



**OLD DOMINION**  
UNIVERSITY

# **I- 9 Form Requirements and Process**

Department of Human Resources

# I-9 Form Requirements

- It is unlawful to knowingly hire, recruit, or refer for a fee an unauthorized alien.
- Employers are responsible for ensuring the completion of the I-9.
- Employers must verify the employment eligibility and identity of all employees

# Who needs to complete an I-9 form?

- An Employment Eligibility Verification Form (I-9) must be completed by all new employees. The Departments listed below are responsible for certifying I-9 forms for the following employee types:
  - Full-time Teaching and Research Faculty                      Academic Affairs
  - Adjunct Faculty                      Academic Affairs or Authorized Departments
  - Academic Affairs Support Staff (4031)                      Academic Affairs or Authorized Departments



# Who needs to complete an I-9 form?

- An Employment Eligibility Verification Form (I-9) must be completed by all new employees. The Departments listed below are responsible for ensuring the completion of I-9 forms for the following employee types:

- International Faculty, Staff,  
and Students

Visa & Immigration  
Service Advising





# **File Maintenance for I-9s of International Staff**

Visa & Immigration Service Advising retains the original I-9s for all international Faculty, Staff, and Students, and sends copies to the departments listed on the previous slides for their assigned employee types for secondary record maintenance.

# Accessing Forms

- Make sure you are using the most recent versions (Rev. 10/21/19). The 10/21/19 form can be found on the ODU Human Resources Web site:  
<http://www.uscis.gov/files/form/I-9.pdf>
- There are now **two** options in completing the I-9 form.
  - The form can be completed electronically by the new employee and the certifier and then printed for signature.
  - The form can be printed and then completed on standard white paper.
- The Instructions and List of Acceptable Documents **must** be made available to all employees completing the I-9 form. (This is the same list of documents that stipulate what is used for identification and work eligibility.)
- Only the I-9 form itself, which has been completed by the employee and employer, need to be retained.

## Section 1 of the 1-9 Form

- Employee must complete this section by the end of his first day of work.
  - The Preparer and/or Translator Certification box must be completed by the employee.
  - If the employee needs assistance to complete the I-9, the preparer and/or translator must complete and sign the certification section.
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- **Only use blue or black ink**
  - **Do not use whiteout. If a mistake occurs during completion of the I-9 form, have the employee cross out the error, initial and date it and insert the correct information.**
  - **The ODU representative may not correct errors or omissions in Section 1**

## Section 2 of the I-9 Form

- Employers must complete Section 2 and enter E-Verify\* within three business days from the employee's first day of work.
  - **Departments must complete Section 2 on the employee's first day and forward the form by the second day to Student Employment/ Academic Affairs/Visa & Immigration Service Advising/Human Resources. These offices will access E-verify by the third business day to complete the verification process.**
- **\* E-Verify; an internet-based system that allows an employer to determine if the eligibility of an employee to work.**

# Section 2 of the I-9 Form

## Continued

- List A includes all documents that establish both the employee's identity and employment eligibility. List A documents include:
  - Unexpired U.S. passport
  - Unexpired foreign passport with I-551 stamp
  - Permanent resident card
  - Unexpired employment authorization document which includes a photograph (Form I-766)
- Again, **Only use blue or black ink. Do not use whiteout. If a mistake occurs during completion of the I-9 form, the ODU representative completing the form must cross out the error, initial and date it and insert the correct information.**

## Section 2 of the I-9 Form (continued)

If the employee does not have a list A document , then they must show two documents, one from list B and one from list C.

- All documents must be unexpired.
- Examples of the combination of the two documents include:
  - Virginia driver's license and social security card that does not have a notation at the top requiring DHS work authorization
  - Military dependent's ID card and U.S. birth born abroad certification
- Documents from list B must contain a photo (which is clearly identifiable)
- **Employers must strictly observe the requirement that the employer must complete the I-9 form within three business days; this is the only area of I-9 compliance that cannot be corrected once violated.**

# Acceptable Documents

- Employers must accept documents if they reasonably appear to be genuine, and to relate to the presenting individual.
- If a document appears questionable, the employer should ask for another document. If the employee cannot produce a document that appears genuine, he/she should be discharged.
- If an employee initially presents a “false” document, then receives proper documentation, the employer is not required to discharge the employee. However, the employer must correct the I-9 form.

# Unacceptable Documents

- Don't accept laminated social security cards if they read "not valid if laminated" on the back.
- No Computer print-outs from the Social Security Administration; an employee must present his official Social Security card.
  - See Receipt Information on next slide
- Don't accept photocopies of documents, except for a certified copy of a birth certificate.

