

General I-9 Questions

1.1 Why do we have to complete I-9s?

It is a federal requirement that all employees hired after November 6, 1986 complete an I-9 to show proof that they are eligible for employment in the United States. As such an I-9 is a condition of employment, and failure to complete an I-9 is grounds for termination of employment.

1.2 Does my employee need a new I-9?

If an employee needs a new I-9 depends on their status. All new hires require an I-9 to be completed. If they are a continuous hire, with no break in service they do not need to complete a new I-9.

If the employee has worked for NMSU before, they might not need to complete a new I-9, that specifically depends on their status. The information below should assist in determining if employees are returning or reappointed. Reappointed employees have the expectation of being rehired every year, while returning employees do not.

- **Returning:** Employees returning to the University after any break in service must complete a new Form I-9. See the reappointments section below for further guidance.
- **Reappointments:** Part-time faculty and student employees who are reappointed every year and who have a break in service of **less than 1 year** are considered seasonal employees and do not need to complete a new Form I-9.

1.3 What are the I-9 completion deadlines?

Section 1 must be completed on or before the employees first day of work for pay, and section 2 must be completed on or before the employees third federal business day of work for pay. If an employee's position lasts under three days, the I-9 must be fully completed the first day of employment.

1.4 What happens if the I-9 is not completed on time?

If an I-9 is not completed on time the employee needs to be terminated for I-9 noncompliance. I-9 completion is a condition of employment, and if it is not completed that is grounds for termination.

1.5 What happens if the I-9 is not completed correctly?

If NMSU is audited, for every Form I-9 that contains errors we can be assessed a fine between \$272-\$2,701 per form, fines subject to change per year. It is therefore important that departments are carefully reviewing I-9s and request assistance if unsure about how to correctly complete an I-9.

1.6 If I-9 completion is so important, why do departments complete them and not central HR?

Departments are responsible for I-9 completion and compliance. While NMSU HRS reviews hires, we do not keep track of when employees are hired, or have the physical time to complete I-9s for every department across campus and the state. As HRS reviews all I-9s for correct completion, departments need to complete them for a clean audit trail.

1.7 The I-9 completer is out, how do we get the I-9 done on time?

All departments and units are responsible for ensuring that there are backup I-9 completers. This can be someone else in the department, or college. The HR Liaison and Business Managers should also have access to all I-9 locations in their College/Division to serve as backup.

This also means departments must be proactive. If a new employee starts and their I-9 completer is out, departments must work with their HR Liaison/Business Manager to make sure the I-9 is completed on time, there are no deadline extensions.

1.8 The position hasn't loaded into Banner, does that change the completion deadlines?

No, Banner and the I-9 system are not linked, completing an I-9 is not dependent on the position being active in Banner. I-9s must be completed within the federal deadlines.

1.9 Why is NMSU using electronic I-9s now?

NMSU switched to electronic I-9s for several reasons. It allows for secure I-9 storage, retention and helps to increase compliance with federal I-9 requirements.

1.10 What are the benefits to E-Verify?

Participating in E-Verify allows NMSU to hire students on STEM OPT status, participate in contracts that contain a FAR clause. Additionally, this extra step helps verify employee's right to work in the United States, helping NMSU remain compliant with federal law.

1.11 Why are there I-9s showing as missing?

Due to how the I-9 management system is set up if an employee is hired into a new position, when the information loads, the I-9 system thinks that a new I-9 is required. If a new I-9 is not completed, the employee shows as missing their I-9. If employees are on the missing tab and has terminated their position, send an email to teamhrs@nmsu.edu with a short message explaining the situation and providing us know the employee's name, Aggie ID, and their termination date.

1.12 Can we send employees to NMSU HRS to complete their I-9s?

No, departments are responsible for I-9 completion and compliance.

1.13 What does NMSU HRS do in the I-9 process?

NMSU HRS reviews all I-9s that are completed to ensure they were completed correctly, informs units of missing I-9s, conduct I-9 training, maintain and update I-9 manuals and guidance, perform internal I-9 audits, monitor units for I-9 compliance, provide updates of important I-9 information, and anything else required to maintain NMSU I-9 compliance.

1.14 Does NMSU accept paper I-9s?

Since switching to the Electronic I-9 management system HRS no longer accepts paper I-9s.

1.15 How do I complete an I-9?

Please see the [I-9 Management User Guide](#) for in depth information. Additionally the [I-9 training](#) offered through NMSU's Training Central will provide a guide to completing an I-9 and the Electronic I-9 system.

