



I-9 Webinar Q&A's

Q: For permanent residency card, Social Security card and birth certificates, what are the acceptable receipts that we can use to complete the I-9. Can we use the confirmation e-mail that was sent to the applicant, or does it need to be an actual physical form that must be filled out by the issuing office?

A: Go [HERE](#) and scroll to page 7 for a listing of acceptable receipts.

Q: If an employee makes a mistake on the I-9, can the employee cross it out and initial by the mark, or does a brand new I-9 form need completed?

A: The best way to correct Form I-9 is to make a line through the portions of the form that contain incorrect information, then enter the correct information. Initial and date your correction. If you have previously made changes on Forms I-9 using White-Out, USCIS recommends that you attach a note to the corrected Forms I-9 explaining what happened. Be sure to sign and date the note.

Q: Are adjunct I-9s completed differently?

A: No

Q: What's an adjunct I-9?

A: There is not a special adjunct I-9 Form.

Q: We use a one-year break in service to terminate an adjunct instructor. If the instructor has not taught in over a year, we require a new I-9. Is this reasonable?

A: Yes. That is a common practice in higher ed. However, an exception is when an employee's employment authorization document expires; you must re-verify his or her employment authorization no later than the date the employment authorization expires. You may use Section 3 of Form I-9, or, if Section 3 has already been used for a previous reverification or update, use a new Form I-9. If you use a new Form I-9, enter the employee's name in the space provided at the top of Section 2, complete Section 3, and retain only the second page of the new Form I-9 with the original. The employee must present a document that shows current employment authorization, e.g., any document from List A or List C, including an unrestricted Social Security card. If the employee cannot provide you with proof of current employment authorization, you cannot continue to employ that person.

Q: If we used a process for all adjuncts and decide to require a new one now – how do we change? It won't be "consistent" with former practices.

A: Much depends on why you are changing. One key is to treat everyone the same. Please see pages 47 and 48 of the I-9 Manual [HERE](#).



Q: What about using the first day of the semester as the start date for an adjunct for Section 2?

A: I-9 instructions specify that you should enter the first day of employment for wages or other remuneration (i.e., date of hire) in the space for "The employee's first day of employment (mm/dd/yyyy)." The date the individual goes on the payroll, he/she becomes your employee.

Q: Faculty contracts are typically dated 8/1, and they are paid for the entire month, but they don't begin work until 8/17. What start date do I use on the I-9 if I enter their date of hire in our system as 8/1?

A: I-9 instructions specify that you should enter the first day of employment for wages or other remuneration (i.e., date of hire) in the space for "The employee's first day of employment (mm/dd/yyyy)." The date the individual goes on the payroll, he/she becomes your employee.

Q: In our case, we often have a contract start date (and payroll start date) of 1-2 weeks prior to the actual first day of classes; would we use the date that the contract starts, or the date the person is actually expected to report to work to teach a class?

A: I-9 instructions specify that you should enter the first day of employment for wages or other remuneration (i.e., date of hire) in the space for "The employee's first day of employment (mm/dd/yyyy)." The date the individual goes on the payroll, he/she becomes your employee.

Q: What if we pay them before they begin working?

A: When you start paying them, they are your employees. The date to be entered is the first day of employment for wages or other remuneration.

Q: To go back to contract date (additional clarification): If the contract is said to start 1/3/2016, but the instructor doesn't begin teaching until 1/11/2016, which date should we be using for I-9 purposes?

A: When you start paying them, they are your employees. The date to be entered is the first day of employment for wages or other remuneration.

Q: If an adjunct starts working on January 25, but the contract is effective February 1 and the adjunct is paid beginning February 1, is the I-9 date February 1?

A: First, why don't you start paying the adjunct on January 25? As described, is the individual working for free from January 25 to February 1? I know we are sometimes captive of the limitations of our payroll systems. I suggest you start using a contract effective date that coincides with the first day of work and the first day on the payroll.

