

FORM I-9: REFRESHER TRAINING

January 2020



Today's Agenda

- What's an I-9
- II. Harvard's Process: New Hires, Re-Certification
- III. Verifying and Listing Documents in Section 2
- IV. Review the I-9 Visa Types
- V. For More Information

I | FORM I-9

- Full Title: Form I-9, Employment Eligibility Verification
- <u>Purpose</u>: Completed by all newly hired employees in order to verify their identity and authorization to work in the United States.
- Affects: US Citizens and Non-US Citizens working in the US
 - ☑New Hires
 - **☑**Rehires
 - ☑(non-US Citizens only) **any status change**, such as from an H1-B Visa to Permanent Resident
- <u>Issued By</u>: Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS)
- I-9 Forms: <u>Harvard Training Portal</u>.

I | Who Completes this Form?

Section 1: Employee (page 1)

- Any person to perform labor or services
- New employees hired after November 6, 1986
- All Rehires (Harvard Process)
- Recertification

Section 2: The Employer (page 2)

- Examine and record document(s) provided
- Attestation

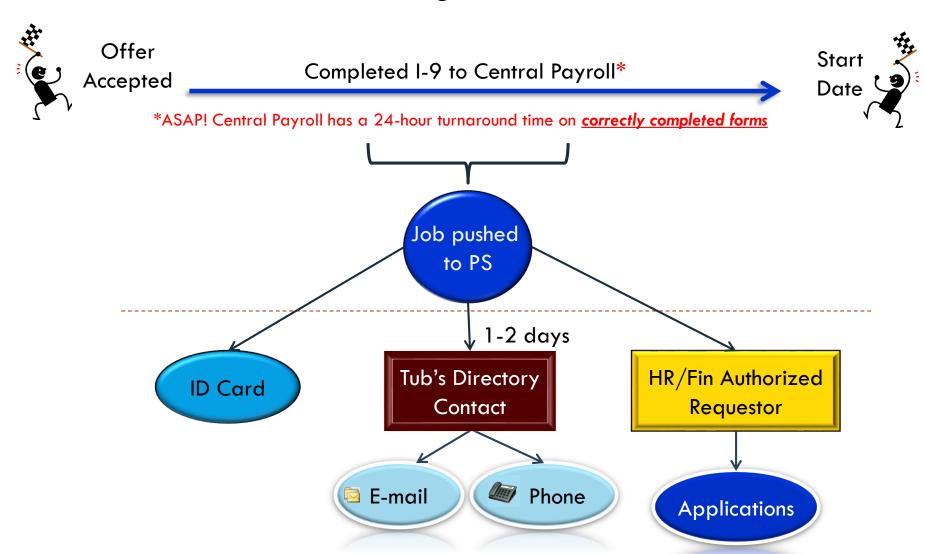
Section 3: Recertification (do not use)

 Harvard Process – do not use this section. For recertification, complete Sections 1 & 2 of a NEW I-9

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II | Harvard Process

II | New Hires: On-boarding Process



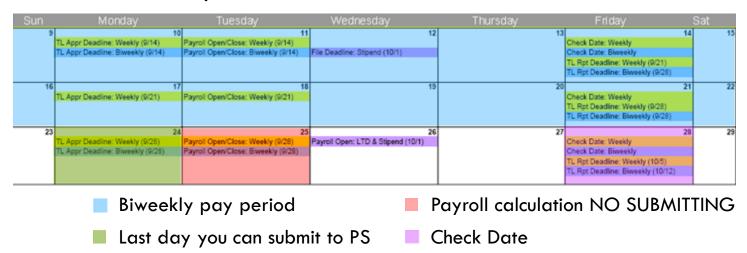
II | Payroll & the I-9

Payroll Process (24-hours)

- Reviews the I-9 and supporting documentation
- Adds SSN (or Temp SSN) to the I-9 table and checks "Eligible to work in US"



Remember Those Payroll Calendar Deadlines



II | I-9 Re-Certification

MONTHLY: Run the Visa Expiration Report: Can be done in QlikView or PeopleSoft
 This report returns all visas that either <u>have</u> expired or <u>will expire</u> in 180 days.

