Form I-9 Policy for USF Hilltop and Branch Campuses

POLICY STATEMENT

The United States Citizenship and Immigration Services (USCIS) requires employees to provide identification and proof of their authorization to work in the United States via the Form I-9. This Policy governs the completion, filing, retention, and disposal of the University of San Francisco (USF) Forms I-9 for all employees who work at the hilltop campus, downtown campus, or other branch campus locations. The Form I-9 Policy for Remote Hires should be referenced for employees who are unable to complete a Form I-9 at the aforementioned locations.

This Policy does not address the specific procedures of the Human Resources (HR) department as they relate to the processing of Forms I-9. The detailed procedures regarding the implementation of this Policy are set forth in a separate document among other HR front desk procedures. Please contact HR at humanresources@usfca.edu for more information.

REASON FOR POLICY

Because the USCIS requires employees to provide identification and proof of their authorization to work in the United States, employers must complete the Form I-9 to document and verify the identity and employment eligibility of each new employee to work in the United States, for both citizens and noncitizens hired after November 6, 1986.

Additionally, the Immigration and Nationality Act prohibits employers from discriminating against individuals based on their citizenship or immigration status or based on their national origin as gathered the Form I-9 process. To this point, USF has created this Policy and specific Form I-9
procedures and requires Form I-9 training to ensure that all employees handling Form I-9 verifications understand the rules.

**WHO SHOULD READ THIS POLICY**

Any employee who is responsible for receiving Forms I-9 from new and existing employees of USF including but not limited to: HR on hilltop campus, branch campuses, authorized representatives, members of the Leadership Team, Business Managers, and managers who supervise an employee with such responsibilities.

**POLICY TEXT**

**Who Must Complete the Form I-9**
All USF employees who began work after November 6, 1986 and anyone labelled “active” in USF’s Banner system must complete a Form I-9 with HR at Hilltop Campus, at a Branch Campus, or with an Authorized Representative. Student employees who began work after November 6, 1986 must complete a Form I-9 with Student Employment. Employees with start dates prior to November 6, 1986 are exempt from the requirement to submit a Form I-9.

**Authorized Representatives**
USF HR must approve, authorize, and train any USF representative acting in its behalf for processing Forms I-9. Specific schools and departments are not to secure an authorized representative without USF HR’s approval. USF HR may designate HR personnel from a college or university outside of California to be an authorized representative. The Department of Homeland Security (DHS) does not require the authorized representative to have specific agreements or other documentation for Form I-9 processing purposes. If an authorized representative fills out Forms I-9 on behalf of USF, USF is still liable for any violations in connection with the form or the verification process.

When completing the Form I-9, the authorized representative must physically examine each document presented by the employee to determine if it reasonably appears to be genuine and relates to the employee. Reviewing or examining documents via webcam is not permissible.

If the authorized representative refuses to complete a Form I-9, including providing a signature, another authorized representative will be selected. In rare occasions, USF will select a notary for this purpose. If selected, the notary public must act as an authorized representative of USF, not as a notary. The notary public must perform the same required actions as any other authorized representative. When acting as an authorized representative, a notary public should not provide a notary seal on the Form I-9. If a particular state’s law supersedes this USF policy, then the HR Director of Employment must be consulted. The new employee will pay fees associated with a notary.

**Name and Misinformation Changes to a Form I-9**
Employees are responsible for informing USF HR of any changes that may affect the information contained on their Form I-9. USF HR will update Forms I-9 to maintain accurate information. If an employee informs USF HR of a change, USF HR requires that employee present documentation to
show the reason for the change or misinformation on his or her current Form I-9. Changes must be well-documented in this manner in case of a government audit of USF’s Forms I-9.

Filling and Storage
At USF, the Forms I-9 for active employees are maintained in binders, are stored in a locked file cabinet at the HR front desk, and are separate from employee personnel files. Departments are not to make and/or keep photocopies of Forms I-9.

