



Human Resource Services **POLICY RESOURCES**

207 Old Main, One John Marshall Drive, Huntington, West Virginia 25755, Phone 304.696.6455  
FAX 304.696.6844, E-mail [human-resources@marshall.edu](mailto:human-resources@marshall.edu), Web <http://www.marshall.edu/human-resources/>

Applies to:	<b>Marshall University</b>
Title:	<b>USCIS Form I-9</b>
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Marshall University (hereinafter the University) complies with U.S. Citizenship and Immigration Services (USCIS) regulations with regard to USCIS Form I-9. All persons to be employed by the University must be authorized for employment through completion of Form I-9. It is illegal for the University to employ an individual who has not properly completed Form I-9. Noncompliance with this policy may produce cash fines or penalties (see "Cash Penalties" in Appendix 1 below).

USCIS Form I-9 should be completed when employment is offered. However, USCIS regulations allow an individual 72 hours from time of hire in which to complete Form I-9 (example - If hired on Monday, an individual has until close of business Wednesday in which to complete the form). Responsibility for completion of Form I-9 rests with the employing department. Vice Presidents are required to screen personnel actions for proper completion of Form I-9. However, any personnel action reaching Human Resource Services (see policy and procedure on Human Resources Support) without proper completion of Form I-9 will be held in queue pending completion of the form. Electronic notices of non-completion of Form I-9 will be sent immediately to key persons responsible for that personnel action. If Form I-9 is not completed within the deadline, the personnel action will be returned without processing. This may result in delays in employment and problems with regard to compensation.

Any regular-status employee of the University may receive and complete USCIS Form I-9 in behalf of a new or prospective employee so long as the form is completed correctly according to the guidelines in Appendix 3 below. If no employee is available for this purpose, the new or prospective employee may contact one of the offices authorized to process USCIS Form I-9 as listed in Appendix 2 below.

Copies of USCIS Form I-9 are available at the offices authorized to receive and complete Forms I-9 (See Appendix 2 below). The form may also be downloaded as an Adobe® file from the Human Resource Services website forms page. Click the link that follows and then scroll down to and select USCIS Form I-9:

<http://www.marshall.edu/human-resources/forms>.

Information on completed Forms I-9 is recorded in the Banner HR™ system. University employees enrolled for the Banner HR™ View Process can check for a properly completed Form I-9. If a valid Form I-9 is recorded in the system, no further action is required for the new or prospective employee. If a Form I-9 is not recorded, the individual needs to complete the form. Any persons involved in the hire of a new employee may also contact Human Resource Services at 304.696.6455 or by e-mail to [human-resources@marshall.edu](mailto:human-resources@marshall.edu) to confirm Form I-9.

### **APPENDIX 1 - DEFINITIONS**

*USCIS Form I-9:* A form published by U.S. Citizenship and Immigration Services (USCIS) that is used to establish eligibility for employment in the United States. A requirement to complete Form I-9 and a prohibition on employing persons who do not have a properly completed Form I-9 are established in the

federal Immigration Reform and Control Act of 1986 (IRCA). USCIS Form I-9 can be viewed by clicking [HERE](#). The form is four pages long. The first and second pages consist of instructions. The third page is the actual form that the prospective employee and the employer complete. The fourth page is a listing of acceptable documents for purposes of establishing eligibility for employment. The form may be downloaded or printed as necessary. A paper copy of the form may be obtained from one of the offices listed below.

*Expiring I-9:* A USCIS Form I-9 for which an authorizing document was an expiring visa such that eligibility for employment would end concurrently with the expiration of the visa. An expiring Form I-9 will only authorize employment for the duration of the expiring visa used to establish eligibility.

*Non-expiring I-9:* A USCIS Form I-9 for which non-expiring documents are used to establish eligibility for employment. A valid driver's license with a photograph may be used as one document necessary to establish eligibility for employment. Even though the driver's license will typically have an expiration date, a Form I-9 for which employment is authorized by a driver's license and another non-expiring document is considered to be non-expiring. A non-expiring Form I-9 may be used to establish eligibility for employment even if the employee is returning to the institution for a subsequent episode of employment even if the latter appointment was not preceded by the completion of a new Form I-9.

*Three-Day Deadline:* While USCIS Form I-9 should be completed at or before the beginning of employment, an employee has three working days including the date that employment began in which to produce for the University the appropriate documents to establish identity and authorize employment. If more than three working days including the date employment began lapse without this occurring, the University must terminate the employment of the individual. Individuals employed for three working days or less must have USCIS Form I-9 completed within the term of their employment.