Repor	t HUPYX01:	1 Work Authorization	Report				CITIZENSHIP	VISA	EFFECTIVE	EXPIRATION	DURATION	PERMIT
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WTM	123457	HMS^Dvrs Bsample	Bperson	22334455	700030	JPN	Alien Temp	F-1	9/13/2006	6/7/2012	Months	Granted
POU	123458	HMS^HCC Csample	Cperson	33445566	403090	UNK	Alien Temp	UNK	4/15/2011	3/9/2012	Years	Applied For
MFC	123459	HMS^Psyc Dsample	Dperson	44556677	403	CAN	Alien Temp	J-1	2/23/2009	2/1/2012	Months	Granted
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2. Contact the employee to bring in updated documents.

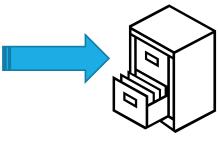




3. Complete a **NEW** Form I-9, sections 1 and 2.



4. Send the completed
1-9 and document
copies to Central
Payroll or HMS HR



II | Harvard International Office (HIO)



Working with the HIO

- www.hio.harvard.edu
 - Office hours for Harvard Chan School and BIDMC, HMS, and HSDM: http://hio.harvard.edu/office-hours
- Sponsorship Submittal
- Working through all necessary paperwork
- Extension Requests
 - Example: submitting a Form I-129 —indicating a continuation of employment

II | Policy on Expired Visas

Harvard's Process for Expired Visas

- Direct deposit is turned off, and physical checks are created
- Tub instructs the employee to stop working until he or she provides a new Form I-9 with supporting documentation
 - ❖ You may work with the employee and the HIO for example, for an H-1B extension
- Once the I-9 is received, Central Payroll re-establishes direct deposit.

If the employee **cannot** recertify, he or she is given outstanding checks and removed from active payroll by their local department – they are no longer eligible to work.

Penalties for Hiring/Continuing to Employ Unauthorized Aliens

- Individuals can be held personally responsible
- Fines may be assessed per unauthorized alien

First Offense \$375 -\$3,200

Second Offense \$3,200 - \$6,500

Third Offense \$4,300 - \$16,000

III | Verifying and Listing Documents in Section 2

III | List A Documents - UNEXPIRED



US Passport or US Passport Card



Permanent Resident Card or Alien Registration Receipt Card (Form I-551)



Foreign passport that contains a temporary I-551 stamp or temporary

I-551 printed notation on a machinereadable immigrant visa (MRIV)



Foreign passport with Form I-94 or Form I-94A

Employees with J-1 Visas (exchange visitors) and F-1 Visas (students) must provided additional documentation



Employment Authorization

Document (Card) that contains
a photograph (Form I-766)



Passport from the Federated States of Micronesia (FSM) or the Republic of the

Marshall

Islands (RMI) with Form I-94 or Form I-94A

III | List B Documents (Identity Only)



- Drivers License issued by State or outlying territory of the US
- Federal/State I.D. card
- School I.D. card
- Voters registration card
- U.S. Military card/draft record
- Military Dependent ID
- Coast Guard Merchant mariner Card
- Native American Tribal Document
- Canadian driver's license

If Under 18:

- School record/report card
- Clinic, hospital, doctor record
- Day care or nursery school record

III | List C Documents (Employment Authorization)

Social Security card, except for one that states that the person is not authorized to work

Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)

Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)

Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal

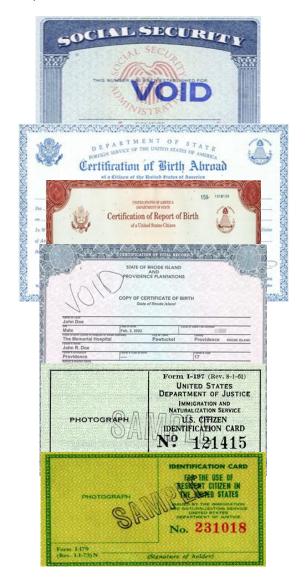
Native American tribal document

U.S. Citizen ID Card (Form I-197)

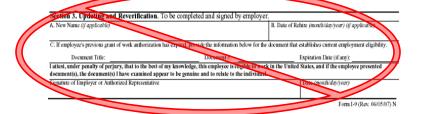
Identification Card for Use of Resident Citizen in the United States (Form I-179)

Employment authorization document issued by DHS, for example:

- Form I-94 issued to an asylee or work-authorized nonimmigrant (e.g., H-1B non-immigrants),
- Unexpired Reentry Permit (Form I-327),
- Certificate of U.S. Citizenship (Form N-560 or N-561).



III | Section 3



Section 3 is NOT Completed

Central Payroll retains all original I-9 forms

For Recertification

- Use a new Form I-9
- Include on top of the form:
 - Update
 - o HUID
 - Paygroup
- Complete Sections 1 & 2
- Send form and copies of the documentation to Central Payroll



Q1.

