Introduction to the I-9 Process

The Immigration Reform and Control Act (IRCA) was passed in 1986 in an attempt to control the illegal migration of undocumented workers into the United States. By law, the act requires employers to verify the employment eligibility of all employees hired after November 6th, 1986. Form I-9 is retained by the Human Resources Department for the period of time required by the act.

Important Contact information

Office of Human Resource Management
FMH Room 506, RH Campus
Ext. 4930
Fax. 4929

Office for International Services
540 East 191st Street, 2nd fl
Ext. 3145
Fax. 5573

The following information, taken from the Employer Information Bulletin 103 published by the Office of Business Liaison, emphasizes the importance of the I-9 process.

Knowingly hiring or continuing to employ unauthorized aliens is a serious violation that subjects the employer to civil and, where there is a pattern or practice of such violations, criminal penalties. In this context, the term knowing includes not only actual knowledge but also knowledge which may be fairly inferred through notice of certain facts and circumstances which would lead a person, through the exercise of reasonable care, to know about a certain condition. Constructive knowledge may include, but is not limited to, situations where an employer: (1) fails to complete or improperly completes Form I-9; (2) has information available to it that would indicate that the alien is not authorized to work, such as Labor Certification and/or an Application for Prospective Employer; or (3) acts with reckless and wanton disregard for the legal consequences of permitting another individual to introduce an unauthorized alien into its work force or to act on its behalf.
# Completing the Employment Verification Form (I-9)

## Section 1 - To be completed by the employee on the first day of employment

**Department of Homeland Security**

**U.S. Citizenship and Immigration Services**

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

### Section 1. Employee Information and Verification

To be completed and signed by employee at the time employment begins.

<table>
<thead>
<tr>
<th>Print Name: Last</th>
<th>First</th>
<th>Middle Initial</th>
<th>Maiden Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address (Street Name and Number)</td>
<td>Apt. #</td>
<td>Date of Birth (month/day/year)</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>State</td>
<td>Zip Code</td>
<td>Social Security #</td>
</tr>
</tbody>
</table>

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

- A citizen or national of the United States
- A lawful permanent resident (Alien #)
- An alien authorized to work until (Alien # or Admission #)

Employee’s Signature: ____________________________ Date (month/day/year): ____________________________

### Preparer and/or Translator Certification

(To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted the employee with the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer’s/Translator’s Signature: ____________________________ Print Name: ____________________________

Address (Street Name and Number, City, State, Zip Code): ____________________________ Date (month/day/year): ____________________________

### Instruct employees of the following:

- Print legal name (Last name, first name, middle initial)
- Maiden name - if applicable
- Home address
- Date of birth
- City, State and Zip code
- Social Security Number (optional)
- Check one of the following – citizenship status
  - A citizen or national of the US
  - A lawful permanent resident – Locate this number on the front of your green card (form I-551)
  - An alien authorized to work until – Locate this date on your employment authorization document. Your alien number is located on your EAC or use your admission number located on the top of your I-94 card
- Employee’s signature – Please sign the form to validate the information

### Preparer and/or Translator Certification

This section should only be completed if a preparer/translator has assisted the employee with the completion of part one and only if the employee was unable to complete the section on his/her own. The preparer/translator must provide the following information attesting that to the best of his/her knowledge the information reported is true.

- Signature
- Print name
- Address
- Date
Section 2 – To be completed by the hiring department in its entirety after verifying the employees' original employment documents

<table>
<thead>
<tr>
<th>Document title</th>
<th>OR</th>
<th>List B</th>
<th>AND</th>
<th>List C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuing authority:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document #:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expiration Date (if any):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document #:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expiration Date (if any):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative | Print Name | Title
|-------------------------------------------------|-----------|--------|

Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) | Date (month/day/year)
|--------------------------------------------------------------------------------------------|

Please attach a copy of the minimum documents which establish employment eligibility and include the documents information on this section. The documents listed under list A establish both identity and employment eligibility and are therefore sufficient in themselves to verify employment eligibility. Documents under list B establish identity and documents under list C establish employment eligibility. As a result, a new employee must provide you with either one document from list A or one document from list B and list C. The employer is required to inspect the original documents provided in person by the new employee (photocopies, faxed copies and scanned copies are never acceptable). You may not request a specific document from the employee but rather provide them with the list of acceptable documents. Please refer to the Handbook for Employers for frequently asked questions.

The requested information should be noted under the correct column heading based on the list of acceptable documents. For example - A US passport is located under list A and should therefore be noted under the first column heading titled List A.

- Document title - based on the list of acceptable documents (e.g. passport, permanent resident card, etc)
- Issuing authority - as indicated on the document provided
- Document number - as indicated on the document provided
- Expiration date (if any) - as indicated on the document provided
- Document number - as indicated on the document provided the authorization requires two documents.
- Expiration date (if any) - as indicated on the document provided the authorization requires two documents.
- Provide date of hire
- Signature of employer or authorized representative
- Print name
- Title
- Fordham University and corresponding campus address
- Date the form was completed - Please note that this date should be within three days of hire
## Section 3 - To be completed by The Office of Human Resource Management

### Section 3. Updating and Reverification

To be completed and signed by employer.