Retention, Termination, and Disposal
Employees’ completed Forms I-9 are retained in the I-9 active binder for as long as they work for USF. If an employee is terminated, the government requires USF to retain the Form I-9 for either three years after the date of hire or one year after the date of termination, whichever is later. USF retains the pages of the form on which the employee and employer enter data. Copies of documentation presented by the employee are also retained. As of January 2015, USF HR no longer retain copies of supporting documents that were presented. Unnecessary documentation is shredded on an annual basis.

Internal Audits
HR front desk runs a report from Banner each month to perform Form I-9 audits.

Inspections and External Audits
Several United States agencies are charged with auditing business Form I-9 practices and forms. USCIS, DHS Officials, employees from the Office of Special Counsel (OSC) for Immigration-Related Unfair Employment Practices at the Department of Justice (DOJ), and employees from the Department of Labor (DOL) may inspect an employer’s Forms I-9. Some agencies are required to give notice; some are not required to give notice. Generally, employers will receive a written Notice of Inspection at least three days in advance. These officials will inform the owner, designee, senior management official, or registered agent of the business entity of an inspection in person or by certified United States mail, return receipt requested. Officials may also use subpoenas and warrants to obtain the forms without providing three days’ notice. If a subpoena is received, it must be provided to the USF Office of General Counsel for review before acting.

Penalties
Employers, including USF, who do not comply with Form I-9 rules are subject to the following:
- Civil fines,
- 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, and
- A court order requiring the employer to hire the individual discriminated against.

Each Department or School at USF is responsible for paying their own portion of any I-9 related fine.

Employee Rights
- The Immigration and Nationality Act prohibits employers from discriminating against individuals based on their citizenship or immigration status or based on their national
origin as gathered the Form I-9 process. Therefore, USF must treat employees in a non-discriminatory manner when recruiting, hiring, firing, and verifying their identity and authorization to work on the Form I-9.

- USF may not demand specific Form I-9 verification documents. The employee may present any document either from List A or from List B and List C to demonstrate their identity and their eligibility to work in the United States.

PROCEDURES

Completion of Form I-9 by HR on Hilltop Campus (San Francisco)

- Section 1, Employee Section: Employees are provided the Form I-9 in an automated new hire welcome email generated by the Banner system. Employees are to date, sign, and complete Section 1 of the Form I-9 by their first day of employment.
- Section 2, Employer section: Those at USF responsible for receiving new hire paperwork are to complete Section 2 of the Form I-9 by the third day of employment. Anyone receiving new hire paperwork, including Forms I-9 in particular, must be trained by HR.
- Section 3: This is completed by USF for employees who are (1) rehired or (2) require reverification of employment authorization or (3) have a legal name change.
- When completed, all Forms I-9 are maintained in binders and stored in a locked file cabinet at the HR front desk. Departments are not to make and/or keep photocopies of Forms I-9.

Completion of Form I-9 by Branch Campuses and Authorized Representatives

Branch campuses and representatives authorized by HR are responsible for the collection of new hire paperwork, including Forms I-9. Once the paperwork for a new employee is complete, the branch campuses and authorized representatives should:

1. Inform HR that a faxed copy of all new hire paperwork is being sent by calling (415) 422-6707 or emailing humanresources@usfca.edu.
2. Once HR has confirmed receipt of the fax, immediately mail original documents via certified mail, Fed Ex, or another traceable mail service, to:
   University of San Francisco
   ATTN: Human Resources
   Lone Mountain Main, Room 339
   2130 Fulton Street
   San Francisco, CA 94117

Branch Campuses and authorized representatives are required to participate in continuous Form I-9 training as directed by HR and often provided online by USCIS.

RELATED INFORMATION

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DEFINITIONS

Active — Also known as active employment status – having a paid job on USF payroll. Exceptions include Adjunct Faculty who may be active for 24-months after their paid job on USF Payroll has been terminated.

Admission Number or I-94 Number — An 11-digit number found on the Form I-94 or Form I-94A Arrival-Departure Record.