A candidate can complete the I-9 before accepting a position with an employer?

A. True

B. False

Feedback

Form I-9 should never be completed before the employee accepts the job offer.

Q2.

When completing the I-9 Form, the employee must attest to his/her citizenship or immigration status in Section 1.

- A. True
- B. False

Feedback

All employees must attest in Section 1, under penalty of perjury, to their citizenship or immigration status by checking that they are one of the four checkboxes.

Q3.

When completing the I-9 Form, the employer can ask the employee to present specific documents.

A. True

B. False

Feedback

The employee determines the documents that are presented for identity and eligibility to work.

Q4.

Once an employee has been hired and has filled out Section 1 of the I-9 form they have _____ business days in which they must provide you with acceptable documentation in order to fill out and finish Section 2

- A. One
- B. Two
- C. Three
- D. Four

Feedback

Employee has 3 business days from the hire date.

Q5.

Which documents MUST be re-verified when expired.

- A. Driver's License
- B. Employment Authorization Card
- C. Permanent Resident Alien

Feedback

Employers must re-verify employees with authorization to work in the U.S. if they are not a permanent resident, Noncitizen National or U.S. Citizen. If current employee's work authorization is about to expire reverification of eligibility to work in the U.S. must be done.

Q6.

If an employee presents a SSN Card that states Not Valid for Employment, you can accept it as a valid List C Document.

A. True

B. False

Feedback

Restricted SSN cards cannot be used for employment eligibility.

Q7.

Copies of IDs can be used to complete Section 2 of the form.

A. True

B. False

Feedback

Employees should present unexpired, original documents. The IDs must appear to be genuine and related to the individual you are meeting with.

IV | Types of Visas

IV | Who Has What Visa?



J-1 Visa: Specialists, scholars, government visitor, students



H-1B Visa: "Specialty Occupation" such as scientists, engineers



F-1 & M-1 Visa: Students

TN Visa: Residents of Canada or Mexico (part of NAFTA)





http://www.hio.harvard.edu/visa-types

GREEN CARD

Permanent Resident (No Visa)

IV | Lawful Permanent Residents



Who? Someone who is lawfully admitted to the United States to live and work permanently. Also known as a **green card holder**. *I-9 does not need to be recertified*.

Section 1 Checkbox

- ✓ Check the third box
- ✓ Alien / USCIS #
- ✓ Do not have to show the permanent resident card (green card) (I-551)

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	7 0 0 1
An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) Som (See instructions)	ne aliens may write "N/A" in this field.

USCIS # = Alien #

Require	ed Docun	nents (Either/OR)
Permanent Residence Card	OR	List B Document (ex. Driver's License) List C Document (ex. SSN Card)

IV | Sample I-9: Permanent Resident

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IV | J-1 Visa — Exchange Visitors and Students



Who? An alien who is authorized to work for a specific program, such as government visitor, research scholar, professor, student (associate through doctoral)



If extended on a J-1, they must get a new DS-2019 form.

Section 1 Checkbox

- ✓ Check the fourth box
- ✓ I-94/I-94A Admission #
- ✓ I-94/I-94A Expiration (departure, D/S) date
- ✓ Provides passport data used to enter U.S.

DS - 2019 Form

Required Documents (Must	present ALL, under Type A)
•Unexpired foreign passport	•I-94 or I-94A indicating J-1 status
•Form DS-2019 with SEVIS* number and end date of employment authorization	•(optional, students only) letter from official program sponsor

*SEVIS = International Student & Exchange Visitor Program

Visa Sample I-9: J-1

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IV | F-1 Nonimmigrant Student Visa



F-1 Visa Holders = foreign students pursuing academic studies

•On-campus employment •20 hours / week maximum

•Curricular Practical Training •Off-Campus Employment (if affiliated with Harvard, such as

<u>l-20</u>

a laboratory)

Section 1 Checkbox

✓ Check the fourth box

✓ I-94/I-94A Admission #

✓ I-94/I-94A Expiration (departure, D/S) date

✔ Provides passport data used to enter U.S.

Required Documents	(Present All under Type A)
•Unexpired foreign passport	•I-94 or I-94A indicating F-1 status
•Form I-20 with school's official endorsement	• <u>OPT only</u> : EAD Card

IV | Sample I-9: F-1 Visa

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School Official to be notified of student's a	rrival in U.S./Name and	Title):	Admis	sion (i-	94) Record N	Number: 24636	913511
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IV | OPT (Optional Practical Training) for F-1 Visas



What: Provides practical experience to an F-1 student's area of study.