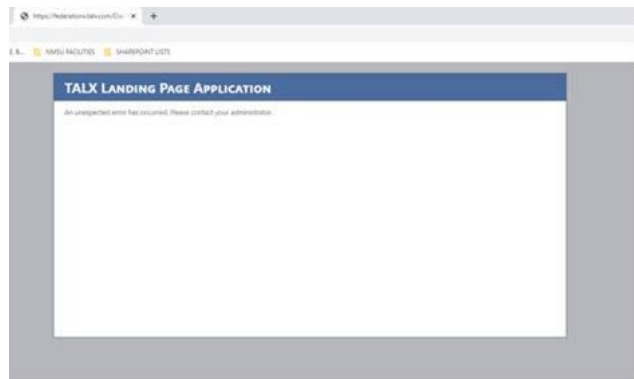
I-9 Management System Questions

2.1 How do I access the I-9 system?

The I-9 system for NMSU I-9 completers is accessed through the employee tab in MyNMSU. From the MyNMSU home page, select employee under the launchpad on the left-hand side, and then select more to open a new tab. The link to the I-9 system will be at the bottom of the new tab called Electronic I-9 System.

2.2 When trying to log in I keep getting an error that says to contact the administrator.

This error is received when the person trying to access the system is not currently a user. To access the I-9 system you will need to complete the I-9 training and submit an Electronic I-9 Access form.



2.3 How do I get access to the I-9 system?

To access the I-9 system, all users will need to complete the [I-9 training](#) through Training Central, and submit a fully complete [Electronic I-9/E-Verify Access form](#). Please note that processing access forms will take time so it is best to submit the access form to hrs@nmsu.edu at least a week before you need to complete I-9s for your department to make sure NMSU remains I-9 compliant.

2.4 How do I find an employee?

From the I-9 system homepage, there is a button on the left menu that says search for employee. Also there is a large box with a purple header on the homepage that says search for employees. Clicking in the appropriate action item, I-9 pending completion, E-Verify issues, etc. will also show the employees in your area with those specific features.

2.5 There are no tasks showing as pending, what do I do to find them?

The I-9 home page does not automatically update the home page action items. You can either click on the action item to see any pending actions in those areas, or click the refresh buttons. These buttons can be found in the upper right corner of each box, or there is a refresh all button located next to the Take Action! heading.

2.6 My employee completed section 1 when they did not need to, how do I get rid of it?

Section 1 will automatically purge from the I-9 system 30 days after it was first completed if Section 2 has not been completed. If a new I-9 is not needed but section 1 was completed, just wait, and it will automatically purge.

2.7 How do I complete a receipt update?

From the home page, click the Receipt Due action item to show all the employees in your area that completed an I-9 with a receipt. Click the employee's name to access their Employee detail page. At the bottom of the Employee information section, select the blue Receipt Update button. Follow the steps to complete the receipt update. If the system asks why the E-Verify case was created late, select the Employee presented an acceptable receipt as a Section 2 document option.

2.8 How do I update an SSN after my employee has received theirs?

To update an employee's SSN, click the SSN Applied For action item to display a list of employees who selected the SSN Applied For option in Section 1. Next, click the employee's name to access their Employee Detail page. From there you click the Change SSN link, see image below, to enter the employee's SSN and satisfy the SSN Applied For status. After you enter the employee's SSN the employee is removed from this category and will process through E-Verify.

2.9 How do I resolve E-Verify errors?

To resolve any E-Verify error, you must go through the E-Verify history section on the Employee Detail page. Do not click any option to Close Case unless directed by NMSU HRS. For I-9s that need photo matching or data confirmed, select the button that says Photo Matching and Confirm Case Fields respectively, and make sure to verify and enter all the information requested before hitting confirm.

All other errors should be addressed under NMSU HRS guidance, please email teamhrs@nmsu.edu for assistance.

2.10 I keep getting an error when trying to complete an I-9.

Anytime you receive an error that you do not know how to correct, please send an email to teamhrs@nmsu.edu, letting us know what you were trying to do and a screenshot of the error. This will let us research the error and get back to you with the most complete information we have at the time.

2.11 I got timed out of the I-9 system and now cannot get back in.

After 16 minutes of inactivity the I-9 system will automatically log you out. When this happens, usually it is simple enough to get back in, but sometimes you will receive an HRX Run time error. This error requires closing all browser windows and restarting the browser. If that still does not work, you will need to clear the history, cache and cookies from your browser.

2.12 My employee is not showing up in my pending I-9s.

Verify with your employee that they completed a section 1. If they did, verify the location, send teamhrs@nmsu.edu an email with the employee's name, their hire date, the incorrect location (if known) and the correct location their I-9 should be under. We will update the I-9 location and let you know when it is complete.