Affiliate — An individual with an employee role in a non-paid capacity. In Banner, receives a PEAEMPL record and NBAJOBS record with a special e-classification. For example, a vendor, consultant, or temporary worker.

Alien — Any person who is not a citizen or national of the United States.

Alien Registration Number or Alien Number (A Number or A#) — A unique seven-, eight- or nine-digit number assigned to a noncitizen by the Department of Homeland Security. Also see “USCIS Number.”

Arrival-Departure Record (Form I-94/I-94A) — A small white card placed in the passport of an alien when they are admitted or paroled to the United States. This form is also issued to aliens in connection with the approval of an immigration benefit granted from within the United States. The card indicates parole or the immigration status under which the alien was admitted, and, if applicable, how long the alien is authorized to stay in the United States, either with a specific date, or with a notation such as D/S (Duration of Status). See also Duration of Status.

Asylee — An alien in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien’s race, religion, nationality, membership in a particular social group, or political opinion.

Cap-Gap Extension — Allows foreign students seeking to change to H-1B status to extend their status and employment authorization through Sept. 30 of the calendar year for which the H-1B petition is being filed, but only if the employment start date in H-1B status will begin on Oct. 1. The extension is automatically terminated if the petition is rejected, denied or revoked.

Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019) — A Department of State-controlled document required to support an application for an exchange visitor visa (J-1) prepared by the program sponsor which can only be produced through the Student and Exchange Visitor Information System (SEVIS).

Certificate of Eligibility for Nonimmigrant (F-1) Student Status, For Academic and Language School (Form I-20) — A DHS-controlled document required to support an application for a student visa (F-1 or M-1) prepared by the sponsoring school which can only be produced through the Student and Exchange Visitor Information System (SEVIS).
Curricular Practical Training — A program that allows students to accept paid alternative work/study, internships, cooperative education or any other type of required internship or practicum that employers offer though cooperative agreements with the school.

(United States) Customs and Border Protection (CBP) — An agency of the DHS that is responsible for securing the homeland by preventing the illegal entry of people and goods while facilitating legitimate travel and trade.

Department of Homeland Security (DHS) — Department of the Executive Branch of the United States government charged with homeland security: preventing terrorism and managing risks to critical infrastructure; securing and managing the border; enforcing and administering immigration laws; safeguarding and securing cyberspace; and ensuring resilience to disasters.

Department of Justice (DOJ) — Department of the Executive Branch of the United States government with the primary responsibilities to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

Department of Labor (DOL) — Department of the Executive Branch of the United States government that fosters and promotes the welfare of the job seekers, wage earners, and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers, strengthening free collective bargaining, and tracking changes in employment, prices, and other national economic measurements. In carrying out this mission, the Department administers a variety of Federal labor laws including those that guarantee workers’ rights to safe and healthful working conditions; a minimum hourly wage and overtime pay; freedom from employment discrimination; unemployment insurance; and other income support.

Designated School Official (DSO) — The person designated by the head of a Student and Exchange Visitor Program (SEVP)-approved school to support the Principal Designated School Official and maintain SEVIS records.

Disabilities, Employees/Individuals with — Individuals with physical or mental impairments that substantially limit one or more of their major life activities, have a record of such impairments, or are regarded as having such impairments.

Discrimination — Unfair treatment because of your race, color, religion, sex (including pregnancy), citizenship or immigration status, national origin, disability, age (age 40 or older) or genetic information in the workplace or other protected characteristic or activity.

Duration of Status (D/S) — Notation on certain nonimmigrant Forms I-94 indicating that the individual, such as an F-1 nonimmigrant student, is authorized to remain in the United States as long as he or she maintains a valid status,
Employee — An individual with paid job on USF payroll. Generally, an individual who provides services or labor for an employer for wages or other remuneration. Does not include an independent contractor or those engaged in casual domestic employment, as defined.

Employer — A person or entity, including an agent or anyone acting directly or indirectly in the interest thereof, who engages the services or labor of an employee for wages or other remuneration to perform work in the United States. The term employer includes agricultural recruiters and/or referrers for a fee. In the case of an independent contractor or contract labor or services, the term employer means the independent contractor or contractor and not the person or entity using the contract labor.