# Accepting a Receipt

- Receipts can be accepted for lost, stolen, or damaged documents only.
- If the employee cannot provide the document necessary for Section 2, the employee can present a receipt showing that the employee applied for the proper document.
  - You will enter the word “Receipt” followed by the title of the receipt in Section 2 under the list that relates to the receipt.
- “Receipt rule” does not apply to expired documents!
- The employee must present the replacement document within 90 days of the first day of work.
- Exceptions:
  - I-94 with a picture and an unexpired I-551 stamp (for Permanent Residents)
  - I-94 with a unexpired refugee admission stamp

# Photocopying Documents

- Federal and state guidelines state that “employers **must** photocopy the employee’s verifying documents and retain the copy with the I-9 form”.

**Let's Complete the Form!**



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

**USCIS**  
**Form I-9**  
 OMB No. 1615-0047  
 Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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

Last Name (Family Name) ? Doe		First Name (Given Name) ? Jane		Middle Initial ? J	Other Last Names Used (if any) ? NA	
Address (Street Number and Name) ? 123 Harris Street			Apt. Number ? NA	City or Town ? Portsmouth	State ? VA	ZIP Code ? 23703
Date of Birth (mm/dd/yyyy) ? 01/01/1989	U.S. Social Security Number ? 123-45-6789	Employee's E-mail Address ? jdoe@gmail.com		Employee's Telephone Number ? N/A		

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

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

<input checked="" type="checkbox"/> 1. A citizen of the United States ?
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions) ?
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): ? N/A N/A
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): ? N/A Some aliens may write "N/A" in the expiration date field. (See instructions)
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: ? N/A OR 2. Form I-94 Admission Number: ? N/A OR 3. Foreign Passport Number: ? N/A Country of Issuance: ? N/A</p>
QR Code - Section 1 Do Not Write in This Space

Signature of Employee ?	Today's Date (mm/dd/yyyy) ?
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Do not complete Section 1 for employees.

Do not ask for any documentation for Section 1.

Make sure all information is provided. If not applicable, please put NA.

Corrections to Section 1 can only be made by the employee, initialed and dated.

Employee completes personal information

Employee checks appropriate box for work eligibility and fills in other information, if applicable

Employee reads, signs and dates. If completed electronically, the employee must print, sign and date

# Preparer and/or Translator Certification

- A **Translator or Preparer** may complete Section 1 for the employee if the employee is physically impaired or otherwise unable to complete Section 1 without assistance.
- The appropriate box must be checked whether or not a translator or preparer was used.
- The employee must still sign and date the I-9.

Employee checks appropriate box



## Preparer and/or Translator Certification (check one): ?

I did not use a preparer or translator.     A preparer(s) and/or translator(s) assisted the employee in completing Section 1.  
*(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)*

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator ?		Today's Date (mm/dd/yyyy) ?	
Last Name (Family Name) ?		First Name (Given Name) ?	
Address (Street Number and Name) ?	City or Town ?	State ?	ZIP Code ?

- Print the name of the employee from Section 1
- Enter the number of the citizenship or immigration status checkbox the employee selected
- Provide employee a list of acceptable documents (on the back of the I-9 form).
- Original documents must be provided, except for certified copies of birth certificates.
- Make sure document, issuing authority and document number are recorded on correct lines.
- Do not over-document List A or List B & C (considered document abuse).
- Expiration dates of documents must be written in month/day/year format (Example: mm/dd/yyyy).
- If the document used does not have a document number or expiration date, enter NA in the field

### Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name) Doe	First Name (Given Name) Jane	M.I. E	Citizenship/Immigration Status 1
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List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)
Document Title N/A		Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority N/A				
Document Number N/A				
Expiration Date (if any)(mm/dd/yyyy) N/A				
Document Title N/A				
Issuing Authority N/A				
Document Number N/A				
Expiration Date (if any)(mm/dd/yyyy) N/A				

Record one document from List A  
OR one each from List B and C, not  
documents from all three.

# List A

List A includes documents that verify both identity and employment eligibility.

