sure that any required information is provided
    - e.g. Alien Registration Number (A-Number)/USCIS Number

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 alien number and employment authorization expiration date in the immigration status box.
Section 1: Common Errors

- Unless a preparer or translator was used, leave that section blank.
- Make sure that all required parts of section one are completed!
- Write the current date next to the signature—not the birth date.

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 Verification

- **This section is completed by the employer within 3 business days of the employee's start date.**
- 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 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. It is also 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!
Section 2: Employer Review

- Provide information for ONLY List A
- OR
- Provide information for List B & List C
- Write full employee name as written in section 1

The top portion of section two is the employer or authorized representative 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.
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.”
Section 2: Common Errors

- Ensure that all documents are current and match the employees information (i.e. name, photo, etc.)
- If an employee must include an Alien Registration#/USCIS Number, Admission #, Visa Document, I-20, DS-2019, or I-797 in section 1, make sure that information in section 2 matches these numbers
- Do not provide more/less information than required—this can lead to civil penalties for discrimination

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 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)
- Include employees full name as written in section 1

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

- 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.

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. 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: Reverification & Rehires

- Never reverify:
  - U.S. citizens
  - Noncitizen nationals
  - Lawful permanent residents who presented a Permanent Resident Card for section 2

U.S. citizens, noncitizen nationals, and lawful permanent residents who present a permanent resident card for section 2 of the Form I-9 are NEVER required to complete section 3 reverification to prove work authorization. They may, however, complete section 3 as a rehire if necessary.
Section 3: Reverification and Rehire

- Use a new form, but only complete section 3.
- Not required for name changes, but you may make note
- The employee's name should be entered at the top of the page

Because we store all Form I-9s electronically, you cannot use an employee's original I-9 to complete section 3. Instead, use a new form, but only complete section 3.

It is not necessary to complete section 3 in the event of a name change, but you may choose to do so in order to maintain updated employee records.

Any time you complete section 3 of a Form I-9, please remember to put the employee's name at the top of the page, as shown here.
Section 3: Reverification & Rehire

This portion asks the employer to certify the documented information under penalty of perjury.

- New name (if applicable)
- Rehire date (if applicable)
- List A or C document information
- Employer signature/name
- Current date

<table>
<thead>
<tr>
<th>Section 3. Reverification and Rehires</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. New Name (if applicable) Last Name (Family Name) First Name (Given Name)</td>
<td>Middle Initial</td>
<td>B. Date of Rehire (if applicable) (mm/dd/yyyy)</td>
</tr>
<tr>
<td>C. If employee's previous grant of employment authorization has expired, provide the information of the document from List A or List C the employer presented that establishes current employment authorization in the space provided below: Document Title</td>
<td>Document Number</td>
<td>Expiration Date (if any) (mm/dd/yyyy)</td>
</tr>
</tbody>
</table>

I attest, 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.

Signature of Employer or Authorized Representative | Date (mm/dd/yyyy) | First Name of Employer or Authorized Representative

Section 3 is specifically for reverification and rehire purposes. As with other sections of the I-9, the employer representative must certify the documented information under penalty of perjury. Only the employer or authorized representative may complete this section. List A or List C documentation is only provided if you are reverifying or rehiring an employee whose work authorization expires—you should never complete Block C for a U.S. citizen or a lawful permanent resident who has previously presented a Permanent Resident Card (or green card) for section 2. The employee’s name should only be included in Block A if it has changed. The rehire date in Block B is only included if there has been a break in employment. Otherwise, you should write “N/A” in these fields.
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 Form I-9
- Only include a rehire date if the employee has left the university and is returning as a new employee within 3 years of completion of his/her original Form I-9
- 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 against OU procedures to make copies of documents and it is unlawful to request specific documents from the employee.
Revising Errors & Making Changes

- Use a new form if necessary
  - Shred the original form if you use a new Form I-9 due to errors
- If it is a minor change, the employee should:
  - Cross out the incorrect information (one strikethrough)
  - Write his/her initials beside it
  - Re-enter correct information

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 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. 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. Examples of documents that are not valid include a laminated social security card or an expired passport.
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. Additional documentation does not pertain to domestic passports and thus other fields are left blank.
A domestic Passport Card is also a valid form of documentation under list A. Again, additional documentation does not pertain to domestic passport cards, so 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. 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, you will then record the information from the Form I-94 (which is usually stapled into the foreign passport). Lastly, you should include the information from the employee's Machine Readable Immigrant Visa with I-551 notation, I-551 stamp, I-797, DS-2019 or I-20—which indicates the employee's expiration of work authorization within the United States. Which form you use as the third document depends on the employee's immigration or visa status.

Please note: If this is used as documentation, the employee will eventually be subject to Form I-9 section 3 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 which will be used as the document number. On the right hand side, there will be a date listed, which is the entry date. While some also include an expiration date, many will be marked with “D/S” or “EOS.” This means “Duration of Status” or “End of Status”—that is to say, the employee’s I-94 is valid as long as the employee holds a valid non-immigrant status, such as a J-1 Visa or H1B Visa (which we will discuss later).