Employer sanctions — Series of civil fines or criminal penalties for violation of regulations that prohibit employers from hiring, recruiting or referring for a fee aliens known to be unauthorized to work in the United States, or continuing to employ aliens knowing them to be unauthorized, or hiring an individual without completing Form I-9.

Employment — Any service or labor performed by an employee for an employer within the United States, but not including casual domestic employment or duties performed by nonimmigrant crewmen (D-1 or D-2).

Employment Authorization Document (Form I-766/EAD) — A general term used to describe a card issued by USCIS on Form I-766 with the title “Employment Authorization Card” to aliens who are authorized to work in the United States in order to evidence their employment authorization. The card contains a photograph of the individual and sometimes his or her fingerprint. An alien who has been issued this card usually has open-market employment authorization, but there are exceptions.

Equal Employment Opportunity Commission (EEOC) — Agency that enforces federal laws that prohibit discrimination against a job applicant or employee because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information.

Exchange visitor — An alien admitted temporarily to the United States in J-1 status as a participant in a program approved by the Secretary of State for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training.

F-1 Nonimmigrant Student, Foreign Student — A student in F-1 nonimmigrant status (Academic Student) is an alien who has been admitted to the United States as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. The student must be enrolled in a program or course of study that culminates in a degree, diploma, or certificate and the school must be authorized by the United States government to accept international students; OR

M-1 Nonimmigrant Student, Foreign Student — An individual in M-1 nonimmigrant status (Vocational Student) is an alien who has been admitted to the United States to participate in vocational or other nonacademic programs, other than language training.
Hire — The actual commencement of employment of an employee for wages or other remuneration.

(United States) Immigration and Customs Enforcement (ICE) — The principal investigative arm of the DHS, ICE's primary mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.


Immigration and Nationality Act (INA) — An Act of Congress that, along with other immigration laws, treaties, and conventions of the United States, relates to the immigration, temporary admission, naturalization, and removal of aliens.

INS — An abbreviation of the Immigration and Naturalization Service, which was abolished in 2003. Its functions are now performed by three agencies of the DHS: USCIS, ICE, and CBP.

Labor certification — DOL certification required for United States employers seeking to employ individuals whose immigration to the United States is based on job skills or nonimmigrant temporary workers coming to perform services for which qualified authorized workers are unavailable in the United States. Labor certification is issued by the Secretary of Labor and contains attestations by United States employers of the numbers of United States workers available to undertake the employment sought by an applicant, and the effect of the alien's employment on the wages and working conditions of United States workers similarly employed. Determination of labor availability in the United States is made at the time of a visa application and at the location where the applicant wishes to work.

Lawful permanent resident (LPR) — Any person not a citizen of the United States who is residing in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. Also known as "Permanent Resident Alien," "Resident Alien Permit Holder," and "Green Card Holder."

National of the United States — A national of the United States or a person who, though not a citizen of the United States, owes permanent allegiance to the United States (e.g., persons born in American Samoa or Swains Island).

New Hire — At USF, an individual who has never been an employee in any capacity or classification from November 6, 1986 to present.

Nonimmigrant — An alien who is admitted to the United States for a specific temporary period of time. There are clear conditions on their stay. There are a large variety of nonimmigrant categories, each exists for a specific purpose and has specific terms and conditions. Nonimmigrant classifications include: foreign government officials, visitors for business and for
pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(es) of United States citizens, intra-company transferees, NATO officials, religious workers, and some others. Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

**North American Free Trade Agreement (NAFTA)** — Public Law 103-182 (Act of December 8, 1993) created special economic and trade relationships for the United States, Canada, and Mexico. The TN nonimmigrant classification permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities at a professional level. Among the types of professionals who are eligible to seek admission as TN nonimmigrants are accountants, engineers, lawyers, pharmacists, scientists, and teachers.

**Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC)** — A section within the Civil Rights Division of the DOJ that enforces the anti-discrimination provisions of the Immigration and Nationality Act, 8 U.S.C. § 1324b, which protects United States citizens and employment-authorized individuals from employment discrimination based on citizenship or immigration status, or based on national origin with respect to hiring, firing and recruitment or referral for a fee, and discrimination during the employment verification process.

**Permanent Resident Card (Form I-551)** — Also known as the green card or alien registration card, this card is issued by USCIS to aliens as evidence of their lawful permanent resident status in the United States. For Form I-9, it is acceptable as proof of both identity and employment authorization. Although some Permanent Resident Cards contain no expiration date, most are valid for 10 years. Cards held by individuals with conditional permanent resident status are valid for two years.

**Port of entry** — Any location in the United States or its territories that is designated as a point of entry for aliens and United States citizens. All district offices and service centers are also considered ports, because they become locations of entry for aliens adjusting to immigrant status.

**Refugee** — Generally, any person outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear must be based on the person’s race, religion, nationality, membership in a particular social group, or political opinion. For a legal definition of refugee, see section 101(a)(42) of the Immigration and Nationality Act (INA).

**Regulations** — Rules issued by an executive authority, such as a government department or agency in the Executive Branch, to carry out the intent of the law. Regulations issued by the Federal Government are first published in the Federal Register, then arranged in the Code of Federal Regulations (CFR). Immigration regulations issued by the DHS are codified in Title 8 CFR, Aliens and Nationality.

**Re-Hire** — At USF, an individual who has worked at USF previously and whose employee PEAEMPL record has been terminated. This applies to any e-classification.
Remuneration — Anything of value given in exchange for labor or services, including food and lodging.

SEVIS ID number — Unique identifier printed on each Form I-20 or Form DS-2019 in the top right corner, which consists of an alpha character (N) and up to 11 numbers (e.g., N0002123457).

Specialty occupation — An occupation which requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts, and which requires the attainment of a bachelor’s degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

Student and Exchange Visitor Information System (SEVIS) — A DHS database developed to collect information on the F, M, and J visa holders.

Student and Exchange Visitor Program (SEVP) — A government program that collects, maintains and provides information that allows legitimate foreign students or exchange visitors to gain entry into the United States. SEVP uses Web-based technology, known as the Student and Exchange Visitor Information System (SEVIS), to track and monitor schools and programs, students, exchange visitors and their dependents throughout the duration of approved participation within the United States education system.

Temporary protected status (TPS) — The Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. Eligible individuals without nationality who last resided in the designated country may also be granted TPS. The Secretary may designate a country for TPS due to the following temporary conditions in the country: ongoing armed conflict (such as civil war); an environmental disaster (such as earthquake or hurricane); or other extraordinary and temporary conditions. Grants of TPS are initially made for periods of six to 18 months and may be extended.

USCIS Number — A unique, 9-digit number assigned to a noncitizen by the DHS that is listed on the front of Permanent Resident Cards (Form I-551) issued after May 10, 2010. See also Alien Registration Number or Alien Number.

(United States) Citizenship and Immigration Services (USCIS) — A federal agency that oversees lawful immigration to the United States. Its functions include, but are not limited to, granting employment authorization to eligible aliens, issuing documentation of alien employment authorization, maintaining Form I-9, and administering the E-Verify employment eligibility verification program.

USCIS Number — A unique, 9-digit number assigned to a noncitizen by the DHS that is listed on the front of Permanent Resident Cards (Form I-551) issued after May 10, 2010. See also Alien Registration Number or Alien Number.
Visa — A United States visa allows the bearer to apply for entry to the United States in certain immigrant or nonimmigrant classifications. The Department of State is responsible for visa adjudication at United States Embassies and Consulates outside of the DHS, CBP inspectors determine admission into, length of stay and conditions of stay in, the United States at a port of entry.

