



And I-9's

Presented by:

Linda Dunbar – Oklahoma State University

Lewis Starkey – University of Oklahoma

BJ Loving – OU Health Sciences Center

Getting Started

- Process to enroll in E-Verify, simple and online
- Before you enroll, you must decide:
 - Who will electronically sign the MOU
 - Which hiring sites will participate
 - If you are a federal contractor with the FAR E-Verify clause, which employees will you verify
 - Which company locations will access E-Verify
 - Who in your company will have access to E-Verify
 - Who in your company should be a program administer

Considerations

- Training for E-Verify Users
- Initial and ongoing training
- Centralized process or not
- I-9 Training
 - H-1b example

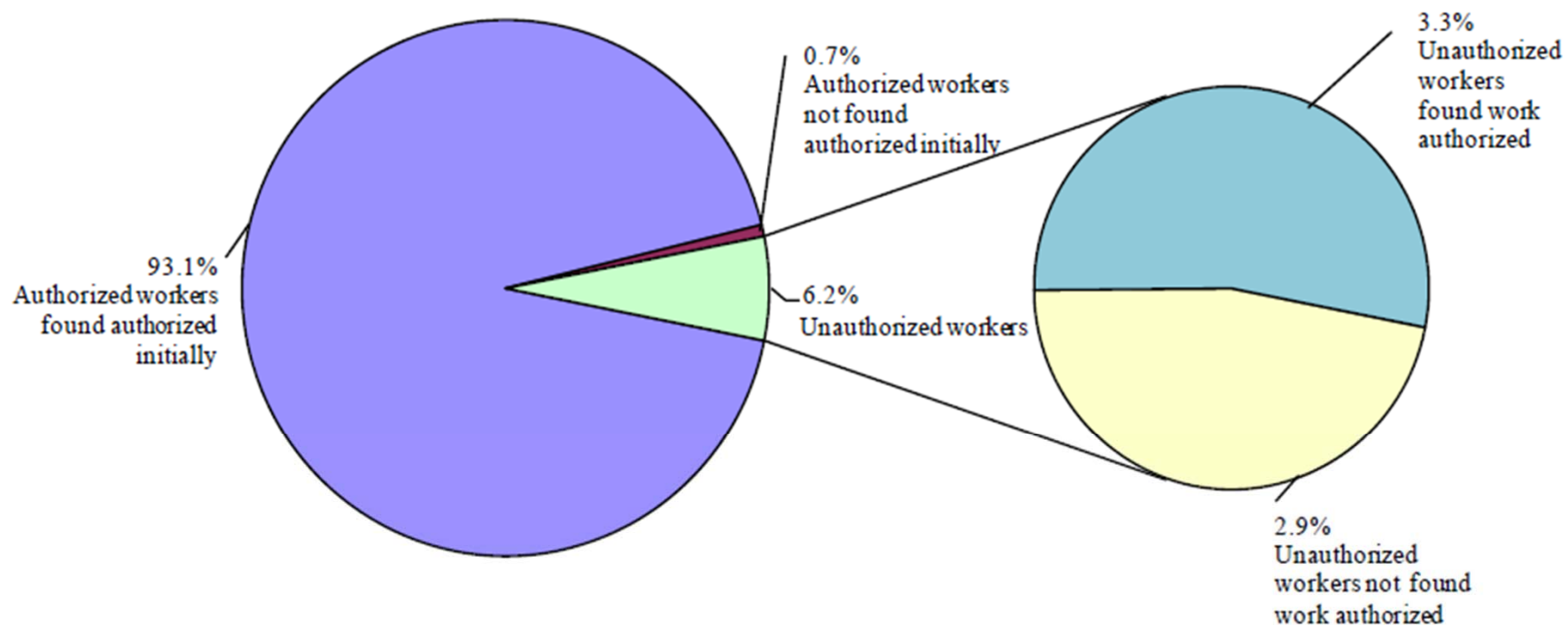
Considerations

- Accuracy problems with any of the databases?
 - E-Verify
 - DHS
 - SSN
- Westat Evaluation E-Verify - January 28, 2010
 - Data from September 2007 to June 2008