2.13 Does section 1 ever go away in the system if section 2 is not completed?

Yes it will purge 30 days after it was completed.

2.14 How do I see how many employees have a pending I-9/SSN Due/Receipt/E-Verify issue?

To see any updates, you can either click on the refresh button, or click directly on the action item to be taken to a search screen that shows all employees with the specific requirement.

I-9 Completion Questions

3.1 My employee can't sign section 1

The I-9 system requires that only 2 initials are used when completing the signature acknowledgement. If you have multiple names, try using only the first initial from your first name and the first initial from the last name.

3.2 My employee can't access section 1

The I-9 system needs to be accessed through the offer link provided in your offer letter, it is not accessed through MyNMSU. If they are still receiving an error when trying to access the I-9 system, have them clear their history or try a different browser.

Employees hired through the TAS will receive an email with instructions on accessing the I-9 system. If they cannot access the I-9 system, with the information provided, they will need to email teamhrs@nmsu.edu to generate updated access.

3.3 How does an employee get back into section 1 to correct their I-9?

After section 1 has been completed, no changes can be made to their section 1. The only way to correct section 1 is to complete a new section 1. Employees need to carefully review section 1 before signing.

3.4 Can we complete an I-9 before the employee starts?

Yes! I-9s can be completed any time after an offer has been made and accepted, but must be completed no later than the federally mandated deadlines.

3.5 What are the I-9 deadlines for completion?

Section 1 must be completed on or before the employee's first day of employment, and section 2 must be completed on or before the employee's third federal business day of employment. The I-9 can be completed before these deadlines, and it is highly recommended to complete the I-9 as soon as possible to ensure I-9 compliance.

3.6 When I go to complete the I-9 I get a Duplicate SSN Notice, what do I do?

This notice is informing you that the employee currently has an I-9 in the I-9 system, as a way to help ensure that the information entered by the employee is correct. Verify that the employee's information is the same, and double check to make sure that an I-9 needs to be completed for them. If the employee needs a new I-9 and the information is correct, click the Same button and proceed with completing the I-9 as usual. If the information is not the same, select different to have the employee review their information that was completed for section 1; if their information is correct, send an email to teamhrs@nmsu.edu with explaining the situation so we can assist in resolving it. If the information is incorrect, have them complete a new section 1 with the correct information. If the employee does not need to complete a new I-9, do not complete section 2, just let the non-completed section 1 purge from the I-9 system.

3.7 We have a remote employee, can the deadlines to complete their I-9 be extended?

No, there is no flexibility in the federal deadlines. Remote employees should complete their I-9 prior to starting employment so it arrives in the NMSU HRS office for processing before the three-day deadline. Departments are responsible for ensuring their employee's complete and submit their remote I-9s on time, remote employees who do not complete an I-9 within the time frame will still be subject to termination as I-9 completion is a condition of employment.

3.8 Did I do the I-9 correctly?

HRS will review all I-9s to determine if the I-9 was completed correctly, however there are a few checks that you can complete to help determine if it was completed correctly.

- ☐ Did you review section 1 for employee errors?
- ☐ Was all the document information entered correctly in section 2?
 - Verify document numbers and expiration dates
- ☐ For international I-9s, do we know when they are authorized to work?
- ☐ Are the front and back of all documents uploaded?
- ☐ Are there any outstanding E-Verify issues that need to be addressed?

3.9 How do we complete an I-9 for a remote employee?

Since all documents must be physically viewed, and *cannot* be viewed electronically, departments need to contact teamhrs@nmsu.edu for remote I-9 instructions with the employee's name, Aggie ID and zip code. Departments are responsible for following up with their employee to ensure that the remote I-9 is completed and mailed to the HRS office for processing within the deadlines.

3.10 My employee completed multiple section 1's, which one is correct?

That is a good question! You will need to look at both section 1s to determine which has the correct information. Typically, but not always, the newest section 1 is at the top of the list while the older section one will be lower on the list.

3.12 How do I know if I need to complete photo matching?

Any [List A](#) document issued by the U.S. government should trigger photo matching. It is always a good idea to check to see if photo matching needs to be done, and that is particularly true for List A documents.

3.13 Why does the I-9 have the status of pending referral, and how do we fix it?

This E-Verify error indicates that there is a mismatch between the information entered on the I-9 and the information in either the DHS or the SSA database. To resolve this, the employee must work with the correct agency to provide the information required to correct the mismatch. If the employee chooses not to contest the mismatch, they will be terminated.

HRS will provide guidance on any Pending Referral error that we see, and will be there to help you through the process.