Hours: 20 hours/week when school is in session & 40hrs/week when not

Duration: Eligible students can apply to receive up to 12 months of OPT employment authorization before completing their academic studies (pre-completion) and/or after completing their academic studies (post-completion). However, **all periods** of pre-completion OPT will be deducted from the available period of post-completion OPT. Extensions may be possible

• STEM extension of 24 months of additional employment if they have a job or job offer from an **E-Verify** employer and meet all the required criteria. **E-Verify process to follow in upcoming slide.**

Restrictions: OPT cannot begin until USCIS has granted the application for employment authorization (Form I-766)

Section 1 Checkbox

- ✓ Check the fourth box
- ✓ EAD #
- **✓** EAD Expiration Date

<u>I-766 (EAD Card)</u>

Required Document

EAD (Employee Authorization Document) Card

Sample

When an F-1 visa holder has been granted an EAD to continue working, write "update," employee's HUID, and pagroup on top of the I-9 form. For the hire date, use the **original date of hire**.



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IV | F-1 STEM OPT E-Verify Process

- If a department wants to hire one or more F-1 STEM OPT employee on extension, it must use the federal E-Verify background check system for all new hires*
- E-Verify is done through Harvard's HireRight system using the SSN # which is required in order to run the report.
- Employees cannot begin work until E-Verify is complete and it typically clears the employee to work within minutes. The cost to run a single E-Verify report in HireRight is \$2.10.
- Determine if your department employs anyone under the STEM OPT program or could hire such a person.
- Once you know you have and/or will hire someone on the extension reach out to:

SPH HR: Sofia Borja or Samantha Longo

HMS HR: Jose Martinez

HSDM HR: Mary Andersen or William Budding

Please Note: An E-Verify report is not required for rehires or additional jobs if the employee already has an I-9 on file.

IV | H-1B Visas — Specialty Occupation



Who: Foreign worker in a specialty occupation that requires theoretical or technical expertise in a certain field. **Ex:** scientists, engineers, computer programmers. Sponsored by Harvard University.

Extension (work with the HIO): I-129 must be filed by Harvard <u>before</u> the H-1B expires. The employee can still work up to 240 days while petition is being filed.

Section 1 Checkbox

- ✓ Check the fourth box
- ✓ I-94/I-94A Admission #
- ✓ I-94/I-94A Expiration (departure, D/S) date
- ✔ Provides passport data used to enter U.S.

Required Documents

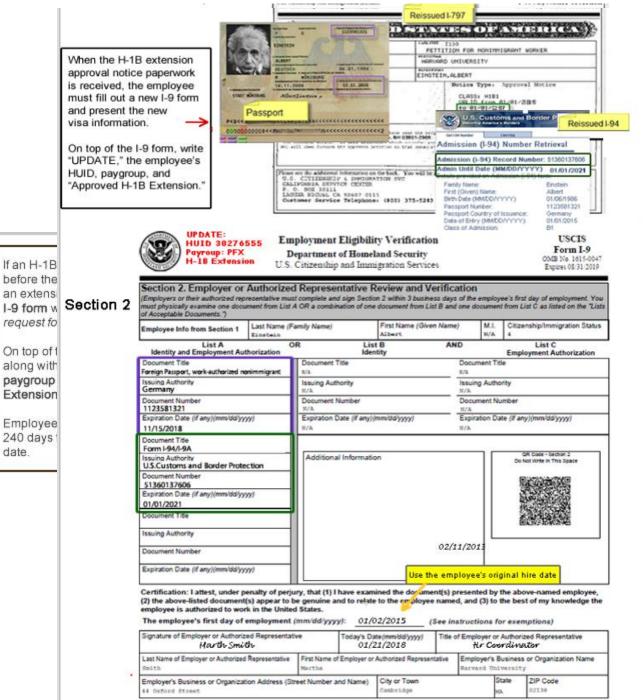
- Unexpired foreign passport
- •1-94 or 1-94A indicating H-1B status
- •1-797 Form Notice of Approval

I-797

IV | Sample I-9: H-1B Visa

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- •USCIS I-9 Central
- Student and Exchange Visitor Program (SEVP)
- Handbook for Employees: Instructions for Completing Form I-9
- Harvard International Office/Immigration

Central Payroll Contact Information:

ufs crt@harvard.edu 617-495-8500, option 4

Questions