Document Abuse & over-documentation

- Documentation must only be requested after job offer is made.
- Employer cannot request specific documentation, applicant must decide.
- If new hire provides more documentation than required, new hire should select only the necessary documents. You should inform the employee that he/she can only present documents that meet the requirements either List A or List B and C.
Completing Form I-9

LISTS OF ACCEPTABLE DOCUMENTS

<table>
<thead>
<tr>
<th>LIST A</th>
<th>LIST B</th>
<th>LIST C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents that Establish Both Identity and Employment Eligibility</td>
<td>Documents that Establish Identity</td>
<td>AND</td>
</tr>
<tr>
<td>1. U.S. Passport (unexpired or expired)</td>
<td>1. Driver's license or ID card issued by a state or city other than the United States. Provide it contains a photograph of the person's image, date of birth, gender, height, eye color and address.</td>
<td>8. U.S. Social Security card issued by the Social Security Administration indicating that a card stating it is not valid for employment.</td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>2. ID card issued by federal, state, or local government or entity. If the card contains both a photograph of the person's image, date of birth, gender, height, eye color and address, it should be valid for employment.</td>
<td>9. Certificate of Naturalization issued by the Department of State (Form I-551) or Form I-859</td>
</tr>
<tr>
<td>3. Unexpired foreign passport with a temporary I-515 stamp</td>
<td>3. School ID card with a photograph</td>
<td>10. Original or certified copy of a birth certificate issued by a state, county, municipal authority or city other than the United States, having an official seal.</td>
</tr>
<tr>
<td>5. U.S. Military card or draft record</td>
<td>5. U.S. Citizen ID Card (Form I-97)</td>
<td>12. Unemployment insurance identity card issued by a state or state joint labor employer identity card.</td>
</tr>
<tr>
<td>7. U.S. Coast Guard Merchant Marine Card</td>
<td>7. U.S. Coast Guard Merchant Marine Card</td>
<td>14. Unemployment insurance identity card issued by a state or state joint labor employer identity card.</td>
</tr>
<tr>
<td>10. Immigration document issued by a state or city other than the United States. Provide it contains a photograph of the person's image, date of birth, gender, height, eye color and address.</td>
<td>10. School record or report card</td>
<td>17. Clinic, doctor's or hospital record</td>
</tr>
<tr>
<td>11. Unemployment insurance identity card issued by a state or state joint labor employer identity card.</td>
<td>11. Clinic, doctor's or hospital record</td>
<td>18. Day-care or nursery school record</td>
</tr>
<tr>
<td>12. Unemployment insurance identity card issued by a state or state joint labor employer identity card.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 1: Employee Information and Verification.

<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 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.

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 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)

Section 2: Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR
Section 1: Employee Information and Verification.

- Must be completed by the New Hire.
- PI/PD/Administrator should verify that all information is provided and correct.
- Should be completed on the first date of employment.
- Preparer/Translator field in Section 1.
Section 2: Employer Review and Verification.

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).

<table>
<thead>
<tr>
<th>List A</th>
<th>OR</th>
<th>List B</th>
<th>AND</th>
<th>List C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document title:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issuing authority:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Document #:</td>
<td></td>
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<tr>
<td>Expiration Date (if any):</td>
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<td>Expiration Date (if any):</td>
<td></td>
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</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)
Section 2: Employer Review and Verification.

- New Hire provides verification documents from List A, or list B and C.
- All List B documents presented must contain a photograph.
- Employer reviews documents and completes Section 2.
- Must be completed within 3 business days of actual start date of employment.
- Make copies of documentation and attach to I-9 Form.
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)

Form I-9 (Rev. 06/05/07) N
Section 3: Updating and Reverification.

- Used to reverify documents from List C and some from List A.
- List B documents are never reverified.
- Be sure to reverify employees on the new 2007 version of the Form I-9.
E-Verify: How it Works

- Users submit information provided on the Form I-9
- System queries databases of:
  - SSA
  - DHS
E-Verify Initial Screen

Employment Eligibility Verification

Enter Employee Information from Form 1-9:

The employee attests to be (select one of the following):
- A citizen or national of the United States
- A lawful permanent resident
- An alien authorized to work

Next
Input employee documents provided
Section 1: Info from I-9 Form

E-Verify Employment Eligibility Verification

Enter Employee Information from Form I-9:

- Last Name: Jefferson
- First Name: Thomas
- Middle Initial: 
- Maiden Name: 
- Social Security Number: 216-47-4401
- Date of Birth: 04/20/1962
- Hire Date: 03/26/2008

Employer Case ID: 

Back | Next
E-Verify: How it Works cont.