<table>
<thead>
<tr>
<th>A. New Name (if applicable)</th>
<th>B. Date of Relinquish (month/day/year) (if applicable)</th>
</tr>
</thead>
</table>

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Document #</th>
<th>Expiration Date (if any)</th>
</tr>
</thead>
</table>

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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.

<table>
<thead>
<tr>
<th>Signature of Employer or Authorized Representative</th>
<th>Date (month/day/year)</th>
</tr>
</thead>
</table>

In instances where a separated employee returns to the University a new I-9 form must be completed unless the employee previously completed the version of the I-9 form released in 2007. Access to the original form will depend on the date of the termination since the Office of Human Resource Management is required to keep the form for one year after the termination date or three years after the date of hire (whichever is later). If you elect to have a form on file recertified, please contact the Office of Human Resource Management to make arrangements for the rehired employee to visit our office.

In cases where employment eligibility expires while the individual is still employed, eligibility must be recertified. The Office of Human Resource Management will contact these individuals directly. The notice will be sent thirty days prior to the expiration date providing ample time to ensure that the required documents are furnished before the expiration date is reached.

- New name - must be supported by legal documents and updated if a name change has occurred since the original filing of the form. (E.g. marriage license, divorce decree, new social security card, etc.)
- Date of rehire
- Revised documents
- Authorized signature
### Lists of Acceptable Documents

<table>
<thead>
<tr>
<th>LIST A</th>
<th>Documents that Establish Both Identity and Employment Eligibility</th>
<th>LIST B</th>
<th>Documents that Establish Identity</th>
<th>LIST C</th>
<th>Documents that Establish Employment Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>U.S. Passport (unexpired or expired)</td>
<td>1.</td>
<td>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</td>
<td>1.</td>
<td>U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment)</td>
</tr>
<tr>
<td>2.</td>
<td>Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>2.</td>
<td>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</td>
<td>2.</td>
<td>Certification of Birth Abroad issued by the Department of State (Form FS-345 or Form DS-1350)</td>
</tr>
<tr>
<td>3.</td>
<td>An unexpired foreign passport with a temporary I-551 stamp</td>
<td>3.</td>
<td>School ID card with a photograph</td>
<td>3.</td>
<td>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</td>
</tr>
<tr>
<td>5.</td>
<td>U.S. Military card or draft record</td>
<td>5.</td>
<td>U.S. Military Card (Form I-197)</td>
<td>5.</td>
<td>U.S. Military Card (Form I-197)</td>
</tr>
<tr>
<td>6.</td>
<td>An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer</td>
<td>6.</td>
<td>Military dependent's ID card</td>
<td>6.</td>
<td>ID Card for use of Resident Citizen in the United States (Form I-179)</td>
</tr>
<tr>
<td>7.</td>
<td>U.S. Coast Guard Merchant Mariner Card</td>
<td>7.</td>
<td>U.S. Coast Guard Merchant Mariner Card</td>
<td>7.</td>
<td>Unexpired employment authorization document issued by DHS (other than those listed under List A)</td>
</tr>
</tbody>
</table>

For persons under age 18 who are unable to present a document listed above:

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

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)
Employment Eligibility Verification of Non-US Citizens

Academic Students

**F-1 - Academic Students**

On-Campus Employment
Students demonstrating employment eligibility as F1 students must currently maintain Fordham's F-1 status. The student is eligible for on campus employment for a maximum of 20 hours per week during the academic year and over 20 hours per week during annual vacations (i.e. when classes are not in session).

To satisfy I-9 requirements - The student satisfies I-9 by providing the department with the following original documents (the documents below are all required to satisfy List A-doc#5):

* Unexpired Foreign Passport, and
* I-94 card stamped F-1 and D/S (Duration of Status), and
* I-20 form issued by Fordham with a future graduation date

**Optional Practical Training (OPT)**

An F-1 student, either from Fordham or another university, with a valid Employment Authorization Document (EAD), is eligible for full or part time employment if it's a non-clerical job and it is related to the F-1's studies.

To satisfy I-9 requirements - (the document below will satisfy List A-doc #4):

* Valid Employment Authorization Card (EAC)

**Curricular Practical Training (CPT)**

An F-1 student with an I-20 from Fordham or another university is eligible for full (or part) time employment if the I-20 indicates CPT at Fordham University. The dates of employment, full/part time status, and approved employment site are also noted on the back of the I-20 form. There is no EAD issued for CPT.

To satisfy I-9 requirements - (the documents below are all required to satisfy List A-doc #5):

* Unexpired Foreign Passport, and
* I-94 card stamped F-1 and D/S (Duration of Status), and
* I-20 showing CPT employment authorization at Fordham with valid dates
Temporary Workers

**H-1B - Specialty Occupations**

Employees on H-1B’s must be sponsored by Fordham in order to work for the University. The petition is filed by the Office for International Services on the request of the individual departments. The Office for International Services forwards the Office of Human Resource Management a copy of the approval letter once it is obtained.