Westat Evaluation of E-Verify

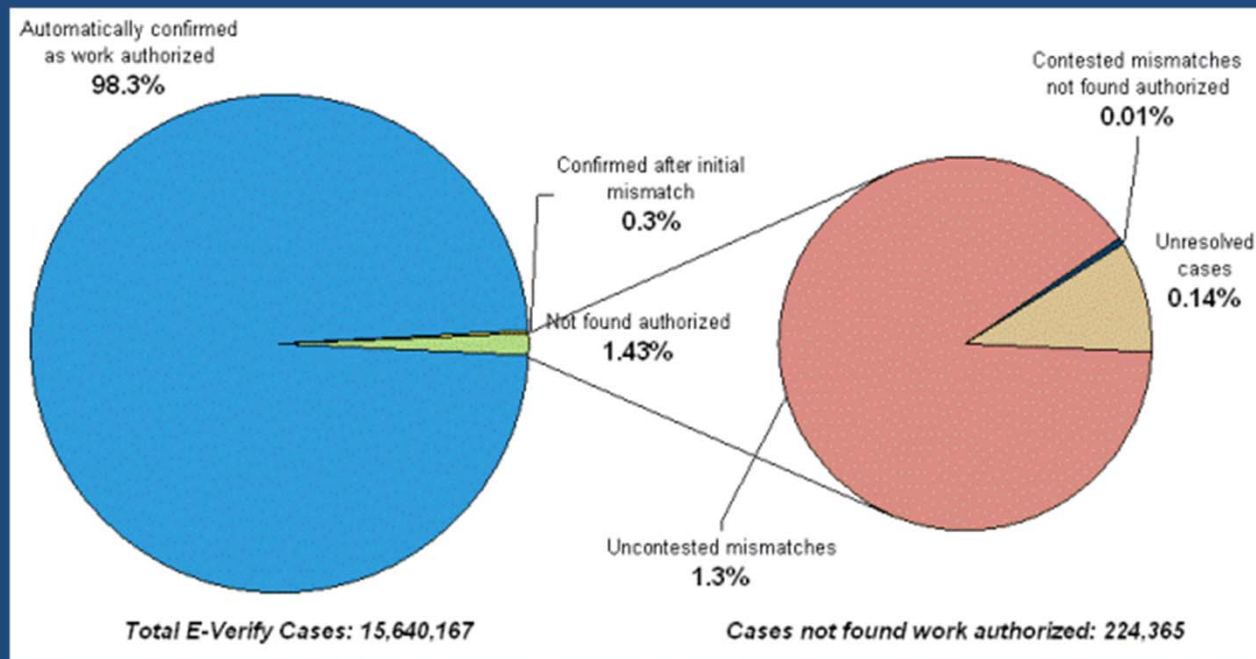
- 96 % of all E-Verify initial responses were consistent with the person's work authorization status
- 4.1% inaccuracy rate was primarily due to identity fraud
- E-Verify reduces discrimination against foreign-born workers in the hiring process
- Employers are generally satisfied with the program and feel it is non-burdensome
- The efficiency and timeliness of the system has improved
- Protection for workers' privacy and civil rights have been strengthened.

Graph 1 - Estimated Consistency Between Initial E-Verify Finding and True Work-Authorization Status



SOURCE: Model-based estimates using data from the E-Verify Transaction Database.

Statistics Fiscal Year 2010





Voluntary service

Employer cannot require it

Allows employees to check for database errors and correct them

Available in English and Spanish

Currently available in 21 states, including Texas and Louisiana



What is E-Verify and how does it
affect my international student
employees?

- U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment.
- E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. E-Verify is fast, free and easy to use – and it's the best way employers can ensure a legal workforce.

- E-Verify checks the information collected on Form I-9 with the records at DHS and SSA for work eligibility and work authorization in the United States.
- E-Verify will look for any mismatch information on Form I-9 with the records at DHS and SSA.
- If a mismatch of information is found, a Tentative Non-conformation may be issued.
- If all the information matches the DHS and SSA records, the E-Verify case can be closed as Employment Authorized.

Section 1. Employee Information and Verification *(To be completed and signed by employee at the time employment begins.)*

Print Name: Last Student	First Ima	Middle Initial A	Maiden Name
Address (Street Name and Number) 123 University Street		Apt. #	Date of Birth (month/day/year) 01/01/1991
City Collegetown	State Anystate	Zip Code 00000	Social Security # 000-00-0000

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.

