



OLD DOMINION
UNIVERSITY

I- 9 Form Requirements and Process

Department of Human Resources

I-9 Form Requirements

- It is unlawful to knowingly hire, recruit, or refer for a fee an unauthorized alien.
- Employers are responsible for ensuring the completion of the I-9.
- Employers must verify the employment eligibility and identity of all employees

Who needs to complete an I-9 form?

- An Employment Eligibility Verification Form (I-9) must be completed by all new employees. The Departments listed below are responsible for certifying I-9 forms for the following employee types:
 - Full-time Teaching and Research Faculty Academic Affairs
 - Adjunct Faculty Academic Affairs or Authorized Departments
 - Academic Affairs Support Staff (4031) Academic Affairs or Authorized Departments

Who needs to complete an I-9 form?

- An Employment Eligibility Verification Form (I-9) must be completed by all new employees. The Departments listed below are responsible for ensuring the completion of I-9 forms for the following employee types:

- International Faculty, Staff,
and Students

Visa & Immigration
Service Advising

File Maintenance for I-9s of International Staff

Visa & Immigration Service Advising retains the original I-9s for all international Faculty, Staff, and Students, and sends copies to the departments listed on the previous slides for their assigned employee types for secondary record maintenance.

Accessing Forms

- Make sure you are using the most recent versions (Rev. 8/1/23). The 8/1/23 form can be found on the ODU Human Resources Web site:
<http://www.uscis.gov/files/form/I-9.pdf>
- There are now **two** options in completing the I-9 form.
 - The form can be completed electronically by the new employee and the certifier and then printed for signature.
 - The form can be printed and then completed on standard white paper.
- The Instructions and List of Acceptable Documents **must** be made available to all employees completing the I-9 form.(This is the same list of documents that stipulate what is used for identification and work eligibility.)
- Only the I-9 form itself, which has been completed by the employee and employer, need to be retained.

Section 1 of the 1-9 Form

- Employee must complete this section by the end of his first day of work.
 - Supplement A, Preparer and/or Translator Certification must be completed by any preparer and/or translator who assists an employee in completing section 1.
 - The preparer and/or translator must enter the employee's name in the spaces provided at the top of the supplement A form. Each preparer or translator must complete, sign and date a separate certification area.
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- **Only use blue or black ink**
 - **Do not use whiteout. If a mistake occurs during completion of the I-9 form, have the employee, preparer and/or translator cross out the error, initial and date it and insert the correct information.**
 - **The ODU representative may not correct errors or omissions in Section 1**

Section 2 of the I-9 Form

- Employers must complete Section 2 and enter E-Verify* within three business days from the employee's first day of work.
 - **Departments must complete Section 2 on the employee's first day so that it allows Student Employment/Academic Affairs/Visa & Immigration Service Advising/Human Resources to complete the E-verify process within the three business days.**
- *** E-Verify; an internet-based system that allows an employer to determine if the eligibility of an employee to work.**

Section 2 of the I-9 Form

Continued

- List A includes all documents that establish both the employee's identity and employment eligibility. List A documents include:
 - Unexpired U.S. passport
 - Unexpired foreign passport with I-551 stamp
 - Permanent resident card
 - Unexpired employment authorization document which includes a photograph (Form I-766)
- Again, **Only use blue or black ink. Do not use whiteout. If a mistake occurs during completion of the I-9 form, the ODU representative completing the form must cross out the error, initial and date it and insert the correct information.**

Section 2 of the I-9 Form (continued)

If the employee does not have a list A document , then they must show two documents, one from list B and one from list C.

- All documents must be unexpired.
- Examples of the combination of the two documents include:
 - Virginia driver's license and social security card that does not have a notation at the top requiring DHS work authorization
 - Military dependent's ID card and U.S. birth born abroad certification
- Documents from list B must contain a photo (which is clearly identifiable)
- **Employers must strictly observe the requirement that the employer must complete the I-9 form within three business days; this is the only area of I-9 compliance that cannot be corrected once violated.**

Acceptable Documents

- Employers must accept documents if they reasonably appear to be genuine, and to relate to the presenting individual.
- If a document appears questionable, the employer should ask for another document. If the employee cannot produce a document that appears genuine, he/she should be discharged.
- If an employee initially presents a “false” document, then receives proper documentation, the employer is not required to discharge the employee. However, the employer must correct the I-9 form.

Unacceptable Documents

- Don't accept laminated social security cards if they read "not valid if laminated" on the back.
- Don't accept photocopies of documents, except for a certified copy of a birth certificate.

Accepting a Receipt

- Receipts can be accepted for lost, stolen, or damaged documents only.
- If the employee cannot provide the document necessary for Section 2, the employee can present a receipt showing that the employee applied for the proper document.
 - You will enter the word “Receipt” followed by the title of the receipt in Section 2 under the list that relates to the receipt.
- “Receipt rule” does not apply to expired documents!
- The employee must present the replacement document within 90 days of the first day of work.
- Exceptions:
 - I-94 with a picture and an unexpired I-551 stamp (for Permanent Residents)
 - I-94 with a unexpired refugee admission stamp


Photocopying Documents

- Federal and state guidelines state that “employers **must** photocopy the employee’s verifying documents and retain the copy with the I-9 form”.