The USCIS uses two terms: (1) first day of employment and (2) first day of employment for wages or other remuneration (i.e., date of hire) in the space for "The employee's first day of employment (mm/dd/yyyy)." In this case, I believe February 1 is the date to use since that is the date on which your contract begins and on which pay begins, i.e., he/she becomes your employee.



Q: I have a question about contract vs. start dates. Our nine-month faculty have 9/16 start dates, but the term doesn't start until 9/24. They are paid starting on the 9/16, but they don't begin teaching until 9/24. What is the start date for the I-9?

A: I-9 instructions specify that you should enter the first day of employment for wages or other remuneration (i.e., date of hire) in the space for "The employee's first day of employment (mm/dd/yyyy)." The date the individual goes on the payroll, he/she becomes your employee.

Q: When hiring international students, can you ask for specific I-9 documents – foreign passport, Form I-20 and Form I-94?

A: The employee must be allowed to choose which document(s) he or she wants to present from the Lists of Acceptable Documents. You must examine one document from List A, or one from List B AND one from List C. Enter the title, issuing authority, number and expiration date (if any) of the document(s); fill in the date employment begins and correct information in the certification block; and sign and date Form I-9. You must accept any document(s) from the Lists of Acceptable Documents presented by the individual that reasonably appear on their face to be genuine and to relate to the person presenting them.

Q: Can you explain when to re-verify an employee (how long, etc.) and the line that says you don't have to re-verify (documents) for U.S. citizens? Do you need to make sure their new documents aren't expired?

A: When an employee's employment authorization document expires, you must re-verify his or her employment authorization no later than the date employment authorization expires. You may use Section 3 of Form I-9, or, if Section 3 has already been used for a previous reverification or update, use a new Form I-9. If you use a new Form I-9, enter the employee's name in the space provided at the top of Section 2, complete Section 3 and retain only the second page of the new Form I-9 with the original. The employee must present a document that shows current employment authorization, e.g., any document from List A or List C, including an unrestricted Social Security card. If the employee cannot provide you with proof of current employment authorization, you cannot continue to employ that person.

NOTE: U.S. citizens and noncitizen nationals never need reverification. Do not re-verify the following documents: An expired U.S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551) or a List B document that has expired.

Q: Going back to the contract date v. start date – for example, faculty may begin their CONTRACT on January 1 but the university is closed until January 6. Is it permitted to have a start date on the I-9 as January 6?

A: I-9 instructions specify that you should enter the first day of employment for wages or other remuneration (i.e., date of hire) in the space for "The employee's first day of employment (mm/dd/yyyy)." The date the individual goes on the payroll, he/she becomes your employee. Thus, January 1 is the start date.



- Q:** If a new employee states that he or she is a permanent resident, the employee doesn't have to present that ID as a form of verification? The employee can choose to provide an ID in list B and C?
- A:** Some documents show both identity and employment authorization (List A). Other documents show identity only (List B) or employment authorization only (List C). The employee must be allowed to choose which document(s) he or she wants to present from the Lists of Acceptable Documents. You may not specify which document(s) an employee must present.
- Q:** What is the best way to get an I-9 form filled out when the adjunct professor teaches online and will not be on campus?
- A:** If the individual is in the area of the campus, he/she should appear to complete the I-9. Otherwise, you can use CUPA-HR's I-9 Reciprocal Processing Consortium. Read about it [HERE](#).
- Q:** For Section 1, if an international student checks one of the first three boxes and not the "an alien authorized to work until..." box, what should we do? We are not supposed to tell them what to check, correct?
- A:** You cannot tell them what to check, but you can explain the various categories to help them understand. Please read the [USCIS Manual](#), starting on page 14, for information regarding international students.
- Q:** When using E-Verify, and the employee checks the permanent resident box, you are required to put the permanent card information in, so I do not see how you can only use B and C. Please explain.
- A:** If the individual checks the third box, permanent resident, he/she must provide an Alien Registration or USCIS number. That done, the issue of which documents are allowed from List A or from Lists B and C, is an additional requirement and separate.