**To satisfy I-9 requirements** - The employee satisfies I-9 by providing the department with the following original documents (the documents below are all required to satisfy List A-doc #5):

- Unexpired Foreign Passport, and
- I-94 stamped (indicated) H-1B, and
- I-797B showing Fordham University as the petitioner

Or

**“Change of Status in the U.S”**

- Unexpired Foreign Passport, and
- I-797A showing Fordham University as the petitioner (The I-94 card is part of this document and is located on the bottom right hand corner of the form)

An individual possessing an H-1B from another organization could work for the University if they hold an Employment Authorization Document.

**Portability** - An individual possessing an H-1B from another institution is eligible for employment at Fordham, if Fordham has petitioned an H1-B on the person’s behalf. A receipt (with tracking number), showing that the request was received by the appropriate agency, is required in order for the individual to commence employment.

Exchange Visitors

**J-1 - Exchange Visitors - Students with a DS-2019 issued by Fordham**

Types of employment:
- On-campus
- Economic Need
- Academic Training

**To satisfy I-9 requirements (students only)** - The employee satisfies I-9 by providing the department with the following original documents (the documents below are all required to satisfy List A-doc #5):

- Unexpired foreign passport, and
- I-94 card reflecting J-1 and D/S (Duration of Status), and
- DS-2019 (formerly the IAP-66) issued by Fordham, and
- Letter from the Office for International Services

**J-1 - Exchange Visitors - Faculty, Researcher, Short Term Scholar with a DS-2019 issued by Fordham**

**To satisfy I-9 requirements** - The employee satisfies I-9 by providing the department with the following original documents (the documents below are all required to satisfy List A-doc #5):

- Unexpired foreign passport, and
- I-94 card reflecting J-1 and D/S (Duration of Status), and
- DS-2019 (formerly the IAP-66) issued by Fordham
**J-1 - Exchange Visitors - Student, Faculty, Researcher, Short Term Scholar with a DS-2019 issued by another institution**

* Refer the individual to the Office for International Services. The individual may not commence employment until OIS indicates that he/she may lawfully work in the United States.

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**Religious Workers**

**R-1 - Religious Workers**

Individuals possessing an R-1 visa are eligible for employment with the organization that petitioned the visa. If a new employee provides an R-1 visa to the department, please refer him/her to the Office for International Services. The individual may not commence employment until OIS indicates that he/she may lawfully work in the United States.


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**Extraordinary Ability**

**O-1 - Extraordinary Ability (Science, Education, Business, or Athletes)**

Individuals possessing an O-1 visa are eligible for employment with the organization that petitioned the visa. If a new employee provides an O-1 visa to the department, please refer him/her to the Office for International Services. The individual may not commence employment until OIS indicates that he/she may lawfully work in the United States.

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**North American Free Trade Organization (NAFTA)**

**TN - Trade Visas for Canadians and Mexicans**

A TN visa could be granted to a Canadian or Mexican resident entering the United States for employment purposes.

To satisfy I-9 requirements - An individual with a TN visa can satisfy requirements by providing the following original documents (the documents below are all required to satisfy List A-doc #5):

* Unexpired foreign passport, and
* I-94 stamped TN

OR

(Together the documents below satisfy List B-doc #9 and List C-doc #7):

* Driver’s license issued by a Canadian government, and
* Unexpired employment authorization document issued by the Department of Homeland Security (DHS)

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**Employment Authorization Document**

**Employment Authorization Card**

An individual holding an employment authorization card is authorized to work at the University during the period specified on the front of the card.

To satisfy I-9 requirements - An individual with an EAD can satisfy I-9 requirements by providing the department with the employment authorization card. (This document satisfies List A-doc #4)
Permanent Residents

A person holding a permanent resident card is eligible for employment in any legal industry of their choosing. Although the card has an expiration date, the employee is eligible to work past this date and is not required to recertify his/her I-9 form. The card is valid for ten years from the time it is issued. Although recently issued cards have an issue date and an expiration date, it is possible for an employee to present a card without an expiration date. However, if the employee is new he/she may not provide an expired Permanent Resident Card as proof of employment.

Conditional Permanent Residents

A person holding a permanent Resident Card that expires within two years has been granted conditional residency. For employment purposes, as long as the card is valid at the time of hire, the employee is eligible to work in any legal industry of their choosing. Although the card has an expiration date, the employee is eligible to work past this date and is not required to recertify his/her I-9 form. The card must be valid at the time of hire in order for the card to satisfy I-9 requirements.

To satisfy I9 requirements for Permanent Residents and Conditional Residents - A permanent resident can satisfy I-9 requirements by providing the department with their Permanent Resident Card. The Handbook for Employers (Form M-274) provides employers with images of various formats of the Permanent Resident Card.
(This document satisfies List A-doc #2)

Restricted Social Security Cards

The Social Security administration issues non citizens restricted social security cards which are not valid to certify employment eligibility. These restricted cards are listed below and do not satisfy list C – doc #1:
* Valid only with INS (or DHS) Authorization card
* Not Valid for Employment

Important Websites

www.USCIS.gov
www.ICE.gov

For questions regarding this document, please contact Marlyn Soto, HRIS Supervisor at ext 4643.