

# Indiana University Procedures for the Form I-9 & E-Verify Processes

## A. Introduction

1. As a result of a State of Indiana law, Indiana University participates in the U.S. Department of Homeland Security's E-Verify program to confirm the eligibility of all new employees to work in the United States. The E-Verify system first requires a new employee and the university to complete Form I-9, a requirement that has been in place for many years.
2. The university has contracted with HireRight for a web-based integrated business solution for the completion of Form I-9s, E-Verify checks, and criminal background checks. HireRight services also include the electronic retention of associated records, management reports, and customer service support for employees and department users.
3. This document is not intended to be a replication of the resources on the HireRight system and the IU HR website. It is a compilation of information that focuses on based procedures, steps, and actions that IU departments and employees are to follow related to the Form I-9 and E-Verify processes.

## B. Roles and Responsibilities of Users in the HireRight I-9 Platform

1. The university's account with HireRight for their I-9 system is a single university-wide account. There are two user roles within the system:
  - a. **Department Users** who have the following abilities and responsibilities in the system:
    1. Enter the new employee's name, email address, and start date to initiate the I-9 process. Also, users are required to provide the department code and account number. The new employee's university ID and a sub-account number are optional. The HireRight system will send an email to the employee with login credentials.
    2. After the new employee completes Section 1, the department user can complete Section 2 of the Form I-9. It is acceptable to have different department users send the invitation and complete Section 2 of a Form I-9. Department users must be current IU employees.
    3. The system submits the E-Verify check after Section 2 is completed (as long as the employee entered an SSN in Section 1).
    4. Review the E-Verify results. If a confirmation of employment eligibility is received, inform the employee.
    5. If a Tentative Non-Confirmation (TNC) of employment eligibility is received, immediately notify the campus human resources office for Staff and Part-Time

employees or the campus academic affairs office for Academic employees and refer the employee to that office.

**b. Administrator Users** at the IU HR and academic affairs offices have all the same abilities and responsibilities of the department users, plus:

1. Some administrator users handle TNC cases, following the instructions in the HireRight system.
  - a. Meet with the employee in a private setting and make the employee aware of the TNC finding. If the employee decides not to contest the result, it becomes a final decision, and the employee is not eligible to work in the US and must be terminated. Obtain the required signatures and assist the hiring department with the termination. Use Term Code MI9. Close the case in HireRight.
  - b. If the employee decides to contest the finding, follow the HireRight instructions. Inform the department and wait until E-Verify reports the conclusion of the case.
  - c. If a confirmation of employment eligibility is received, inform the employee and the hiring department. Close the case using the HireRight system.
  - d. If the employee is found not to be eligible to work, inform the employee and assist the hiring department in the termination of employment. Use Term Code MI9. Close the case in HireRight following the instructions in the system.

### **C. I-9 Processing for New Employees**

1. The Form I-9 can only be initiated after an offer of employment has been accepted. The Form I-9 may be completed at any time before the start of work, but Section 1 must be completed by the first day. Section 2 must be completed by the end of the third business day of employment. If either section is not completed within its deadline, the employee cannot be allowed to work until it is completed. The hiring department is to stop the employee from working if Section 1 of the form is not completed by the employee's first day of work or if Section 2 is not completed by the end of the 3<sup>rd</sup> business day of employment.
2. A Social Security number (SSN) is not required for the Form I-9 but is necessary for E-Verify. If the employee does not yet have an SSN, the hiring department must still complete the Form I-9. It will remain in a pending status in the HireRight system and will not be submitted to E-Verify until the SSN is entered. The employee may work during this period since the Form I-9 has been completed.

3. If an employee requires assistance in completing Section 1 of the Form I-9, the hiring department may assist the employee and complete the “Preparer and/or Translator Certification” section of the Form I-9.
4. Scanning of documents presented for Section 2 of the Form I-9: Only three documents are required to be scanned into the HireRight system. The documents require photo-matching in the E-Verify. All are List A documents. The three documents are;
  - a US Passport (or US Passport Card),
  - a Form I-551 (Permanent Resident Card), or
  - a Form I-766 (Employment Authorization Document that contains a photograph).

If one of these documents is entered into Section 2, make a copy (PDF) and upload it to the HireRight system. There may be an exception for employees who the Office of International Services is assisting. See paragraph H below.