*Authorizing Documents:* Authorizing documents are those listed on the last page of the USCIS Form I-9 that can be used to prove identity and establish eligibility for employment. Form I-9 requires that either one document from List A (see form at link above) OR one document each from Lists B and C (see form at link above) must be tendered for verification by an authorized institutional representative.

*Authorized Representative:* An employee of the University, authorized by Human Resource Services to accept, review, verify, and complete USCIS Form I-9. Due to the critical compliance requirements imposed by Form I-9, only appropriately trained and authorized representatives may accept and complete these forms.

*I-9 Custodian:* The office charged with responsibility for physical storage of all USCIS Forms I-9 for the University. For the University the Form I-9 custodian is Human Resource Services, 207 Old Main, One John Marshall Drive, Huntington, West Virginia 25755, phone 304.696.6455, e-mail [human-resources@marshall.edu](mailto:human-resources@marshall.edu).

*Cash Penalties:* Substantial cash penalties may be levied against the University by the U.S. Government for noncompliance with the provisions of the Immigration Reform and Control Act (IRCA). Depending upon circumstances, such cash penalties may range from \$250 to \$10,000. Additionally, the University may, depending upon circumstances, impose on employing departments an administrative penalty of up to \$250 for each instance of noncompliance with the requirements for Form I-9 as set forth in this policy. While all parties involved exercise every reasonable effort to ensure a compliant Form I-9 process, the ultimate responsibility for compliance with this regulation rests with the employing department. The University attaches high importance to compliance.

## **APPENDIX 2 - AUTHORIZED OFFICES**

While any regular-status employee of the University may accept and complete USCIS Form I-9 as set forth in the third paragraph of this policy, the following offices are trained and authorized to receive and process USCIS Form I-9 as needed for the University:

**Human Resource Services**, 207 Old Main, One John Marshall Drive, Huntington, WV 25755, Phone 304.696.6455.

**Financial Aid Office**, Marshall University, 122 Old Main, One John Marshall Drive, Huntington, WV 25755. NOTE: This office processes Forms I-9 for federal Work Study students only.

**Marshall University Graduate College**, Room 304 or Room 113, 100 Angus E. Peyton Drive, South Charleston, WV 25303-1600.

**Marshall University School of Medicine**, Room 3407, 1600 Medical Center Drive, Huntington, WV 25701, Phone 304.691.1724.

**Mid-Ohio Valley Center**, 1 John Marshall Way, Pt. Pleasant, WV 25550.

**Southern Mountain Center**, 2nd Avenue and Court Street, Williamson, WV 25661, Phone 304.235.5800.

**Teays Valley Regional Center**, 101 Carriage Pointe, Suite 101, Hurricane, WV 25526, Phone 304.757.7223.

**The School of Extended Education (SEE)**, Marshall University, Room 216, Prichard Hall, One John Marshall Drive, Huntington, WV 25755, Phone 304.696.6387, 304.696.6649, or 304.696.4723.

### **APPENDIX 3 - COMPLETING USCIS FORM I-9**

The on-line version of USCIS Form I-9 may be consulted as necessary to clarify the completion process as set forth below. The form can be accessed at <http://www.marshall.edu/human-resources/forms/>. Form I-9 is completed in several steps:

**STEP 1:** Assuming that a prospective University employee has appeared in person at a designated office, the authorized representative of the University should first ask the prospective employee if they have filled out a Form I-9 for Marshall University within the *last three years*. In certain circumstances, the Form I-9 is non-expiring and may be used for a subsequent episode of employment (a) if the Form I-9 is less than three years old and still in the possession of Human Resource Services and (b) if the Form I-9 is recorded in the Banner HR® system on form GOAINTL, the International Information form. Authorized representatives have access to the Banner HR® system and can verify this information. Information and training with regard to Banner HR form GOAINTL is available elsewhere on the web site or from Human Resource Services.

IF the Form I-9 was completed within the last three years and IF a record of it is recorded in the Banner HR system in form GOAINTL and IF, in the case of an expiring Form I-9 it still has sufficient time remaining on it to cover the current episode of employment in its entirety, the prospective employee does not have to complete a new Form I-9. If *any* of the conditions above are not satisfied, the individual will have to complete a new Form I-9. If it is necessary to complete a new Form I-9 it is accomplished in the following steps:

**STEP 2:** Again assuming the prospective employee appears in person at one of the designated offices listed above, he/she brings with them or requests a copy of and completes USCIS Form I-9 Section 1 down to and including the line captioned "Employee's Signature." If a prospective employee is assisted by

anyone not associated with the University in completing their Form I-9, that individual completes the remaining block in Section 1 below the employee signature block.