Let's Complete the Form!

Preparer and/or Translator Certification

- A **Translator or Preparer** may complete Section 1 for the employee if the employee is physically impaired or otherwise unable to complete Section 1 without assistance.
- If a preparer and/or translator assisted in completing Section 1, that person **MUST** complete the Preparer and/or Translator Certification on page 3.
- The employee must still sign and date the I-9.

	<p>Supplement A, Preparer and/or Translator Certification for Section 1</p> <p>Department of Homeland Security U.S. Citizenship and Immigration Services</p>	<p>USCIS Form I-9 Supplement A OMB No. 1615-0047 Expires 07/31/2026</p>
Last Name (<i>Family Name</i>) from Section 1.	First Name (<i>Given Name</i>) from Section 1.	Middle initial (if any) from Section 1.
<p>Instructions: This supplement must be completed by any preparer and/or translator who assists an employee in completing Section 1 of Form I-9. The preparer and/or translator must enter the employee's name in the spaces provided above. Each preparer or translator must complete, sign, and date a separate certification area. Employers must retain completed supplement sheets with the employee's completed Form I-9.</p>		
<p>I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.</p>		
Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State <input style="width: 20px;" type="text"/> ZIP Code

- Provide employee a list of acceptable documents (on the back of the I-9 form).
- Original documents must be provided, except for certified copies of birth certificates.
- Make sure document, issuing authority and document number are recorded on correct lines.
- Do not over-document List A or List B & C (considered document abuse).
- Expiration dates of documents must be written in month/day/year format (Example: mm/dd/yyyy).
- If the document used does not have a document number or expiration date, enter NA in the field

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)	Additional Information				
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)	<input type="checkbox"/> Check here if you used an alternative procedure authorized by DHS to examine documents.				
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					

**Record one document from List A
OR one each from List B and C, not
documents from all three.**

List A

List A includes documents that verify both identity and employment eligibility.

If a document from List A is provided, no other documents are needed.

LIST A Documents that Establish Both Identity and Employment Authorization
1. U.S. Passport or U.S. Passport Card
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
4. Employment Authorization Document that contains a photograph (Form I-766)
5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole: <ul style="list-style-type: none">a. Foreign passport; andb. Form I-94 or Form I-94A that has the following:<ul style="list-style-type: none">(1) The same name as the passport; and(2) An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

List A

If the employee is a noncitizen (other than item numbers 2 and 3) authorized to work, they only need to complete **ONE** option.

The I-94 or I-551 number must match information in the work authorization box in Section 1.

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.	Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):				
	<input type="checkbox"/>	1. A citizen of the United States			
	<input type="checkbox"/>	2. A noncitizen national of the United States (See Instructions.)			
	<input type="checkbox"/>	3. A lawful permanent resident (Enter USCIS or A-Number.)			
	<input type="checkbox"/>	4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any) _____			
	If you check Item Number 4, enter one of these:				
	<input type="text"/>	OR	<input type="text"/>	OR	<input type="text"/>

Record one document not documents from all three.

List B and List C

List B documents verify identity and List C documents verify employment eligibility.

The employee must provide one item each from List B and List C.

List B document must contain a photo (which should be clearly identifiable).

List B and List C are used only if the employee does not have a document from List A.

LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION	
2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		
3. School ID card with a photograph	2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)	
4. Voter's registration card		
5. U.S. Military card or draft record	3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal	
6. Military dependent's ID card		
7. U.S. Coast Guard Merchant Mariner Card	4. Native American tribal document	
8. Native American tribal document	5. U.S. Citizen ID Card (Form I-197)	
9. Driver's license issued by a Canadian government authority	6. Identification Card for Use of Resident Citizen in the United States (Form I-179)	
For persons under age 18 who are unable to present a document listed above:	7. Employment authorization document issued by the Department of Homeland Security For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central . The Form I-766, Employment Authorization Document, is a List A, Item Number 4. document, not a List C document.	
		10. School record or report card
11. Clinic, doctor, or hospital record		
12. Day-care or nursery school record		

Section 2 - Certification Section

- This section must be completed, signed and dated by the ODU Representative that verified the employee's documentation.
- Be sure to fill in the date employee physically began working, complete business name (Old Dominion University) and address (5115 Hampton Blvd., Norfolk, VA 23529) and the name and title of the ODU Representative certifying the form.

Read, fill in the information (including the date employee physically began working) in the certification section, sign and date.

If the form was completed electronically, print, sign and date.

