EMPLOYMENT PROCEDURES TO COMPLY WITH IMMIGRATION AND NATURALIZATION LAWS

PREAMBLE: This section outlines procedures by which UI complies with immigration and naturalization laws. This section appeared in the 1979 Handbook and has been revised from time to time since so as to keep it abreast of current federal regulations. Further information may be obtained from Human Resource Services (208-885-3638). [ed. 7-97]

A. POLICY. It is UI’s policy to comply fully with the requirement of the United States Citizenship and Immigration Service that all employers complete a copy of Form I-9 for each employee hired after November 6, 1986 (and for employees initially hired before that date who have been terminated and rehired). [ed. 1-06]

B. PROCEDURES.

B-1. Each person being hired (faculty, staff, and students, including those on work study) completes and signs part 1 of Form I-9. The employer, after examining one document from list A [see copy of form on pages 2 and 3] or one document from list B and one from list C, completes and signs part 2 of the form. The Payroll OfficeHuman Resource Office is responsible for this procedure except for employees identified in B-2.

B-2. The responsible administratorHR designated authorized representative at the place of employment completes and signs the form for irregular help employees hired off-campus. The representative administrator may retain a copy of the form and forwards the original, along with Form W-4any other required paperwork, to the Payroll Human Resources Office. Any copy is to be destroyed upon verification of the receipt of the original by the Payroll OfficeHuman Resource Office. [rev. 1-06]

B-3. Section 1 of the Form I-9 must be completed on the first day of work. Section 2 of the Form I-9 must be completed within three days of hiring (or, in the case of hiring for less than three days, before the end of the first day of work). If it cannot be completed within the required time, employment of that person must be terminated. [rev. 1-06]

B-4. No employee is to be paid at off-campus locations by sight draft or through the UI payroll system until the Form I-9 has been completed.

B-5. It is important that prospective employees be advised to view the list of acceptable documents so they are able to complete the Form I-9 within the required time. [rev. 1-06]

B-6. The employer is not required to verify the authenticity of documents presented. It is only necessary to ensure that they appear to be genuine and that a good-faith effort has been made to comply with the INS requirements. If a document is obviously not genuine, the employee should be required to provide an alternative one. If there is any question at all about the employee’s status, he or she should not be employed. The employer must examine the original document(s) in the physical presence of the employee, and if the documents reasonably appear on their face to be genuine and to relate to the person presenting them, the employer must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, or if they are expired, the employer must not accept them.
B-7. The employer must keep an employee’s Form I-9 three years after his or her initial employment or one year after the employment is terminated, whichever is later. [rev. 1-06]

(Please see the U.S. Citizenship and Immigration Service website at uscis.gov for the official form.)