In Section 1 the prospective employee should print his/her legal name. Do not enter a nickname. The individual's maiden name should be entered as appropriate. For persons with multiple addresses, the address, city, state, and ZIP code entered should be the one to which a withholding statement, Form W-2, would be mailed. Date of birth and Social Security number should be entered. The individual should check the appropriate block among the choices for status. The prospective employee should sign the Form I-9 with their legal signature. The date the form is signed should be entered.

If no other person is assisting the individual in completing the Form I-9, input into Section 1 is complete. If a preparer or translator is assisting the individual in the completion of Form I-9, they should complete the two lines of information appearing below the prospective employee's signature. Otherwise, these fields can be left blank.

STEP 3: An authorized representative of the University completes Section 2 of USCIS Form I-9. This involves the tender by the prospective employee of document(s) sufficient to establish identity and to authorize employment. Various sets of documents may be tendered to satisfy this requirement. The list of acceptable documents and their combinations appears on the back of the Form I-9.

The prospective employee needs to provide ONE document from List A OR ONE document EACH from Lists B and C. The University cannot stipulate which documents are offered. That is up to the prospective employee. However, the authorized representative of the University can determine the acceptability of those offered by the prospective employee. No other combinations of documents are allowed. For example, a prospective employee may not offer two documents from List C in lieu of one document each from List B and List C.

The University's authorized representative will record in the appropriate blocks information about the documents tendered. If one document from List A is offered, the representative will write in the appropriate spaces (1) the document title (example - U.S. Passport); (2) the issuing authority (example - U.S. Government); (3) the document number (if a number is discernible); and (4) the expiration date if any of the document. Spaces for an additional document from List A may appear on Form I-9. It is not necessary to fill out more fields than necessary for the one document tendered.

If one document from List B and one document from List C are offered, the authorized representative will write in the appropriate spaces the following information about EACH document: (a) document title (example - Driver's License); (b) issuing authority (example - State of West Virginia); (c) document number (example - driver's license number); and (d) the expiration date as appropriate (example - a Social Security card is non-expiring).

It is *critically* important that the information entered in the appropriate fields for authorizing documentation is correct and complete. The USCIS regulations do not require that the documents offered to establish identity and authorize employment be copied, but the regulations do prohibit selective copying of the authorizing documents, particularly since prospective employees might be selected for document copying on a discriminatory basis. To avoid this problem, it is the official policy of the University to encourage the creation and attachment to Form I-9 of copies of the authorizing documents. Authorized representatives are encouraged to provide legible copies. Some authorizing documents may not copy well. Illegible attachments will be of limited use. If authorized representatives cannot make copies of authorizing documents for whatever reason, a completed Form I-9 without copies of authorizing documentation is acceptable.

The authorized representative should enter in the appropriate block in Section 2 the date that the person began work or will begin work. Every reasonable effort should be made to conclude the Form I-9 before the person begins work or concurrently with the beginning of work. The authorized representative should

then sign Form I-9, print their own name and title. The name and address of the organization should be entered as follows: Marshall University, One John Marshall Drive, Huntington, WV 25755. Finally, the authorized representative should enter the date on which his/her review and certification takes place.

**STEP 4:** The authorized representative should indicate to the prospective employee that the Form I-9 is completed, thank them on behalf of the University, and ask if they have any questions. Any authorizing documents tendered by the prospective employee should be returned to them.

**STEP 5:** The authorized representative should *as soon as possible* (1) FAX a copy of the Form I-9 and any attached documentation to Human Resource Services at 304.696.6844, and (2) forward the original of the Form I-9 and any attachments (a) via campus mail to Human Resource Services, 207 Old Main or (b) by U.S. Mail to Human Resource Services, 207 Old Main, One John Marshall Drive, Huntington, WV 25755. While not legally required, the submitting office is encouraged to make and keep a copy of the Form I-9 in the event of loss or mis-delivery of the original.

Staff of Human Resource Services will create new person records as necessary and make entries in the appropriate Banner HR® tables to reflect the Form I-9. Continued processing of employment actions requiring USCIS Form I-9 will in the near term depend upon receipt of the copy of the Form I-9 and the creation of the appropriate records in the system. Final disposition of the employment action will depend upon receipt by Human Resource Services of the original of the USCIS Form I-9.

Information and assistance on the completion of USCIS Form I-9 may be obtained by contacting Human Resource Services at 304.696.6455 or by e-mail at [human-resources@marshall.edu](mailto:human-resources@marshall.edu). Human Resource Services is the designated office for any contacts relative to USCIS Form I-9 from U.S. Citizenship and Immigration Services. Human Resource Services is responsible for making available for audit paper copies of Form I-9.

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