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.		First Day of Employment (mm/dd/yyyy):
Last Name, First Name and Title of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name Old Dominion University	Employer's Business or Organization Address, City or Town, State, ZIP Code 5115 Hampton Blvd, Norfolk, VA 23529	

Reverification and Rehire

- If an employee's name has changed, the employee must submit a copy of a new Social Security Card to the appropriate ODU department maintaining his/her I-9.
 - NOTE: A copy of the new social security card must also be sent to Student Employment/Human Resources so that the employee's personnel records can be changed to the new name.
- The ODU department maintaining the employee's form will complete the Supplement B Reverification and Rehire form for all updates (name changes, rehires,**) using the employee's original I-9 form on file. (**See next slide regarding rehires.)
 - Visa & Immigration Service Advising will complete the supplement B reverification and rehire form for recertification of expired employment authorization using the employee's original I-9 form on file.

Rehiring Employees

- If an employee is rehired within three years of the date his/her original I-9 Form was completed, **AND** the original I-9 Form is unexpired, the Supplement B Reverification and Rehire form may be completed.
 - **If the original I-9 Form is expired, a new I-9 Form MUST be completed.**

Employment Type Changes

- If an employee moves from one employment type to another (i.e. a student employee moves to an hourly employee position), a copy of the original I-9 should be obtained by the department processing the employment type change. It should be noted in the “additional information box” that the original was certified when the employee was hired in his/her previous position.

REASONS AN I-9 WILL NOT BE CERTIFIED

- An old version of the I-9 form is used (prior to 7/31/26).
- The I-9 form is filled out using pencil or ink other than blue or black.
- Signature, date and Sections II (except for the business address) and Supplement B Reverification/Rehire form are typed.
- The I-9 form is a fax or copy.
- Any applicable portion of Section 1 is left blank
 - address is not their home address (i.e. work address)
 - no date of birth
 - no social security number
 - not checking off the work authorization box
 - not entering USCIS A-Number or Admission numbers when needed
 - not entering the work eligibility expiration date when needed
 - missing employee's signature or date
- Transposing the date of signature with the date of birth

ADDITIONAL REASONS AN I-9 WILL NOT BE CERTIFIED

Section 2

- Lack of issuing authority, document # or expiration dates, when needed
- List B filled in only or List C filled in only (Remember, it must be B + C)
- Lack of date employee began work
- Lack of signature, printed name, title, business/organization name, and date the employer signs

Making Corrections to Non-Compliant I-9's

- For I-9s that an employer finds to be lost, destroyed, or non-compliant, do one of the following:
 - (1) Create new, correct I-9 Forms for each affected employee and attach to old I-9 Forms
- OR
- (2) Make **conspicuous** corrections on the originally non-compliant I-9 Form.
 - Make correction(s) by crossing out with a line, then date and initial. Do **not** use white out. Do not obliterate.
 - Always enter the **current** date the I-9 is being completed by the employee and the authorized representative. **Never back date the I-9 form.**

Inspection of I-9 Forms

- I-9 forms must be made available upon request from the U.S. Immigration and Customs Enforcement, the Department of Labor, or the Justice Department's Office of Special Counsel for Unfair Immigration-Related Employment Practices. They must also be made available to Auditors for the Commonwealth of Virginia or Old Dominion University.
- The officer who inspects will provide the employer with at least three days notice.
- The employer may request an extension of time to produce his I-9 forms.
- The employer should not expect the officer to produce a warrant or subpoena before inspection.
- NOTE – The Department of Human Resources will conduct **UNANNOUNCED** audits of departments maintaining I-9s on a quarterly basis.

Penalties for Prohibited Practices

- **Fine of not less than \$100 and not more than \$1,100 for each employee for whom the I-9 Form was not properly completed, retained, and/or made available for inspection.**
- **Fines up to \$3,000 per employee and/or 6 months imprisonment for knowingly hiring or continuing to employ unauthorized aliens.**
- **Unlawful discrimination: \$275 - \$11,000 fine**
- **Document fraud: \$275 - \$5,500 fine**
- **In some cases, managers can be charged with felonies**

Anti-Discrimination Provisions

- **Employer cannot request that an employee present more or different documents than are required.**
- **Employer cannot refuse to honor documents which reasonably appear to be genuine and to relate to the person presenting them.**
- **The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.**

For More Information.....

- ODU Policy 6027 – Employment Eligibility and Verification: www.odu.edu/ao/polnproc
- Additional instructions and examples of documents can be found in the U.S. Department of Homeland Security Handbook for Employers at their Web site: <http://www.uscis.gov/files/form/m-274.pdf>

Avoid Common Errors

- To avoid discrimination penalties in an USCIS audit, do not keep copies of the I-9s in employees' personnel files. File the originals separately from all other records.
- Retain I-9s for all active employees.
- Purge and destroy I-9s for terminated employees as follows: “retain completed I-9s for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.”
- If an employer has incorrect I-9s on file that could have been destroyed, but weren't, the employer can still be fined in an USCIS audit.

When in doubt.....

- If you have questions or need assistance, contact the following departments:
 - Academic Affairs
 - Dan Zimmerman, ext. 4559
 - Student Employment (E1-S Processing)
 - Brenda Woodhouse, ext. 5399
 - Human Resources
 - Pam Harris, ext. 5131
 - Visa & Immigration Service Advising
 - Andre Fore, ext. 4756

Citations

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Department of Human Resources
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