I attest, under penalty of perjury, that I am (check one of the following):

- ☐ A citizen of the United States
☐ A noncitizen national of the United States (see instructions)
☐ A lawful permanent resident (Alien #) _____
☒ An alien authorized to work (Alien # or Admission #) 11-digit I94#
until (expiration date, if applicable - month/day/year) 05/30/2013

Employee's Signature Ima A. Student Date (month/day/year) 01/05/2010

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 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: <u>PPT #00XX000000</u>		_____		_____
Issuing authority: <u>France exp 010119</u>		_____		_____
Document #: <u>I94 #000000000000</u>		_____		_____
Expiration Date (if any): <u>05/30/2013</u>		_____		_____
Document #: <u>I20 #000000000000</u>		_____		_____
Expiration Date (if any): <u>05/30/2013</u>		_____		_____

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) 01/05/2010 and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative <u>Booker Smith</u>	Print Name Booker Smith	Title Librarian
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) College Library, 321 University St. Collegetown, Anystate 00000		Date (month/day/year) 01/08/2010



What Does the E-Verify website
look like?

E-Verify[®]

Employment Eligibility Verification



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09:57 AM - 10/04/2011

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Welcome to E-Verify



Need Help?

Click any icon for more information or contact us at 888-464-4218 or E-Verify@dhs.gov.

E-Verify News

[View All >](#)

Print version of Handbook for Employers (M-274) is now available 09/28/2011

The United States Citizenship and Immigration Service (USCIS) off ... [read more >](#)

Employees from Liberia with Expiring EADs May Still Be Authorized to Work 09/15/2011

E-Verify's "Work Authorization Documents Expiring ... [read more >](#)

Safeguard who uses your E-Verify company account 08/25/2011

Make it a priority to secure your company's E-Verify us ... [read more >](#)

Self Check expands to 16 additional states and is

Case Alerts: You Must Take Action!

**Open Cases
to be Closed**



**Cases with
New Updates**



**Work
Authorization
Docs Expiring**





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Verify Employee

Enter Form I-9 Information

Verification Results

Close Case

What citizenship status did the employee choose in Section 1 of Form I-9? 

Select one, then click **Continue**.

- ☐ A citizen of the United States
- ☐ A noncitizen national of the United States
- ☐ A lawful permanent resident
- ☒ An alien authorized to work

Continue



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Verify Employee

Enter Form I-9 Information

Verification Results

Close Case


What documents did the employee present for Section 2 of Form I-9? 

Select one, then click **Continue**.

- ☐ Arrival/Departure Record (Form I-94)
- ☐ List B and C Documents
- ☐ Employment Authorization Document (Form I-766)
- ☒ Unexpired Foreign Passport with Form I-94

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Verify Employee

Enter Form I-9 Information

Verification Results

Close Case

Enter the employee's Form I-9 information, then click **Continue**. * - required

Click any  for help

* Last Name 

Maiden Name

Citizenship Status

An alien authorized to work

Document Type

Foreign passport with
Arrival/Departure Record (Form
I-94)

* Hire Date 


 Month Day Year

* First Name

* Date of Birth

 Month Day Year

* ☒ Alien Number

☐ I-94 Number 

* Document Number 

Employer Case ID 

Middle Initial

* Social Security Number

 - -

Visa Number 

Document Expiration Date

 Month Day Year

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Verify Employee

Enter Form I-9 Information

Verification Results

Close Case

Select or enter the reason why this case has not been submitted within 3 business days of hire, then click **Continue**. ?

* Select Reason

--select--

--select--

Awaiting Social Security Number

Technical Problems

Audit Revealed that New Hire Was Not Run

Federal Contractor with FAR E-Verify Clause verifying an existing employee

Other

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Verify Employee

Enter Form I-9 Information

Verification Results

Close Case

Select or enter the reason why this case has not been submitted within 3 business days of hire, then click **Continue**. ?

* Select Reason

Other

Other Reason ?

Student did not fill out I-9 until today.

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Possible “Other” reasons:

- Employee/Dept failed to complete I-9 within the required 3 business days from date of hire.
- Professor did not advise department of hire so the employee did not complete the I-9.
- Employee mailed forms from out-of-state.
- I-9 was not delivered to E-Verify administrator in a timely manner.
- Employee and/or department completed I-9 incorrectly.



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Open Cases (3)

Cases with New Updates (2)

Open Cases to be Closed (0)

Work Authorization Docs Expiring (8)

The 3 cases below are open. Click a case number to return to a case.