ADDITIONAL CONTACTS

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<td>415-422-6707</td>
<td><a href="mailto:humanresources@usfca.edu">humanresources@usfca.edu</a></td>
</tr>
<tr>
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<td><a href="mailto:srluevanos@usfca.edu">srluevanos@usfca.edu</a></td>
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<tr>
<td>Director of HR</td>
<td>Diane Nelson</td>
<td>415-422-2441</td>
<td><a href="mailto:dlnelson3@usfca.edu">dlnelson3@usfca.edu</a></td>
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FORMS

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RESPONSIBILITIES

Please see Policy Text and Procedures sections above.

FREQUENTLY ASKED QUESTIONS FOR HR, BRANCH CAMPUSES, AUTHORIZED REPRESENTATIVES, AND MANAGERS

1. **Does my company need to complete Forms I-9 for retired employees who were originally hired before Nov. 6, 1986, and are rehired after retiring?**
   A retired employee who separated from your company and later returned should complete Form I-9 even if the employee was originally hired after Nov. 6, 1986. In this situation the employee is considered a new hire.

2. **Will I be subject to employer sanctions penalties if an employee I hired on or before November 6, 1986 is in the United States illegally?**
   No. You will not be subject to employer sanctions penalties for failing to complete Form I-9 or for continuing to employ an employee who is not authorized to work in the United States if the employee was hired on or before November 6, 1986. However, the fact that the employee was on your payroll on or before November 6, 1986, does not give him or her the right to remain in the United States. Unless the employee obtains permission
from DHS to remain in the United States, he or she is subject to apprehension and removal from the United States.

3.  **Can I use my friend in another state as an authorized representative to help complete a Form I-9?** No, the USF HR Department already has a network of authorized representatives, who have been trained and coordinated by HR. Contact HR if you have a new hire who needs a Form I-9 completed in a remote location.

4.  **My company retains unpaid individuals (student trainees, interns, volunteers, residents) that receive job training and experience but receive no form of payment from my company. Do we need to complete Forms I-9 for these individuals?**

   In general, Forms I-9 are not required for unpaid individuals unless the individuals will receive something of value in exchange for their labor or services, also referred to as remuneration. Remuneration can come in many forms, such as money, meals, lodging and other benefits, but does not include gifts. If your company determines that unpaid individuals will receive something of value in exchange for labor or services, your company should complete a Form I-9.

5.  **Am I required to complete Forms I-9 for employees who will work only one day?**

   Yes. Unless the individual engages in casual domestic employment, you must complete Form I-9 for each employee hired to work in the United States, even if your employee works only one day.

6.  **Do I have to update or complete a new Form I-9 when distributing back pay to a previous employee who no longer works for the company?**

   No. You should not update or complete a new Form I-9 if you are only distributing back pay to a previous employee.

7.  **Do I need to fill out Forms I-9 for independent contractors or their employees?**

   No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Forms I-9 for that company’s employees. The construction company is responsible for completing Forms I-9 for its own employees. However, you may not use a contract, subcontract or exchange to obtain the labor or services of an employee knowing that the employee is unauthorized to work.

8.  **If someone accepts a job with my company but will not start work for a month, can I complete Form I-9 when my employee accepts the job?**

   Yes. The law requires that you complete Form I-9 only when the person actually begins working for pay. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use the Form I-9 process to screen job applicants or to delay the actual start day of work.

9.  **Do citizens and noncitizen nationals of the United States need to complete Form I-9?**

   Yes. While citizens and noncitizen nationals of the United States are automatically eligible for employment, they too must present the required documents and complete a Form I-9. U.S. Citizens include persons born in the United States, Puerto Rico, Guam, the United States Virgin Island and the Commonwealth of the Northern Mariana Islands. United States noncitizen nationals are persons who owe permanent allegiance to the United States, which include those born in American Samoa, including Swains Island.

