



I-9 EMPLOYMENT ELIGIBILITY VERIFICATION FOR FOREIGN NATIONALS

AUDIENCE:

All Human Resource Managers/Liaisons

OVERVIEW:

This process applies to the required steps for completing Form I-9 employment eligibility verification for Foreign Nationals (not U.S. citizens or permanent residents of the U.S.).

PROCESS STEPS:

It is important to note that before you begin the process steps below that you are familiar with the [USCIS Publication M-274 Employer's Handbook](#), specifically [pages 12-24 for F-1, J-1, H1-B, O-1 and TN work authorization visas](#), as well as [pages 53-64 for examples of acceptable documents](#) to be utilized in the process.

- 1.** Before you proceed with processing the [Form I-9](#), please make sure that you understand the following:
 - You may not begin the Form I-9 process until you offer an individual a job and he or she accepts your offer.
 - You cannot contract for the labor of an individual if you know that he or she is not authorized to work in the United States.
- 2.** Ensure that the employee completes Section 1 of Form I-9 by his or her first day of work for pay. Employees may complete Section 1 of Form I-9 at any time between acceptance of a job offer and the first day of work for pay.
- 3.** Instructions for Completing Section 1: Employee Information and Verification
 - a. Employee enters full legal name and maiden name, if applicable:

- i. If they have two last names (family names), they need to include both. If they hyphenate their last name, they need to include the hyphen (-) between the names.
 - ii. If they have two first names (given names), they need to include both. If they hyphenate their first name, they need to include the hyphen (-) between the names.
 - iii. They should include their middle initial, if applicable.
 - b. Employee enters current address and date of birth.
 - i. Employee enters his or her city, state, ZIP Code, and Social Security number. Entering the Social Security number is optional unless the employer also confirms employment authorization using E-Verify.
 - ii. Employee reads warning and attests to his or her citizenship or immigration status by checking the appropriate box.
 - iii. Employee signs and dates the form.
 - iv. If the employee uses a preparer or translator to fill out the form, that person must certify that he or she assisted the employee by completing the Preparer and/or Translator Certification block.
- 4.** Review the employee's document(s) and fully complete Section 2 of Form I-9 within three business days of the first day of work for pay. For example, if the employee begins work on Monday, you must complete Section 2 by Thursday. Note: If you hire a person for fewer than three business days, Sections 1 and 2 of Form I-9 must be fully completed by the employee's first day of work for pay.
- 5.** Complete Section 2: Employer Review and Verification
 - a. Employer records document title(s), issuing authority, document number, and the expiration date from original documents supplied by employee. [See Part Eight for the Lists of Acceptable Documents in the USCIS Employer's Handbook.](#) Note: You may use abbreviations for commonly used documents, e.g., DL for driver's license and SS for Social Security.

- b. Employer enters date employment began.
- c. Employer attests to examining the documents provided by completing the signature block. If a designated agent or notary public completes this section, he or she must provide the employer's name and address under his or her signature.

Note: I-9 forms must be completed according to details contained in U.S. Citizenship and Immigration Services (USCIS) publications. Federal law requires every employer and agricultural recruiter/referrer-for-a-fee hiring an individual for employment in the United States to verify his or her identity and employment authorization through completion of Form I-9, Employment Eligibility Verification.

RELEVANT POLICIES:

[International Employment Policy](#)

RELATED DOCUMENTS:

USCIS Publication M-274 Employer's Handbook:
<http://www.uscis.gov/files/form/m-274.pdf>

- [Why Employers Must Verify Employment Authorization and Identity of New Employees](#)
- [Completing Form I-9, Sections 1,2,3.](#)
- [Photocopying and Retaining Form I-9](#)
- [Unlawful Discrimination and Penalties for Prohibited Practices](#)
- [Some Questions You May Have About Form I-9](#)
- [Acceptable Documents for Verifying Employment Authorization and Identity \(List A, B & C examples\).](#)

I-9 Central Home:
<http://www.uscis.gov/i-9central>

Form I-9:
www.uscis.gov/i-9

GLOSSARY:

E-Verify: E-Verify is an Internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

F-1 Student Visa: The F-1 Visa (Academic Student) allows you to enter the United States as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. You must be enrolled in a program or course of study that culminates in a degree, diploma, or certificate and your school must be authorized by the U.S. government to accept international students.

Foreign National: Any person who is not a citizen or permanent resident alien of the United States.

Form I-9: I-9 refers to a form issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

Employers are required to complete a Form I-9 "Employment and Eligibility Verification" for all newly hired employees to verify their identity and authorization to work in the United States. This applies to both U.S. citizens and non-U.S. citizens. The requirement is set forth by section 274A(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)(B)).

H-1B Visa: The US H1B visa is a non-immigrant visa that allows US companies to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields such as in architecture, engineering, mathematics, science, and medicine. Under the visa a US company can employ a foreign worker for up to six years.

J-1 Visa: The J-1 classification (exchange visitors) is authorized for those who intend to participate in an approved program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, receiving training, or to receive graduate medical education or training. In carrying out the responsibilities of the Exchange Visitor Program, the Department of State designates public and private entities to act as exchange sponsors. J-1 nonimmigrants are therefore sponsored by an exchange program that is designated

as such by the U.S. Department of State. These programs are designed to promote the interchange of persons, knowledge, and skills, in the fields of education, arts, and science. Examples of exchange visitors include, but are not limited to: Professors or Scholars, Research Assistants, Students, Trainees and Teachers.

O-1 Visa: The O-1 nonimmigrant visa is for the individual who possesses extraordinary ability in the sciences, arts, education, business, or athletics, or who has a demonstrated record of extraordinary achievement in the motion picture or television industry and has been recognized nationally or internationally for those achievements.

TN Visa: The North American Free Trade Agreement (NAFTA) created special economic and trade relationships for the United States, Canada and Mexico. The TN nonimmigrant classification permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities at a professional level.

Among the types of professionals who are eligible to seek admission as TN nonimmigrants are accountants, engineers, lawyers, pharmacists, scientists, and teachers.

USCIS: U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees lawful immigration to the United States.

Updated 2/13/2013