Page 1 of 1

Results Per Page 10

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Status	Last Name	First Name	Case Number	SSN	Hire Date
DHS Tentative Nonconfirmation (TNC)			2011276162833GL	*** ** 9775	09/01/2011
DHS Tentative Nonconfirmation (TNC)			2011276105149DV	*** ** 3687	10/01/2011
SSA Case in Continuance			2011214085641JA	*** ** 5153	08/01/2011

Possible TNC reasons:

➤ DHS TNC

- SEVIS record not activated before hire date.
- Data input error (name, passport #, etc.)
- DHS database needs to be updated.

➤ SSA TNC

- SSA records are incorrect.
- Multiple last names on SS card.

How do you resolve a TNC?

- Meet with the student and discuss the TNC.
- Make sure they understand that they are not in any trouble and have done nothing wrong.
- Explain what E-Verify does and what a TNC is.
- Let the student choose to “contest” or “not contest” the TNC.
- If they choose to “contest,” print and go over the referral letter.
- If they choose “not contest,” then you must terminate their employment immediately.

Continued...

- The referral letter will have case details and a case reference number.
- For a DHS TNC, advise the student of the toll free number to call.
- For a SSA TNC, advise the student of where the nearest SSA office is. The student must visit a SSA office in person.
- The student has 8 federal working days to cure the TNC with DHS or SSA.
- If not cured, a Final Non-conformation is issued and the student should be terminated immediately.

International Employee Hire Documents and the I-9 form



- Form I-9 – Use only I-9 required documents, regardless of nationality.
- Coordinate campus efforts for the I-9 and I-9 update process. Establish policy and procedures.
- I-9 is *the* hire process document. It is a most complicated form to complete. I-9 training, up-to-date manual, on-line webinars, share information from conferences, sign up for listservs.

Payroll Tax Data Intake Form for Internationals



- Tax data intake form is not a condition of employment. It is a tool necessary for Payroll to determine tax status to be in compliance with IRS regs.
- Tax status = Nonresident alien or Resident Alien as defined by IRS regs. Tax status coupled with non-immigration status determines if W-4 special withholding rules are applicable, whether treaty exemption applies and what form to complete and whether FICA exemption applies.
- IRS does not stipulate the information or documentation process but a tax data intake form or electronic means of gathering information is necessary to comply with IRS regs on payroll tax withholding and/or exemptions.

Hire and payroll tax processes are related informationally but independent in terms of employment



- Community College case - settlement.

<http://www.justice.gov/opa/pr/2011/May/11-crt-627/html>

What can we learn from this?

For the I-9 hire process, use documents listed in the Handbook for Employers, no more, no less, regardless of the nationality of the new hire.

- Meat processing plant case - settlement.

<http://www.justice.gov/opa/pr/2011/June/11-crt-844html>

And what can we learn from this?

For the I-9 hire process, use documents listed in the Handbook for Employers, no more, no less, regardless of the nationality of the new hire.

On obtaining a Social Security Number



- Prepare the new hire properly on how to obtain a SSN.
- Develop contacts with the Managers of your local SSA office(s).
- New hires start work and receive pay even before receiving a SSN card.

<http://www.socialsecurity.gov/employer/hiring.htm>

References

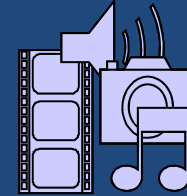


Listserv - ALIENS-L listserv – for foreign national employee taxation, withholding and reporting.

<http://listserv.utk.edu/>

Free USCIS webinars on I-9 and E-verify at www.uscis.gov Type in “Take a free webinar” in the search engine.

More References



M-274 Handbook for Employers

<http://www.uscis.gov/files/form/m-274.pdf>

ICE (U.S. Immigrations and Customs Enforcement) F-1 and M-1 Students: Social Security and Tax Issues Q&A

http://www.ice.gov/sevis/faqs/f1_m1_ssa_tax_information.htm

Newsletters on international taxation- Crow's Nest"

<http://www.windstar.com/public/articles.html>

I-9 and E-Verify Blog, Newsletters and free webinars on I-9 issues www.lawlogix.com

QUESTIONS???

Contact Information

- Linda Dunbar – Oklahoma State University
 - 405-744-8117 linda.dunbar@okstate.edu
- Lewis Starkey – University of Oklahoma
 - 405-325-5563 lcstarkey@ou.edu
- BJ Loving – OU Health Sciences Center
 - 405-271-2055 BJ-Loving@ouhsc.edu