



Employment Eligibility Verification Program

Purpose:

The purpose of this procedure is to provide guidance in completing the Employment Eligibility Verification ([Form I-9](#)) and E-Verification process.

Overview:

As of January 15, 2009, all Research Foundation new hires, and current employees on existing Federal grants/contracts (including sub-contracts and pass-through contracts) with FAR clauses, if/when the contract is renewed on or after January 15, 2009, are required to be processed through E-Verify.

E-Verify is an online system operated jointly by the Department of Homeland Security (DHS henceforth) and the Social Security Administration (SSA henceforth) that electronically compares information entered on the I-9 Form, with records contained in SSA and DHS databases to help employers verify the identity and employment eligibility of hired employees.

In order to comply with the regulations of E-Verify, it is imperative that employees' new hire documents be processed through E-Verify no later than the end of three (3) business days after the actual start date of employment.

If you have a current Federal contract that is being renewed on or after January 15, 2009, and it contains an E-Verify FAR clause, you will have to notify your [CSR](#) at the RF who will pull the original I-9s. At that time, your employee must be asked “if they would like to use the same documentation that they used for the original I-9”. If they say “yes”, they must bring the document(s) to the Research Foundation, Office of Client Services to be E-Verified. You have 90 days from the first day of the new contract within which time to E-Verify existing employees. If they say “no”, then you must complete an entirely new I-9, using the new document(s). Of course, all new hires to the renewed contract must be I-9'd and E-Verified within 3 business days of employment start date.

Call the Grants Office at your campus to ascertain who your project's General User (GU) is and where he/she is located.

I-9 Form and E-Verify

Before E-Verify can be initiated, the Employment Eligibility Verification (I-9 Form) must be properly completed. The following are the guidelines for completing the Form I-9.

Section 1: Employee information and verification

To be filled out by employee on or before the first day of employment. The Principle Investigator (PI), Project Director (PD), or Administrator is responsible for ensuring that Section 1 is timely and properly completed by the employee.

individual because of 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.				
1	Print Name: Last	First	Middle Initial	Maiden Name
2	Address (Street Name and Number)		Apt. #	3 Date of Birth (month/day/year)
4	City	State	Zip Code	5 Social Security #
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.		6 I attest, under penalty of perjury, that I am (check one of the following): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien # A _____) <input type="checkbox"/> An alien authorized to work until ___/___/___ (Alien # or Admission #) _____		
7	Employee's Signature		8 Date (month/day/year)	
9 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 in 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)	

1. Employee's name (Print)
2. Employee's address
3. Employee's DOB
4. Employee's City, State, and Zip
5. Employee's Social Security Number (**all employees are required to document their SS# on the Form I-9**). See receipt rule for employees with no social security number below.
6. Have the employee check the appropriate box for immigration status. Make sure the employee fills out the date and document number. Depending on the work authorization status that the employee has selected, the following is applicable:
 - I. If the employee selected **Citizen or National of the United States**, the Social Security Number is required. A passport or passport card number will also be required if the citizen chooses to use a passport for the **Form I-9** documentation.
 - II. If the employee selected Lawful Permanent Resident, the Alien Number and Social Security Number are required.
 - III. If the employee selected **Alien Authorized to Work**, the Alien Number or I-94 Admission Number and Social Security Number is required.
7. Employee's signature
8. Date (this should be no later than the first date of employment)
9. Preparer/Translator Certification. This section must be completed if **Section 1** is prepared by a person other than the employee. A preparer/Translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

Section 2: Employer section – To be completed by PI’s, PD’s, or designated program administrator.

As a representative of the Research Foundation of CUNY (RFCUNY), you will need to verify the documents that establish identity and employment eligibility of all employees. **You are not to specify** to the employee which document(s) they are to supply. You also **CANNOT** specify which document(s) you will accept from an employee. All employees must be given the choice of presenting any acceptable document(s).

The document(s) selected by the employee will determine which list you will complete: List A or List B and C. You should not **over-document**. Meaning, you can only verify document(s) that meet List A requirements, or Documents that meet List B and C requirements. Section 2 of the I-9 Form **should not** have documents listed in all three columns. You can only list documents under List A, or List B and C. If an employee provides documents from List A and List B and C, you must explain to the employee that he/she can only provide documents that meet the requirements for either List A, or List B and C.

For information or how to correct and error on an I-9 form, [click here](#)

IMPORTANT NOTICES:

Under E-Verify rules, all List B document presented to you must contain a photograph.

All documents presented to satisfy the requirements of the Employment Eligibility Verification (I-9 Form) must be photocopied and attached to the I-9 Form.

The employee must show you his/her eligibility document(s) within three business days of the actual start date of employment. If an employee is **authorized to work**, but is unable to present the required document(s) within three business days, the employee can **under certain circumstances** present a receipt for the application of the document(s) within three days of employment start date, and the actual document(s) within ninety (90) days. If an employee does not produce his/her document(s) within the legal time limit, that employee must be asked to leave the premises immediately, and is terminated from employment with the Research Foundation.