3.14 I need help completing an I-9.

Our [I-9 Toolkit](#) contains information that will assist in completing most I-9s. You can also review the I-9 training through Training central. If you have any questions, or are uncertain about specific topics, such as if a document is acceptable, or how to correctly complete an international I-9, contact teamhrs@nmsu.edu. It is always easier to complete us prior to completing the I-9 so we can help. It is easier for everyone to ask for assistance then to have to redo the I-9 and put NMSU out of compliance.

I-9 Document Questions

4.1 How do I upload documents after completing an I-9?

Search for the employee and click on their name to go to their Employee Detail page. Once there, scroll down to the bottom to the section titled I-9 History. In the far right column of that section called Actions, there should be a button that is Attach Files, see below screenshot. Select this option, and it will take you to the document upload screen where you can upload any documents needed.

I-9 History

Hire/Entry	Type (click to view)	E-Verify	Actions
8/18/2022	Original I-9		Attach File

Please follow the above procedure to upload documents. Do not complete a section 3 to upload documents, or a new I-9. Section 3 should only be used to complete reverification of an employee's work authorization, and a new I-9 should only be completed for returning employees who require a new I-9.

4.2 We have a remote employee; how do we have their documents viewed?

For any remote employees please send an email to teamhrs@nmsu.edu with the employee's name, Aggie ID (if issued) and their zip code. NMSU HRS will provide you with instructions and locations for your employee to complete their I-9 remotely. Remote I-9 assistance must be requested as soon as you know the employee will be working remotely, the I-9 deadlines do not change for remote employees

4.3 Do we have to upload the front and back of all documents?

Yes. For some documents the document number is on the back, some have important information on the back. There are multiple reasons, you should always upload the front and back all documents used to complete the I-9.

4.4 Can we view documents electronically?

No, per the USCIS all documents must be physically examined. The COVID remote exception ended for NMSU when we physically returned to campus in August of 2021, and ends for all I-9 forms July 31, 2023.

4.5 What documents can I ask my employee to provide to show they are eligible to work in the United States?

You cannot ask your employees to provide specific documents. You can direct them to the list of [I-9 acceptable documents](#), and answer questions such as is this an acceptable document. If you have any questions if a document is considered acceptable please contact us for assistance.

4.6 What if my employee cannot provide documents on time?

If your employee does not provide acceptable I-9 documents by their third business day of hire, they must be terminated as I-9 completion is a condition of employment. They can be rehired when they can present acceptable I-9 documents.

4.7 Where can I find the document number?

Different documents have their document numbers located in different places. Some have it very clearly labeled, for some such as a Permanent Resident card, it is more difficult to find. A quick web

search on the search engine of your choice is probably the best way to determine where to find the document number for the document. If you are still stuck, send an email and we will look into the issue for you.

4.8 I put in the wrong document information, what do I do to correct it?

If you caught the incorrect information during the review of section 2 before it was completed, then click the back button, and correct the information. If Section 2 has already been submitted, please reach out to teamhrs@nmsu.edu for guidance on how to proceed.

4.9 What if my employee's documents are expired?

Expired documents are not considered acceptable documents, except in certain rare circumstances. If an employee presents an expired document you must let them know that it cannot be accepted because it is expired. At that time you must give the employee the option of providing a different [List A](#) or [List B](#) and [List C](#) document, within the deadlines. If they cannot present an acceptable document, they must be terminated for I-9 noncompliance.

4.10 My employee did not present an acceptable document, what do I do?

If your employee presents a document that is not considered acceptable, such as a restricted Social Security Card that says "VALID FOR WORK ONLY WITH DHS AUTHORIZATION", or an expired document, you must let the employee know it is not acceptable, and why, and then provide them the opportunity to present different documents. If they cannot present documents by the completion deadline, you will need to terminate their employment.

4.11 What if my employee provides a receipt?

As long as it is considered an [acceptable receipt](#) that is great! However, you must select that the document is a receipt when completing the I-9. Receipts should not process through E-Verify, this will result in you having to do the I-9 again, and additional expenses for NMSU.

4.12 What if I don't think the documents provided are genuine?

USCIS does not require I-9 to be document experts, but you must accept all documents that reasonably appear to be genuine and related to the employee. If they do not reasonable appear to be genuine or related to the employee you cannot accept them. However, you are required to allow your employee to present other acceptable documents.

4.13 I uploaded the incorrect document, now what?

If you are still on the document upload screen select other for the document title, type the document name in the box provided and then upload the correct document. If you are not on the document upload screen, navigate to the employee detail page, and under the heading of I-9 History find the table there. In the far right under column under the Actions heading, click Attach file to return to the document screen and complete the document upload as detailed above.