Employers who participate in E-Verify must complete Form I-9 for each newly hired employee in the United States. E-Verify employers may accept any document or combination of documents on Form I-9, but if the employee chooses to present a List B and C combination, the List B (identity only) document must have a photograph. After completing a Form I-9 for your new employee, create a case in E-Verify that includes information from Sections 1 and 2 of Form I-9. After creating the case, you will receive a response from E-Verify regarding the employment authorization of the employee. In some cases, E-Verify will provide a response indicating a tentative nonconfirmation of the employee's employment authorization. This does not mean that the employee is necessarily unauthorized to work in the United States. Rather, it means that E-Verify is unable to immediately confirm the employee's authorization to work. In the case of a tentative nonconfirmation, both you and the employee must take steps specified by E-Verify to resolve the status of the case within the prescribed time period.



Q: Are Global Entry ID Cards an acceptable I-9 document?

A: While not listed as an acceptable document in the I-9 Manual, it is mentioned on the USCIS website as acceptable for List B. Go [HERE](#).

Q: For F-1 Visa (international students), what documents do we need to put or verify in the Form I-9?

A: The following documents establish the F-1 Visa student's identity and employment authorization for Form I-9 purposes and should be entered in Section 2 under List A of Form I-9:

- The student's foreign passport;
- Form I-20 with the designated school official's endorsement for employment on page 3; and
- A valid Form I-94/Form I-94A indicating F-1 nonimmigrant status.

Ensure that the student enters his or her admission number from Form I-94/Form I-94A in Section 1. For the other types of employment available to eligible foreign students, employment authorization must be granted by USCIS, and will be evidenced by an Employment Authorization Document (Form I-766) issued by USCIS. [Please go HERE for detailed instructions on completing the I-9 for international students](#) (start on page 16). Note that you must first determine eligibility to work.

Q: When documenting the authority for a foreign passport, is it sufficient to write the country? What if the authority is in a foreign language?

A: The [I-9 Manual](#), page 57, provides an example of a foreign passport and an I-551 stamp and expiration date affixed by USCIS that may be used for additional identification. The country should be sufficient, but if you can replicate the foreign language authority, that would be even better.

Q: If the school ID doesn't have an expiration date, is it still valid as a List B document?

A: None of the documents on List B specifies an expiration date. As such, one can assume it is not needed.

Q: Does the school ID card used in List B have to be issued by our school? Can we accept a school ID card issued from another school?

A: The [I-9 Manual](#), which includes List B acceptable documents, does not specify from what school the ID card must originate. Only that it has a photo. See page 54.

Q: I am glad to hear about the I-9 Reciprocal Consortium and will look into that, but do you have any other suggested best practices on how to get a completed I-9 with a witness seeing original documents?

A: You may designate someone to fill out Forms I-9 for you, such as a personnel officer, foreman, agent or anyone else acting on your behalf, such as a notary public. Please note that if someone else fills out Form I-9 on your behalf, he or she must carry out full Form I-9 responsibilities. However, you are still liable for any violations in connection with the form or



the verification process. For example, it is not acceptable for a notary public to view employment authorization and identity documents, but leave Section 2 for you to complete. The person who views an employee's employment authorization documents should also complete and sign Section 2 on your behalf.

Q: When conducting reciprocal processing for another university, and that college is requesting a copy of the I-9 until it receives the originals, is this permitted? If so, can we fax it?

A: Yes, you can fax a copy of the documents to the employing institution.

Q: In regard to the I-9 Reciprocal Processing Consortium, does the organization completing the I-9 put its business name or the name of the business where the employee will be working?

A: The name of the hiring institution should be entered.

Q: In regard to the consortium, can the I-9 expert talk about whether the original I-9 document must be returned to the hiring university, or whether a fax or scan of that document is sufficient for the hiring institution?

A: You can fax a copy of the documents to the hiring institution, but the I-9 original along with copies of the documents used to establish identify must be mailed to the employer.