

## *I-9 Questions and Answers*

- 1. Q: When should Section 1 of Form I-9 be completed?**  
**A:** Each newly hired employee (an employee who has accepted the position) should complete and sign Section 1 no later than the first day of employment, regardless of his or her immigration status.
- 2. Q: When should Section 2 of Form I-9 be completed?**  
**A:** Employers must complete and sign Section 2 of Form I-9 within 3 business days of the employee's first day of employment. If the employment relationship will last less than 3 days, then the employer must verify work authorization and complete Section 2 no later than the first day of employment.
- 3. Q: What is the difference between the list A, B, and C documents?**  
**A:** List A documents establish both identity and eligibility for employment. List B documents establish identity and List C documents establish eligibility – that is why one from each is necessary.
- 4. Q: Can I specify which documents listed on the form I will accept for verification?**  
**A:** No. It is viewed as discriminatory to specify selected documents on the form.
- 5. Q: Is it necessary to complete a new I-9 form when an employee is promoted or transfers within the University?**  
**A:** No. New I-9 forms are only required for new hires and rehires and certain status changes.
- 6. Q: Do I need to make copies of the documents presented to complete Section 2?**  
**A:** Yes. It is University policy to do so and the federal law permits the employer to make copies of the document(s) and attach it to the I-9 Form.
- 7. Q: What if the person is unable to provide the required documents at the time of hire?**  
**A:** If an employee is unable to present required document(s) within 3 business days, the employee must produce a receipt showing that he/she has applied for the *replacement* document. In addition, the employee must present the actual document within 90 days of the hire AND the employee must have indicated that he/she is already eligible to be employed in the United States by checking the appropriate box in Section 1. When the employee presents the actual document, it should be forwarded to Human Resource Services, 113 Centennial Hall. In the event that the employee has the documents but has merely forgotten to bring them in to complete the form, the department should attach a note to the I-9 form explaining the reason for the delay in completing the I-9 form within three business days.

8. **Q: What if the person is unable to provide any of the required documents within 3 business days?**  
A: The employee should be terminated immediately.
9. **Q: If someone accepts a job but will not start work immediately, can the I-9 be processed when the employee accepts the job?**  
A: Yes.
10. **Q: Can I accept a photocopy or facsimile of a document presented by an employee?**  
A: No. There is one exception where a copy is allowed and that is a certified copy of a birth certificate.
11. **Q: Are Social Security Cards marked “Not Valid for Employment” acceptable?**  
A: You should ask the employee to provide another acceptable List C document to establish employment eligibility. This kind of Social Security Card doesn’t establish this. A List A document would also be acceptable.
12. **Q: May I accept a Social Security Card that has been laminated?**  
A: It depends. You may not accept a laminated Social Security card as evidence of employment eligibility if the card states on the back “not valid if laminated.” Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.
13. **Q: May I accept an expired document?**  
A: You may accept an expired U.S. passport and an expired document from List B to establish identity. However, the document must reasonably appear on its face to be genuine and relate to the person presenting it. You may not accept any other expired documents.
14. **Q: Why are certain documents listed in both List B and List C? (i.e. US Citizen Id Card, ID Card for use of Resident citizen in the U.S. and a Native American Tribal Document.)**  
A: These documents are evidence of both identity and employment eligibility. They are not found in List A because List A documents are limited to those designated by Congress in the law. If one of these documents is presented to you, record the appropriate information in **both** List B and C.
15. **Q: Are a passport and a visa the same thing?**  
A: No. The unexpired foreign passport is a List A document but the Visa is not an acceptable List A document. The Visa and the Passport are two distinct documents. The Visa is a document showing permission for entry to the United States. There are 22 different nonimmigrant visa categories. The Passport is a formal document issued by an authorized official of a country to one of its citizens to allow for exit from and reentry into the country.

- 16. Q: Are both unexpired and expired passports acceptable List A documents?**  
**A:** List A does include expired or unexpired US passports. However, only unexpired foreign passports are accepted; these must have the I-551 stamp or attached I-94 form, which is usually attached to the Visa.
- 17. Q: If someone indicates a limited duration work authorization at the time of hire and upon reverification the individual produces a Social Security card as proof of employment eligibility, should I ask for an INS work authorization document?**  
**A:** No. You must accept any document from List A or List C –including a Social Security Card as evidence as long as it does not indicate “valid for work only with INS authorization.”
- 18. Q: May I accept a receipt for application of a replacement document?**  
**A:** Yes. The most common receipt presented is for a replacement social security card. This may be accepted for purposes of completing the I-9 form and then within 90 days from the receipt date, the employee should present the actual document for review.
- 19. Q: What is “remuneration”?**  
**A:** Remuneration is anything of value that is given in exchange for labor or services – compensation. Therefore, any individual who receives compensation should complete an I-9 form. For courtesy appointments, it is not necessary to complete the form.
- 20. Q: What constitutes “document abuse”?**  
**A:** Document abuse occurs when an individual is asked to present more documents than necessary or different documents than those presented during the I-9 process. One example is photocopying all documents presented rather than just those used to complete the I-9. You may only ask for additional documents if the documents presented aren’t acceptable.
- 21. Q: Are I-9s required for courtesy appointments at the University?**  
**A:** I-9s are not required for courtesy appointments. If an individual has a courtesy appointment and transfers to a paid status, then an I-9 form should be completed.
- 22. Q: What issuing authority should I list for a Social Security card?**  
**A:** You will need to review the front and the back of the Social Security card to determine the issuing authority. Examples of what you may see include “Department of Health and Human Services” or “Social Security Administration.”