Important receipt rules:

A receipt must be accepted if it is for an application for a replacement document when the original document was **lost, stolen, or damaged** (in this case, the actual document must be presented to complete the I-9 Form within 90 days).

An employee who presents a Form I-94 containing a temporary I-551 (receipt for Permanent Resident) stamp with a photograph of the individual is eligible for employment. The individual must present the Form I-551 by the expiration date stamped on the form.

A receipt for an application for an initial or renewal Employment Authorization Document (EAD) filed on a Form I-765, Application for Employment Authorization, is not acceptable for I-9 verification purposes.

All employees are required to document their social security number on the I-9 Form. However, they are not required to show you the actual card unless they are using it as their List C document.

Employees with no Social Security Number:

You may complete an I-9 Form for an employee who does not have a social security number as long as he/she shows proof (letter/receipt from SSA) that a card has been applied for. Make a photocopy of the receipt; attach it to the I-9, write that information on the I-9 SSN under List C, and forward the completed new hire package to the Office of Client Services at the Research Foundation. The employee will be placed on the payroll while he/she waits for the new card. If the employee does not present the card within 90 days, he/she will be terminated for failing to meet the I-9 requirements.

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

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s)

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): ___/___/___		___/___/___		___/___/___
Document #: _____		_____		_____
Expiration Date (if any): ___/___/___		_____		_____

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.)

2 Signature of Employer or Authorized Representative 3 Print Name 4 Title

5 Business or Organization Name Address (Street Name and Number, City, State, Zip Code) 6 Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. Based on the document(s) that the employee has selected and presented to you, note the document(s) in the respective column(s) (LIST A or LIST B and C).

1. In the section labeled CERTIFICATION, enter the date that the employee will start work (actual employment date). This date must be the same as the actual start date on the Paf.
2. Your signature
3. Print your name
4. Your title
5. Campus name and address
6. Date that you verified the documents. This date can be no later than 3 business days from the start date of employment.

REMINDER: With respect to Section 2, the PI/PD, or designee must record the following:

- The document title;
- The issuing authority;
- The document number;
- The expiration date, if any.
- The date employment begins (actual start date as indicated on the PAF)

[Hiring procedures for foreign students \(F1/J1\).](#)

Section 3 –Updating and Reverification

Section 3. Updating and Reverification. To be completed and signed by employer.	
A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. Document Title: _____ Document #: _____ Expiration Date (if any): ___/___/___	
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.	
Signature of Employer or Authorized Representative	Date (month/day/year)

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When to Reverify and Update?

IMPORTANT: Employees who are being Updated and Reverified should not be processed through E-Verify.

If an employee is rehired, you must ensure that the employee is still authorized to work. You may do this by completing a new I-9 Form, or by Reverifying or updating the original form by completing Section 3. If the employee being rehired had previously completed an I-9 form, you may reverify on the employee's original I-9 Form (or on a new I-9 Form if Section 3 of the original I-9 has already been used) if:

- The you rehire the employee within three years of initial date of hire; and
- The employee's previous work authorization has expired, but he/she is currently eligible to work on a different basis or under a new work authorization than when the original I-9 Form was completed.

To Reverify:

- Record the date of rehire in Block B;
- Record document title, number and expirations date (if any) of document(s) in Block C;
- Sign and date Section 3; and
- If you Reverifying on a new I-9, write the employee's name in Section 1

To Update (If you rehire an employee after a break-in-service who previously completed an I-9 Form, you may update on the employee's original I-9 form or on a new I-9 form, if;

- If the employee is rehired within three years of the initial date of hire; and
- The employee is still eligible to work on the same basis as when the original I-9 form was completed.

To Update:

- Record the date of rehire in Block B
- Sign and date Section 3; and
- If you are Updating on a new I-9 form, write the employee's name in Section 1

Except for employees who are U.S. citizens or permanent resident, the Research Foundation will reconfirm the employment authorization of every employee who has presented evidence of work authorization that contains and expiration date.

The E-Verify process

The following are the steps for processing I-9 information through the E-Verify program:

In order to facilitate and expedite the E-Verify process, make sure that you have properly completed the Employment Eligibility Verification [Form I-9](#). has been properly The E-Verify process is only meant to electronically compare information entered on the I-9 Form.

In order to comply with the regulations of E-Verify, it is imperative that employers completed I-9 Form be processed through E-Verify no later than the end of three (3) business days after the actual start date.

The three type of user roles in E-Verify

Corporate Administrator (CA henceforth) – At the Research Foundation's Central Office (RFCO). Oversee the entire system with full access – except cannot perform queries.

Program Administrator (PAd henceforth) – Oversee system at the campus and at Research Foundation Central Office (RFCO). Responsible for creating user accounts at the campuses and RFCO. Able to Add/Delete General Users (GU). Performs Verification queries.

General User (GU henceforth) – Performs Verification queries, receive E-Verify responses, writing the Case Verification Number (CV#) on the I-9 Form, printing either the Employment Authorization results (Emp Auth), or the Temporary Non Confirmation (TNC), giving the TNC's to the employee, and attaching a copy of either the Employment Authorization results or TNC to the I-9 Form – which is to be placed in the New Hire package.