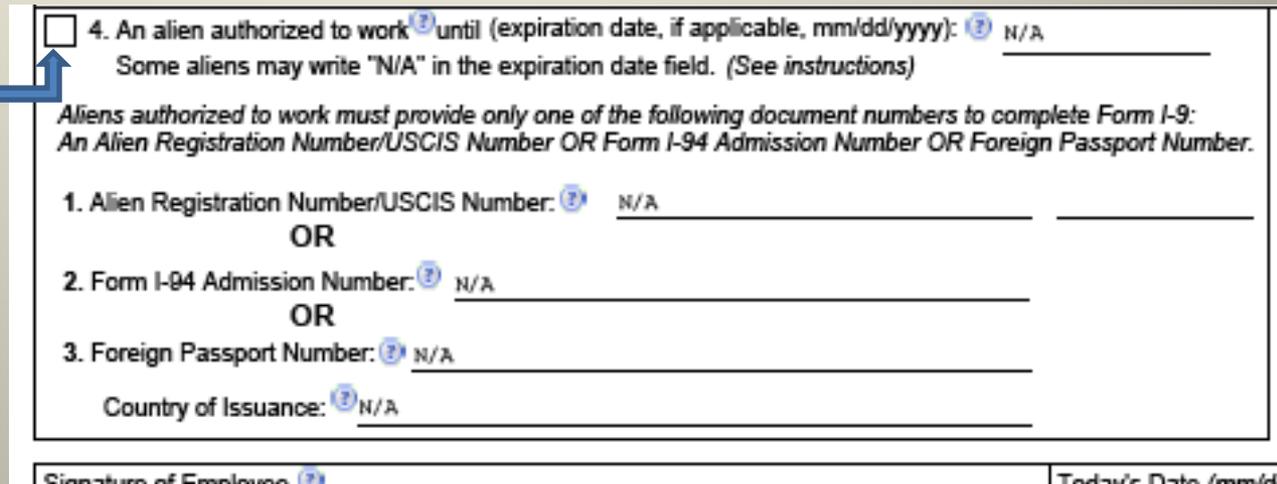
If a document from List A is provided, no other documents are needed.

<b>LIST A</b> <b>Documents that Establish Both Identity and Employment Authorization</b>
1. U.S. Passport or U.S. Passport Card
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
4. Employment Authorization Document that contains a photograph (Form I-766)
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <b>a.</b> Foreign passport; and <b>b.</b> Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

# List A

If the employee is an alien authorized to work, they only need to complete **ONE** option between 1-3.

The I-94 or I-551 number must match information in the work authorization box in Section 1.



4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): N/A  
Some aliens may write "N/A" in the expiration date field. (See instructions)

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

1. Alien Registration Number/USCIS Number: N/A  
OR

2. Form I-94 Admission Number: N/A  
OR

3. Foreign Passport Number: N/A  
Country of Issuance: N/A

Signature of Employee: Today's Date (mm/dd)

**Record one document not documents from all three.**

# List B and List C

List B documents verify identity and List C documents verify employment eligibility.

The employee must provide one item each from List B and List C.

List B document must contain a photo (which should be clearly identifiable).

List B and List C are used only if the employee does not have a document from List A.

<b>LIST B</b> <b>Documents that Establish Identity</b>	<b>LIST C</b> <b>Documents that Establish Employment Authorization</b>
AND	
1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-546, FS-240)
3. School ID card with a photograph	3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Voter's registration card	4. Native American tribal document
5. U.S. Military card or draft record	5. U.S. Citizen ID Card (Form I-197)
6. Military dependent's ID card	6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
7. U.S. Coast Guard Merchant Mariner Card	7. Employment authorization document issued by the Department of Homeland Security
8. Native American tribal document	
9. Driver's license issued by a Canadian government authority	
<b>For persons under age 18 who are unable to present a document listed above:</b>	
10. School record or report card	
11. Clinic, doctor, or hospital record	
12. Day-care or nursery school record	

## **Section 2 - Certification Section**

- This section must be completed, signed and dated by the ODU Representative that verified the employee's documentation.
- Be sure to fill in the date employment begins, complete business name (Old Dominion University) and address (5115 Hampton Blvd., Norfolk, VA 23529) and the name and title of the ODU Representative certifying the form.

**Read, fill in the information (including the date employment begins) in the certification section, sign and date.**

**If the form was completed electronically, print, sign and date.**

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): \_\_\_\_\_ (See instructions for exemptions)

Signature of Employer or Authorized Representative ?	Today's Date(mm/dd/yyyy) ?	Title of Employer or Authorized Representative ?	
Last Name of Employer or Authorized Representative ?	First Name of Employer or Authorized Representative ?	Employer's Business or Organization Name ? Old Dominion University	
Employer's Business or Organization Address (Street Number and Name) ? 5115 Hampton Blvd	City or Town ? Norfolk	State ? VA	ZIP Code ? 23529

## Section 3. Updating I-9 Forms

- If an employee's name has changed, the employee must submit a copy of a new Social Security Card to the appropriate ODU department maintaining his/her I-9.
  - NOTE: A copy of the new social security card must also be sent to Student Employment/Human Resources so that the employee's personnel records can be changed to the new name.
- The ODU department maintaining the employee's form will complete Section 3 for all updates (name changes, rehires,\*\* ) using the employee's original I-9 form on file. (\*\*See next slide regarding rehires.)
  - Visa & Immigration Service Advising will complete Section 3 for recertification of expired employment authorization using the employee's original I-9 form on file.