If there is an expiration date listed on the I-94 or I-94A, that should be used when completing the information for List A. If there is no expiration date listed, then write either “D/S” or “EOS” depending on what is written or typed on the document.
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 issued by the U.S. government. For the purpose of completing a Form I-9, the “valid until” date serves as the expiration date and there is no document number to record.
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 and I-551 notation should be used for completing the third box under list A, though no Document Number is used.
Occasionally, an individual's MRIV will be expired, but the employee 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 tertiary documentation ONLY IF the MRIV has already expired. This is still used in conjunction with the foreign passport and I-94. There is no document number used for the I-20 when completing the Form I-9.
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. This is still used in conjunction with the foreign passport and I-94. There is no document number used for the DS-2019 when completing the Form I-9.
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 I-797 should be used as the third List A document when completing section two of the Form I-9.

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.

This is still used in conjunction with the foreign passport and I-94. There is no document number used for the I-797 when completing the Form I-9.
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 additional documentation is required.

Please note: If this is used as documentation, the employee will eventually be subject to Form I-9 section 3 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 additional documentation is required. If an employee presents a Permanent Resident Card for completion of section two, they will NOT be subject to Form I-9 Section 3 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 is on the face of the card, the issuing authority is on the back, and the document number is on both sides. There is NO expiration date on the old version of the I-551 Permanent Resident Card—they are valid indefinitely. No additional documentation is required. If an employee presents a Permanent Resident Card for completion of section two, they will NOT be subject to Form I-9 Section 3 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).
A Note On Minors WITHOUT List B Documentation

- The minor MAY NOT complete section 1.
- Parent/guardian completes section 1.
- P/G serves as preparer/translator.
- P/G does not have to be present.
- "Individual under 18" written in "employee signature" field.
- Remaining sections completed as usual.
- Minors should still present documentation for List C.

For minors that cannot present any List A or List B documentation, a parent or guardian may fill out Section one and the preparer/translator section. In such an event, the parent or guardian will write "Individual under age 18" where the employee would normally sign. This serves as proof of identity, but the parent or guardian does not have to be present to complete the I-9. (That is to say, the employee may take the form to his or her parent or guardian to complete and then return it to you.) When you complete section two, under List B, you should write "Individual Under Age 18."

The remainder of the form should be completed as usual, and the employee should still present proper List C documentation.
Now we will discuss various List C documents, beginning with the social security card. List C documents must be accompanied by a valid List B document.

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.
A Note For Social Security Cards

- Social Security cards must be signed to be valid
- Laminated cards are NOT valid
- Social Security cards that state "Not valid for employment" OR "Valid for work only with DHS authorization" CANNOT be used on the Form I-9!

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.
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.
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.
List C: Certificate of Naturalization
(Form N-550 or N-570)

This document is used in conjunction with a List B document

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.
Immigration Reform and Control Act of 1986 (IRCA)

- Signed into law on November 6, 1986.

- Prohibits employers from knowingly hiring unauthorized aliens and hiring individuals without completing the employment eligibility verification process.

- Established prohibitions against national origin and citizenship or immigration status discrimination with respect to hiring, firing and recruitment or referral for a fee.

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.
Commonly Used Visas at Ohio University (cont.)

- **M-1**
  - The M-1 Visa is for students enrolled in non-academic or "vocational study." The M-1 Visa is valid for one year, but students may apply for extensions for up to three years.  
    (http://travel.state.gov/benefits/other-us-visas/)

- **J-1**
  - The Exchange Visitor (J) non-immigrant visa category is for individuals approved to participate in work-and study-based exchange visitor programs. Individuals with a J-1 Visa, such as visiting professors, research scholars, short-term scholars, and students, may apply for an extension equal to the full length of their program.  
    (http://travel.state.gov/benefits/other-us-visas/)

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.
Federal Requirements for Ohio University

The law requires Ohio University as an employer to:

- Ensure that all employees fill out Section 1 of the Form I-9 when they begin work;
- Review document(s) establishing each employee's identity and eligibility to work;
- Properly complete Section 2 of the Form I-9 on or before the third day of employment;
- Properly complete Section 3 of the Form I-9 (when required)

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:
  
  o 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

  o 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, 48 C.F.R. 6.3)

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 fraudulent document
  - Subsequent Offenses: Not less than $3,200 and not more than $6,500 for each fraudulent document

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.
For More Information

University Human Resources
HRTC 103
169 West Union Street
Athens, Ohio 45701

(740) 593-1636

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.
Additional Resources

- M-274 Handbook for Employers
- I-9, Employment Eligibility Verification
- USCIS I-9 Central Home
- Federal Form I-9
- Ohio University: Immigration - Employment

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.