Important: E-Verify must be done with the employee present.

How the E-Verify process works

1. Principle Investigator (PI henceforth), Project Director (PD henceforth), or designee completes I-9 Form
2. The completed I-9 Form with supporting I-9 documents attached should be given to the employee to be taken to the campus' GU (Unless the GU is responsible for also completing the I-9).
3. The GU submits information provided on the I-9 Form into the E-Verify program.
 - GU must submit verification queries for new hire employees no later than the 3rd business day after an employee starts work (actual start date of employment).
4. The system queries databases of SSA and DHS for employee identify and employment eligibility.

The electronic query will return one of three results:

- 1) Employment Authorized
- 2) Social Security Administration (SSA henceforth) Tentative Non-Confirmation
- 3) Department of Homeland Security (DHS Henceforth) DHS Verification in Progress

IMPORTANT: A Tentative Non-Confirmation report does not mean that the employee is not authorized to work. E-Verify prohibits you from taking any adverse/negative steps against workers while SSA or DHS processes challenges to Tentative Non-Confirmations.

- A. **Employment Authorized:** This response indicates that employment eligibility is verified. The employee is authorized to work. No further action is required from the employee.
- The GU records the Case Verification number (CV#) on the I-9 Form, print and attach the confirmation letter to the I-9 Form, and gives it back to the employee to be taken to his/her PI/PD.
 - PI/PD should forward New Hire package (including I-9 w/supporting documents and TNC notice) to the Office of Client Services.
 - If GU also completed I-9 Form, completed New Hire package with I-9 and supporting documents and confirmation letter is sent to the Office of Client Services for processing
 - New Hire Package will not be processed if there is no CV# noted on the I-9 Form.
- B. **SSA Tentative Non-Confirmation (TNC) & DHS Tentative Non-Confirmation.** These responses indicate that there is an information mismatch with SSA or a Non-Citizen Status mismatch with DHS.
- Print the Notice to Employee of Tentative Non-Confirmation.
 - Provide the notice to the employee and review it with him/her. Instruct the employee to indicate whether he/she wants to contest the TNC by clicking **Contest** or **Not Contest**.
 - Instruct the employee to sign and date the notice in the **Signature of Employee** area
 - You (GU) must sign and date the notice in the **Signature of Representative** area.
 - If the employee **chooses to contest** the TNC, you must electronically refer the employee to the appropriate agency.
 - The employee must be given a signed copy of the notice, and refer him/her to the appropriate agency.
 - The employee has eight (8) Federal Government workdays from the date of referral to visit or call the appropriate agency to resolve the discrepancy.
 - If employee **does not contact** the appropriate agency within 8 Federal Government workdays, he/she will be terminated.
 - Employee is allowed to continue working while case is being resolved.
 - If the employee **chooses not to contest**, select Resolve Case. This is considered a Final Non-Confirmation, and the employee may be terminated.
 - The GU should attach the original signed Notice to Employee of Tentative Non-Confirmation to the I-9 Form, and have it returned to the PI/PD.

- PI/PD should forward [New Hire package](#) (including I-9 w/supporting documents and TNC notice) to the Office of Client Services for processing
- If GU completed I-9 Form, he/she should return completed New Hire package (including I-9 w/supporting documents and TNC notice) to the Office of Client Services for processing.
- The Office of Client Services will monitor contested Tentative Non-Confirmations until the employee has resolved the issue with the appropriate agency.

Notes:

Social Security mismatches are resolved with SSA

Non-citizen status mismatches are resolved with DHS.

DHS Verification in Process/DHS TNC: This response indicates that a DHS is checking additional data sources to confirm the employment eligibility of a non-citizen. DHS normally respond within 24 hours, but has up to three federal government workdays to respond.

If you have questions, access the [E-Verify User Manual](#) , or call your respective [Client Services Representative](#).

Photo Screening Tool

The photo screening tool is incorporated into the E-Verify system, and allows you to verify whether certain documents presented to satisfy I-9 requirements are fraudulent. It matches the photograph on certain documents that the employee presents to the official document photo stored with DHS.

- The Photo Screening Tool is activated only when a new hire presents a recent version of the Permanent Resident Card (I-551) or an Employment Authorization Card (I-766).
- You may not require non-citizens to present Permanent Resident Cards (PRC) or Employment Authorization Cards (EAC) in order to activate the Photo Screening Tool.
- You may only verify the photos for new hires being verified through E-Verify; you may not use the tool for applicants or existing employees.

For more details regarding the Photo Screening Tool, access [Everify User Manual](#) page 31.

Related links

[E-Verify: DOs and DON'Ts](#)

[Right to Work Poster](#)

[E-Verify Poster Notice](#)

[RFCUNY website](#)

[E-Verify User Manual](#)

Terms

DHS – Department of Homeland Security

PAd – Project Administrator

SSA – Social Security Administration

GU –General user

PI –Principle Investigator

CA – Corporate Administrator

PD – Project Director

TNC – Tentative Non-Confirmation