# Rehiring Employees

- If an employee is rehired within three years of the date his/her original I-9 Form was completed, **AND** the original I-9 Form is unexpired, Section 3 on the original form may be completed.
  - **If the original I-9 Form is expired, a new I-9 Form MUST be completed.**

# Employment Type Changes

- If an employee moves from one employment type to another (i.e. a student employee moves to an hourly employee position), a copy of the original I-9 should be obtained by the department processing the employment type change . It should be noted in the “additional information box” that the original was certified when the employee was hired in his/her previous position.

# REASONS AN I-9 WILL NOT BE CERTIFIED

- An old version of the I-9 form is used (prior to 10/31/22).
- The I-9 form is filled out using pencil or ink other than blue or black.
- Signature, date and Sections II (except for the business address) and III are typed.
- The I-9 form is a fax or copy.
- Any applicable portion of Section 1 is left blank
  - address is not their home address (i.e. work address )
  - no date of birth
  - no social security number
  - not checking off the work authorization box
  - not entering Alien or Admission numbers when needed
  - not entering the work eligibility expiration date when needed
  - missing employee's signature or date
- Transposing the date of signature with the date of birth

# ADDITIONAL REASONS AN I-9 WILL NOT BE CERTIFIED

## Section 2

- Lack of issuing authority, document # or expiration dates, when needed
- List B filled in only or List C filled in only (Remember, it must be B + C)
- Lack of date employee began work
- Lack of signature, printed name, title, business/organization name, and date the employer signs

# Making Corrections to Non-Compliant I-9's

- For I-9s that an employer finds to be lost, destroyed, or non-compliant, do one of the following:
  - (1) Create new, correct I-9 Forms for each affected employee and attach to old I-9 Forms
- OR
- (2) Make **conspicuous** corrections on the originally non-compliant I-9 Form.
    - Make correction(s) by crossing out with a line, then date and initial. Do **not** use white out. Do not obliterate.
  - Always enter the **current** date the I-9 is being completed by the employee and the authorized representative. **Never back date the I-9 form.**

# Inspection of I-9 Forms

- I-9 forms must be made available upon request from the U.S. Immigration and Customs Enforcement, the Department of Labor, or the Justice Department's Office of Special Counsel for Unfair Immigration-Related Employment Practices. They must also be made available to Auditors for the Commonwealth of Virginia or Old Dominion University.
- The officer who inspects will provide the employer with at least three days notice.
- The employer may request an extension of time to produce his I-9 forms.
- The employer should not expect the officer to produce a warrant or subpoena before inspection.
- NOTE – The Department of Human Resources will conduct **UNANNOUNCED** audits of departments maintaining I-9s on a quarterly basis.

# **Penalties for Prohibited Practices**

- **Fine of not less than \$100 and not more than \$1,100 for each employee for whom the I-9 Form was not properly completed, retained, and/or made available for inspection.**
- **Fines up to \$3,000 per employee and/or 6 months imprisonment for knowingly hiring or continuing to employ unauthorized aliens.**
- **Unlawful discrimination: \$275 - \$11,000 fine**
- **Document fraud: \$275 - \$5,500 fine**
- **In some cases, managers can be charged with felonies**

# **Anti-Discrimination Provisions**

- **Employer cannot request that an employee present more or different documents than are required.**
- **Employer cannot refuse to honor documents which reasonably appear to be genuine and to relate to the person presenting them.**
- **The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.**

## **For More Information.....**

- ODU Policy 6027 – Employment Eligibility and Verification: [www.odu.edu/ao/polnproc](http://www.odu.edu/ao/polnproc)
- Additional instructions and examples of documents can be found in the U.S. Department of Homeland Security Handbook for Employers at their Web site: <http://www.uscis.gov/files/form/m-274.pdf>

# Avoid Common Errors

- To avoid discrimination penalties in an USCIS audit, do not keep copies of the I-9s in employees' personnel files. File the originals separately from all other records.
- Retain I-9s for all active employees.
- Purge and destroy I-9s for terminated employees as follows: “retain completed I-9s for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.”
- If an employer has incorrect I-9s on file that could have been destroyed, but weren't, the employer can still be fined in an USCIS audit.

# When in doubt.....

- If you have questions or need assistance, contact the following departments:
  - Academic Affairs
    - Dan Zimmerman, ext. 4559
  - Student Employment (E1-S Processing)
    - Brenda Woodhouse, ext. 5399
  - Human Resources
    - Pam Harris, ext. 5131
  - Visa & Immigration Service Advising
    - Kasie Reyes, ext. 4756
    - Natalia Watkins, ext. 4756

# Citations

Parts of this presentation were adapted from materials provided by the U.S. Citizenship and Immigration Services, the Human Resources Department of James Madison University and the College of William and Mary/Kaufman and Canoes Attorneys and Counselors at Law (Heather A. Mullen, Esq. and Readlyn Mendoza, Esq.)

February, 2009

Department of Human Resources  
Old Dominion University