- Initial verification will return one of three results within seconds:
  - **Employment Authorized**
    - The employee is authorized to work
  - **SSA Tentative Non-confirmation**
    - There is an information mismatch with SSA
  - **DHS Verification in Process**
    - DHS will usually respond within 24 hours with either an Employment Authorized or DHS Tentative Nonconfirmation
Initial Verification Approved

This E-Verify result shows that the employee is authorized to work.

This is the Case Verification # that must be written on the I-9 form.
If **Employment Authorized**, the employer records the system-generated verification number on the Form I-9. Client Services will not process a new hire if the verification number (CV#) is not noted on the I-9 Form.

If **Tentative Non-confirmation**, the employee can contest the finding and then:
- Social Security Number mismatches are resolved with SSA
- Non-citizen status mismatches are resolved with DHS

If the employee *chooses not to contest*, it is considered a **Final Non-confirmation**, and the Research Foundation terminates the employee and resolve the case.
Tentative Non-confirmation (TNC)

This E-Verify result shows an SSA Tentative Non-Confirmation.
Tentative Non-confirmation (TNC)

- **Inform** the employee and **print and review** the TNC notice with the employee.
- The employee chooses to “**contest**” or “**not contest**” the TNC.
- **Refer** the employee to the appropriate agency if the TNC is contested.
- The employee has **8 Federal Government workdays** from the date of referral to visit or call the appropriate agency to resolve the discrepancy.
If E-Verify result is Tentative NonConfirmation, this is the notice that must be printed and given to the employee. It must be filled by employee in your presence. You must attach a copy to the I-9 form.

**N O T I C E T O E M P L O Y E E O F T E N T A T I V E N O N C O N F I R M A T I O N**

**Employee Name:**
jefferson, thomas
216-47-4401
09/18/2007

**Agency Providing Tentative Nonconfirmation:**
Social Security Administration

This employer is participating in a pilot project with the Social Security Administration (SSA) and the Department of Homeland Security to verify employment eligibility information you provided when you completed the Form I-9. When your information was compared electronically to government records, SSA could not confirm that you are eligible to work in the United States. This tentative nonconfirmation does not mean that you are not work authorized, or that the information you provided is incorrect. There are many reasons why a work authorized employee could be the subject of a tentative nonconfirmation. The tentative nonconfirmation means, however, that you must contact the SSA to resolve the situation if you wish to continue your employment.

You have a voluntary choice. You may Contest the tentative nonconfirmation, or you may choose to Not Contest the tentative nonconfirmation.

If you Contest this tentative nonconfirmation, you must contact the SSA. By contesting, your employer will refer your case through E-Verify, and provide you with a referral notice that will tell you how to contact the SSA. You will be provided 8 Federal government work days from the date of that referral notice to resolve your situation with SSA. At the SSA office, you may have to provide additional information or documents that will permit the SSA to notify your employer that you are work authorized. During the 8 Federal government work days your employer may not terminate your employment or take adverse action against you based upon your employment eligibility status or because you have chosen to contest the tentative nonconfirmation.

If you do Not Contest the tentative nonconfirmation, you are making a choice voluntarily to give up your opportunity to correct the tentative nonconfirmation. If you do not contest the tentative nonconfirmation, it automatically becomes a final nonconfirmation. That means that your employer may terminate you immediately as an unauthorized employee. If you do not contest the tentative nonconfirmation, a legal presumption is created that your employer is in violation of the law if it continues your employment.

If you have questions or concerns about immigration-related unfair employment practices, you may call the Office of Special Counsel for Immigration-Related Unfair Employment Practices toll free at 1-800-255-7688 or 1-800-237-2551 (TDD) for the hearing impaired.

I choose to (check one):

- **Contest** the tentative nonconfirmation. I understand that I must contact the Social Security Administration within 8 Federal Government work days from the date shown on the referral notice which is to be provided by my employer.

- **Not Contest** the tentative nonconfirmation. I choose voluntarily to give up my opportunity to correct the tentative nonconfirmation. I understand that my voluntary choice not to contest the tentative nonconfirmation authorizes my employer to terminate my employment immediately.