10. **If my employee changes citizenship status after completing Form I-9, are they required to change their attestation?**

    There is no requirement to update the individual’s attestation. The employee can voluntarily update Section 1 and initial and date the changes or complete Section 1 of a new Form I-9 and attach it to the existing Form I-9.
11. Am I required to retain original Forms I-9 with original handwritten signatures or are photocopies acceptable?
If the employer completes and retains Form I-9 in paper format only, you must retain the original Form I-9 with the original handwritten signatures for three years after the date of hire or one year after the date the individual’s employment is terminated, whichever is later. Photocopies of the completed Form I-9 are not acceptable to meet this retention requirement. You may choose to scan and upload the original, signed form in order to retain it electronically. Once you have securely stored Form I-9 in electronic format, you may destroy the original paper Form I-9.

12. Do I have to complete Forms I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?
Yes. You must complete Forms I-9 for all employees, including NAFTA entrants.

13. Section 1 of the Form I-9 now states Other Names Used instead of Maiden Name. If my employee has too many previous names to fit in the box, where should I write them?
Your employee should provide all other legal names used, including maiden name if applicable. If needed, your employee may write any additional legal names on the form where it best fits and does not interfere with other information on the form. Including the information in a signed and dated attachment is also acceptable.

14. When an alien authorized to work has an I-94 with a “D/S” indicated as the expiration date do I need to write “D/S” in Section 1?
“D/S” should be written in Section 1 when applicable (e.g., F-1 nonimmigrant student engaging in on-campus employment; nonimmigrant admitted under the Compact of Free Association Between the United States and the Federal States of Micronesia or the Republic of the Marshall Islands).

15. How do you enter a Mexican or Canadian address in Section 1?
The full Mexican or Canadian address should be entered in Section 1 using the boxes for Address, City or Town, State and Zip Code. If additional space is needed, the employee may write information, such as the country, on the form near the address data fields where it best fits and does not interfere with other information on the form, or in a signed and dated attachment that includes an explanation regarding why extra space was needed for the address.

16. Can employees leave certain fields blank or are they required to use ‘N/A’ in blank fields?
In most cases, employees can leave certain fields blank if they do not apply, but it is recommended to use “N/A.” However, if the passport number and country of issuance fields in Section 1 do not apply, the employee must write “N/A.” Follow the Form I-9 Instructions when determining if an N/A is required. The instructions state when an employer or employee may use N/A or must use N/A. Required fields must be completed with either the information requested or “N/A.” Failing to provide a response in a required field may be considered a verification violation.

17. If an employee writes down an Alien Number or Admission Number when completing Section 1 of Form I-9, may I ask to see a document with that number?
No. Although it is your responsibility as an employer to ensure that your employees fully complete Section 1 by the time employment begins, the employee is not required to present a document to complete this section. When you complete Section 2, you may not ask to see a document with the employee’s Alien Number or Admission Number or otherwise specify which document(s) an employee may present. To do so may violate the anti-discrimination provision of the INA.
18. **Can I complete Section 1 of Form I-9 for my employee?**
   You may help an employee who needs assistance in completing Section 1 of Form I-9. However, you must also complete the Preparer and/or Translator Certification block. The employee must still sign the certification block in Section 1.

19. **Do I need to make my employee complete a new Form I-9 if my employee does not sign in the correct space in Section 1 of Form I-9?**
   No. As long as it is clear that the signature relates to the attestation (“I attest, under penalty of perjury ...”), there is no need to complete a new Form I-9 or correct the placement of the signature.

20. **When a foreign national employee provides a List A document that includes a foreign passport, an I-94, and I-20, should/could we re-verify using more than one document under Section 3 or just one document at a time?**
   The employee’s foreign passport establishes identity and therefore does not trigger reverification when it expires. In the case of a student, the Form I-94 and I-20 establish employment authorization. Reverification is triggered by the document with the earlier end date. Both documents should be treated as a group; reverification should not be completed each time one of the documents in the group expires. To meet the reverification requirements, the employee may present any document of his or her choice from List A or List C. If the document that the employee chooses to present consists of a combination of documents (e.g., foreign passport with Form I-94 indicating the employee’s nonimmigrant classification that is work authorized incident to status for a specific employer), then all documents must be recorded in Section 3.