- a. **Note:** All uploaded documents must be hard deleted as soon as the uploading is complete. All paper copies are to be shredded as soon as the load is finished. The HireRight system is the keeper of all documents on or after July 25, 2011, and departments will not maintain any originals or copies within its paper or electronic files. Caution needs to be taken when creating a document for uploading. Do not use a scanning machine that emails the documents. Information on these documents, such as SSN and date of birth, is never to be sent by email.

#### **D. E-Verify for New Employees**

1. E-Verify allows a check to be submitted up to 90 days before the hire date.
2. If the E-Verify check results in a Tentative Non-Confirmation (TNC), the hiring department’s responsibility is to inform the employee, refer the employee to the campus human resources or academic affairs office, and inform that office of the TNC. Either a telephone call or email is acceptable. All further activity regarding E-Verify is the responsibility of the campus human resources or academic affairs office until a final determination is received.
3. The employee has the right to continue employment during the E-Verify process. E-Verify rules state: “You may not terminate, suspend, delay training, withhold pay, lower pay, or take any other adverse action against an employee based on the employee’s decision to contest an SSA (or DHS) TNC or while their case is still pending with SSA (or DHS).”
4. The campus human resources and Academic Affairs office responsibilities in TNC cases are described under the Administrator User description above.

5. There is no appeal of a termination as the result of the employee's decision not to contest the TNC or if a not-eligible-to-work decision is received from E-Verify.
6. If the employee receives confirmation of employment eligibility or the employee does not contest a TNC or receives a final not eligible to work decision, the campus human resources or academic affairs office closes the E-Verify case following the instructions in the HireRight system.

#### **E. Form I-9 Re-Verifications – Section 3**

1. An employee who presented a List A or a List C document with an expiration date must have their work authorization re-verified on or before the expiration date. The employee cannot legally work beyond the expiration date without a re-verification of an extension using new documents.
  - a. **Note:** USCIS rules state that U.S. citizens and noncitizen nationals never need re-verification. Most lawful permanent residents do not require re-verification. Do not re-verify a U.S. passport or passport card, a Form I-551 (Permanent Resident Card), or a List B document.
2. Section 3 is to be completed no later than the expiration date of the work authorization by accessing the employee's Form I-9 record in the HireRight system.

#### **F. The Form I-9 and E-Verify Process for Rehires**

1. Former employees who are rehired after a break in service (of 1 business day or more) to work for the university must complete a new Form I-9.
2. An employee separated on a workday and rehired on the next workday will be viewed as continuous and will not require a new Form I-9. Including separations that occur on a Friday and the rehire occurs the following Monday. If the rehire occurs later than the next workday following the separation, a new I-9 and E-Verify check will be required.

#### **G. Impact on HRMS and eDoc Processing**

1. The HireRight system will maintain all Form I-9s completed after July 2011, so there is no need to record Form I-9 information on the Add Person or Maintain Person eDocs.
2. Audits will be performed to reconcile new hires against the I-9 data in the HireRight system. Departments will be contacted when there appear to be problems.

#### **H. International Services**

1. Departments should follow procedures from the Office of International Services (OIS) for new employees that OIS is assisting.
2. OIS may require that copies be made of additional documents that the employee presents in the Form I-9 process. If those procedures require that copies of documents remain within departments, then they must be uploaded to the HireRight system where they can be accessed as needed. No paper copies are to be maintained in the departments.
  - a. **Note:** All uploaded documents must be hard deleted as soon as the uploading is complete. All paper copies are to be shredded as soon as the load is finished. The HireRight system is the keeper of all documents on or after July 25, 2011, and departments will not maintain any originals or copies within their paper or electronic files. Photocopies are not to be forwarded to HireRight by email.

## **I. Miscellaneous Items**

1. Foreign Language TNC Letters: The E-Verify regulations stipulate that if the employee cannot understand English, the TNC letters are also to be provided in one of several foreign languages. Campus human resource and academic affairs offices can obtain the letters from the E-Verify website at [www.uscis.gov/E-Verify](http://www.uscis.gov/E-Verify) and selecting “Publications” and then “Foreign Language Resources.” The employee is to sign the English language letters and be provided with copies of both the English and the foreign language letters.
2. The Federal Executive Order that requires all employees who are working on federal contracts to go through E-Verify remains in effect. The order covers current employees who begin to work on a federal contract as well as new employees on such contracts.