**Signature of Employee:** ____________________________

**Date:** ____________________________

**E-VERIFY NOTICE TO EMPLOYEE OF TENTATIVE NONCONFIRMATION**

**Employer's Certification**

I certify that this employer has received a tentative nonconfirmation relating to the employee whose name and signature appear above and that the employee has made the appropriate choice to contest or not contest the tentative nonconfirmation.
TNC Case Resolution

- **Employee continues to work** while the case is being resolved.
- The 8 days is only for the employee to contact the appropriate agency. Resolution may go beyond 8 days.
- Once the employee resolves the discrepancy in his or her records, they should inform the Office of Client Services.
- With both a **SSA TNC** and a **DHS TNC**, a response is electronically sent to the Research Foundation through the system. The employer should check E-Verify periodically for the response.
TNC Case Resolution cont.

- The employer will receive one of three results:
  - Employment Authorized
  - Final Nonconfirmation
  - Review and Update Employee Data then Resubmit

- The employer then resolves the case in E-Verify.
Employment Authorized

E-Verify Employment Eligibility Verification

Case Verification Number: 2008086123844GP

Initial Verification

Last Name: Jefferson
First Name: Thomas
Social Security Number: 216-47-4400
Date of Birth: 04/20/1962
Hire Date: 03/26/2008
Citizenship Status: Citizen or National of the United States
I-94 Number: 1-94
Document Type: Unexpired or Expired U.S. Passport
Doc. Expiration Date: 03/26/2008
Initiated By: ASGD1927
Initiated On: 03/26/2008

Initial Verification Results

Initial Eligibility: EMPLOYMENT AUTHORIZED.

Enter Case Resolution

Resolve Options:
- Resolved Authorized
- Resolved Unauthorized / Terminated
- Self Terminated
- Invalid Query
- Employee Not Terminated

Submit Resolve Case, Close
The E-Verify photo tool enables employers to match the photo on an employee’s Employment Authorization Document (EAD) I-766 or Permanent Resident Card (‘green card’) I-551 to the photo that USCIS has on file for that employee.

- Assist employers to detect instances of document fraud.
Photo Screening Tool Sample

E-Verify Employment Eligibility Verification

Case Verification Number: 2007240160205MM

Identity Verification
Does the photograph below match the photograph on the I-766 document provided by the employee?

- Yes
- No
- Cannot be determined (specify why)

[Photo of a person]  Click to Enlarge

Next
PI/PD/Administrator Responsibilities

- E-Verify must ONLY be used to verify NEW hires, and must be initiated after the employee accepts the position (hire date) and within 3 days of the employee’s actual start date.

- E-Verify procedures must be applied to ALL new hires, regardless of citizenship status.
E-Verify Poster

This Employer Participates in E-Verify

E-Verify

NOTICE

Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States.

Employees may be subject to prosecution for employment of any unauthorized persons. If you believe your employer has failed to comply with this program, you must file a charge of discrimination against your employer. If you believe your employer has failed to provide you information about your immigration status, please call the Office of Special Counsel at (800) 851-5662 (TTY: 1-855-572-6831).

Employment Verification.

For more information on E-Verify, please visit: www.dol.gov/eas.

1-888-464-4218
OSC Anti-Discrimination Poster

IF YOU HAVE THE RIGHT TO WORK, Don’t let anyone take it away.

If you have a legal right to work in the United States, there are laws to protect you against discrimination in the workplace.

You should know that:
- No employer can deny you a job or fire you because of your national origin or citizenship status.
- In most cases employers cannot require you to be a U.S. citizen or permanent resident or refuse any legally acceptable documents.

If any of these things have happened to you, you may have a valid charge of discrimination that can be filed with the OSC. Contact the OSC for assistance in your own language.

Call 1-800-255-7688, TDD for the hearing impaired is 1-800-237-2515.

In the Washington, D.C. area, please call 202-616-5594, TDD 202-616-5525

Or write to:
U.S. Department of Justice
Office of Special Counsel - NYA
950 Pennsylvania Ave, NW
Washington, DC 20530

U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration-Related Unfair Employment Practices
Employee Rights

- The employee has the right to contest or not to contest a Tentative Non-confirmation (TNC) from SSA or DHS.
Related/Contact Information

- Right to Work Poster
- E-Verify Poster Notice
- RFCUNY website
- E-Verify User Manual
- E-Verify: DOs and DON’Ts
- Office of Client Service