International I-9 Questions

5.1 How do I complete an International I-9?

International I-9s are very similar to other I-9s, there are a few nuances that need to be attended to. Most international employees will have a defined period when they are authorized to work in the United States, this information must be entered in section 1 and in section 2. Where to find that information will depend on the type of visa the international employee is on. The M-274 handbook for employers has a chapter that details [evidence of status for certain categories](#) that is very helpful when completing international I-9s.

The other particularity when completing an international I-9 is that international employees is the number of documents that can be provided. To show their identity and employment authorization, some international employees will only show one document such as an EAD, or can show up to three documents to make a combination List A document.

We recommend reviewing the [International I-9 Supplemental](#) when completing international I-9s for guidance and reaching out to teamhrs@nmsu.edu for additional assistance. Just like with other I-9s, if an International I-9 is done incorrectly, a new I-9 will need to be completed.

5.2 What documents does my international employee need to provide?

While you cannot tell employees what documents they need to provide, international employees are a little more limited on the documents they can provide to show employment authorization. The document(s) that an international employee needs to present to show their employment authorization differs depending on the visa status they are here on. The chart below and continuing on the next page shows the most common NMSU visa types and common documents used to complete them. If you do not see your employee's visa status or are unable to determine what status they are here under, contact teamhrs@nmsu.edu and we will help. F-1, J-1, H-1B and TN visas are all employer specific and must be issued for employment at NMSU.

Immigration Status- Found on I-94	List A	List B& C	Where to find Expiration Date
F-1 Nonimmigrant Student (Except for OPT, STEM EXT)	Unexpired foreign passport, Form I-94 indicating F-1 nonimmigrant status, and Form I-20	Documents that establishes identity, e.g.—a state driver's license, Form I-94 and Form I-20	Form I-20—program end date
OPT, STEM EXT	Review the M-274 and contact teamhrs@nmsu.edu		
J-1 Exchange Visitor	An unexpired foreign passport; Form I-94 indicating J-1 status; and Form DS-2019 with the responsible officer's endorsement	Document that establishes identity, Form I-94 indicating J-1 status, and Form DS-2019 with the responsible officer's endorsement	Form DS-2019—program end date

TN NAFTA Professionals NMSU Specific	An unexpired foreign passport and Form I-94 showing TN nonimmigrant status	Document that establishes identity and Form I-94 indicating TN nonimmigrant status.	Form I-94/I-94A—Admit Until Date
H-1B Specialty Occupation NMSU Specific	An unexpired foreign passport and Form I-94 showing H-1B status	Documents that establishes identity and Form I-94 indicating H-1B nonimmigrant status	Form I-94/I-94A—Admit Until Date

5.3 Can an international employee complete an I-9 without an SSN?

Yes, the employee will just select the SSN applied for option when completing section 1. The I-9 will not process through E-Verify until the SSN has been updated, so remind your employees that they need to provide their SSN as soon as they receive it.

5.4 My employee received their SSN, how do I update it in the I-9 system?

To update an employee's SSN, click the SSN Applied For action item to display a list of employees who selected the SSN Applied For option in Section 1. Next, click the employee's name to access their Employee Detail page. From there you click the Change SSN link, see image below, to enter the employee's SSN and satisfy the SSN Applied For status. After you enter the employee's SSN the employee is removed from this category and will process through E-Verify.

5.5 How do I know what documents an international employee needs to provide?

International employees can choose to provide any document or combination of documents that show their identity and employment authorization. The specific documents that show this information will change depending on the employee's visa status. The M-274 Handbook for Employers covers different statuses and the documents that can be shown to show evidence of employment authorization.

5.6 How do I know when my international employee is authorized to work?

In the original documents provided to complete their I-9, the employee should have provided a document that shows when they are authorized to work until. The electronic I-9 system also keeps track of when employees are authorized to work until, which is why it is important to complete I-9s and reverifications correctly.

5.7 How do I reverify employment authorization?

If an employee was hired prior to the implementation of the Electronic I-9 system, their employment authorization reverification will need to be processed through NMSU HRS.

If the employee was hired after the implementation and thus completed their I-9 online, their reverification will also be processed online. Your employee will need to bring you reverification documents to physically examine before completing the reverification. To complete a reverification, you will search for your employee and click on the Section 3 option. You will need to enter the employee's name and select the document(s) provided to extend employment authorizations. You will then complete section 3. Don't forget to verify everything is correct and to upload the documents after.

We recommend looking at our [International I-9 Supplemental](#) for more information on completing I-9s and reverifying employment authorization for international employees.