21. **What should I do when an employee’s employment authorization expires?**
   To continue to employ an individual whose employment authorization has expired, you will need to re-verify him or her in Section 3 of Form I-9. Reverification must occur no later than the date that employment authorization expires. The employee must present a document of their choice from either List A or List C that shows either an extension of his or her initial employment authorization or new employment authorization. The employee does not need to present the same document they presented for initial verification. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, record the document title, number, and expiration date (if any), in the Updating and Reverification Section (Section 3), and sign in the appropriate space.
   If the version of Form I-9 that you used for the employee’s original verification is no longer valid, you must complete Section 3 of the current Form I-9 upon reverification and attach it to the original Form I-9.
   You may want to establish a calendar call-up system for employees whose employment authorization will expire and provide the employee with at least 90 days’ notice prior to the expiration date of the employment authorization.
   You may not re-verify an expired United States passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired.
   NOTE: You cannot refuse to accept a document because it has a future expiration date. You must accept any document (from List A or List C) listed on Form I-9 that on its face reasonably appears to be genuine and to relate to the person presenting it. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.
22. If an Adjunct Faculty member is returning to work at USF, does he or she need to complete a new Form I-9?
Yes. In most cases a new Form I-9 is required. If his or her original Form I-9 is dated less than three years ago, HR may be able to re-verify the existing Form I-9.

23. Can I avoid re-verifying an employee on Form I-9 by not hiring persons whose employment authorization has an expiration date?
No. You cannot refuse to hire persons solely because their employment authorization is temporary. The existence of a future expiration date does not preclude continuous employment authorization for an employee and does not mean that subsequent employment authorization will not be granted. In addition, consideration of a future employment authorization expiration date in determining whether an individual is qualified for a particular job may be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

24. What should I do if I need to re-verify an employee who filled out an earlier version of Form I-9?
If you originally used a version of Form I-9 when verifying the employee that is no longer valid, and you are now re-verifying the employment authorization of that employee, the employee must provide any document(s) he or she chooses from either a List A document or a List C document of the employee’s choice from the current Lists of Acceptable Documents. Enter this new document(s) in Section 3 of the current version of Form I-9 and retain it with the previously completed Form I-9. To see if your form is an acceptable version of Form I-9, go to www.uscis.gov/i-9.

25. If a natural disaster or any other unforeseen occurrence destroys a company’s stored Forms I-9, what should the company do?
Employers whose Forms I-9 are missing and/or destroyed as a result of a natural disaster or any other unforeseen occurrence should complete new Forms I-9 to the extent reasonably possible and attach a memo stating the reason new Forms I-9 were redone or why it was not possible to redo the Forms I-9.

FREQUENTLY ASKED QUESTIONS FOR EMPLOYEES COMPLETING FORMS I-9
1. Can I use my friend in another state as an authorized representative to help me complete my Form I-9?
No, the USF HR Department already has a network of authorized representatives, who have been trained and coordinated by HR. Contact HR if you need to have a Form I-9 completed in a remote location.

2. Can I turn my Form I-9 into you after my hire date?
Newly hired employees must complete and sign Section 1 of the Form I-9 no later than their first day of employment.

3. Can I fax or scan you my form I-9? Can I have someone else turn my documents in for me?
This is a form that needs to be updated in person. The reason for this is that federal law requires us to a) verify the original documents and b) do a person match to the document.

4. Do I have to submit a form I-9 if I am a citizen?
Yes, citizens of the United States must present the required documents and complete a Form I-9. Citizens, however, are automatically eligible for employment.

5. Can I submit supporting documents other than the ones listed on the acceptable documents list?
An employer can only accept the documents listed on the list of acceptable documents found on the last page of the Form I-9.

6. Can I submit expired documents?
   All documents must be current.

26. Can I use the Form I-9 you previously had on file for me?
    If you have been terminated by USF within the current year.

REVISION HISTORY

1/11/2016    First publication of Policy

APPENDICES

N/A