Electronic I-9 Implementation and E-Verify Compliance

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All Summary Orgs | HRS

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The New Process...

The process for verifying a new hire’s employment eligibility has changed.

• Effective March 1st 2020, your location will use a Web-based I-9 service to enter electronic I-9’s and to ensure employment eligibility for new hires (E-Verify).

• As a result of this new paperless process, you no longer need to complete paper I-9 forms. The new employment verification process consists of four main steps
Late Hiring Action Impact

NOT COMPLIANT WITH FEDERAL GOVERNMENT!

UNIVERSITY IS SUBJECTED TO HIGH FINES.
Dept. Consequences for Non-compliance:

- Denied access to hire.
- Department required training completed before new positions are approved for posting and department closely monitored for continued compliance.
- Discontinue preparation of manual checks for new hires for departments out of compliance.
- Disciplinary action
Roles and Responsibilities

- I-9 training is mandatory!
- Department responsibility for I-9 compliance
- International I-9 completion in departments
- Reverifications processed in departments

Current expiring documents NOT processed through the electronic system will still be processed through HRS
REMINDER: HR Liaison Role & Responsibility

Serve as the unit/college liaison with HRS in the successful implementation, communication, establishment, and promotion of new and/or enhanced HR programs, processes, and initiatives.
What is the impact of utilizing an electronic system on departments?

• The process will stay the same but the format will change on completing the Form I-9. The department will notify the employee upon acceptance of the offer to visit this website to complete Section 1 of the Form I-9.

• The authorized department user will access the employee's pending record via the electronic system when documents are presented for verification and completion of Section 2.
How to Access the System

- **Employees:** www.1234xx.com
- **I-9 completer:** Find the Verifier Access to I-9/E-Verify System link on MYNMSU.

The Offer Letter

I-9 cannot be completed until after the offer is accepted.

Please visit www.1234xx.com and complete Section 1 of the electronic form, enter the location of [Enter the Specific Location for your Department] and sign it with an electronic signature no later than the first day of employment (the first day the employee begins work for pay).

On the [date specified/on or before the first day of work for pay], you must report to [enter name and location address] with your original documents to be used for the verification to enable the completion of Section 2. (Acceptable documents) In compliance with E-Verify, one of your documents must include a photo.
Step 1: The new hire completes Section 1 on or before their first day of work

- Employees can complete Section 1 of the Form I-9 any time after they have accepted a job offer.
- You must provide your employer specific URL to the new hire along with the location and start date.
- The Authorized Representative monitors the I-9 Dashboard for completion of Section 1.
Step 2: The hiring department representative logs in to I-9 Management to complete Section 2

Employers must complete and sign Section 2 of Form I-9, Employment Eligibility Verification, within 3 business days of the date of hire of their employee (the hire date means the first day of work for pay).

For example, if your employee began work for pay on Monday, you must complete Section 2 by Thursday of that week. If the job lasts less than 3 days, you must complete Section 2 no later than the first day of work for pay.
Accessing the I-9 System

The Electronic I-9 System will be accessed via the MyNMSU portal under the Employee Tab.
After logging in to I-9 Management, you can locate a pending I-9 by:

1. Searching for the employee (by first name, last name, SSN, date range or location)
2. Clicking on the number in the I-9 Pending Completion box.
After locating the employee you are looking for, click on their name to launch Section 2.

<table>
<thead>
<tr>
<th>Type</th>
<th>Name</th>
<th>Location</th>
<th>SSN</th>
<th>Employment</th>
<th>E-Verify Status</th>
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<td>07/16/2016</td>
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Showing 1-2 of 2
Step 3: Representative completes Section 2 with the new hire

1. On the Section 2 – Employer Review and Verification page, enter the Employment Date using today’s date or actual hire date if the employee didn’t present the I-9 documentation on day.
2. Select the location the employee will be assigned to.
3. Ask the employee to present their employment eligibility documents.
4. Under **Select the set of document(s) presented by the employee**, select documents from the drop-down fields that correspond to the documents the employee presented to you.
5. Click **Continue**.
Enter the required information for each document you selected in Step 3 above, and click **Continue**.

Tips:

- Please be aware that a picture ID document is required for list B for employers that use E-Verify.
- To see examples of each type of document listed, click **Sample Document**.
- For Permanent resident card that does not have an expiration date, please check the checkbox indicating the document does not have an expiration date.
- When a Driver's License is presented, you should enter the state as the issuing authority.
- Do not accept a Social Security card that says “Not Valid for Employment”.

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**BE BOLD. Shape the Future.**
On the Employer Review page, carefully review the information you entered. If any information is incorrect, click the Change Information button.
If all of the information is accurate, electronically sign Section 2 by clicking "I have read and agree with the certification statement above", click the check box and enter your PIN/Password. Then click Continue.
Step 4: Take action on E-Verify response to ensure the employee is authorized to work in the United States

**E-Verify Status = Employment Authorized**

Click "Close Case" in the E-Verify History section on the Employee Detail page.

Follow the on-screen instructions to close the E-Verify case.

Choose whether or not the employee is currently employed, then the specific case closure option and close the case. Then add the reason for closing out the case.

*The most common response is "Yes", then "The employee continues to work after receiving an Employment Authorized result."*

Click **Close Case**.

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**Select Case Closure Option**

E-Verify requires that you confirm that the employee is or is not currently employed before you can close the case.

1. Select Yes or No to indicate if the employee is currently employed.
2. Select the closure option for this employee.
3. Click Close Case.

Is the employee currently employed?

- Yes - The employee is currently employed with this company.
  - The employee continues to work after receiving an Employment Authorized result.
  - The case is invalid because another case with the same date already exists.
  - The case is invalid because the data entered is incorrect.

- No - The employee is NOT currently employed.
E-Verify Status = Photo Match

This response will only be returned if the employee presents an I-551 (Permanent Resident Card), I-766 (Employment Authorization Document) or U.S. Passport or Passport Card.

In the E-Verify history section, click Photo Matching.

You will compare the photo on the screen to the photo on the I-551, I-766 or U.S. Passport or Passport Card presented by the employee. Do not compare the photo from E-Verify to the employee directly.

If the photos MATCH, select “Yes.” Employers must retain a copy of the I-551, I-766 or U.S. Passport or Passport Card. After the photo match result, you will receive a new E-Verify status to handle.

If the photos DO NOT MATCH, select “No.” This case status will change to a DHS Tentative Nonconfirmation. Follow the Contest/Not Contest Process for Tentative Nonconfirmations.

Do you have additional questions? Click the Help link on your Main Menu to search for video tutorials on how to handle different E-Verify responses in I-9 Management.
The 4 List A Documents that require a Photo Match and a Document Upload

1. U.S. Passport
2. Passport Card
3. Permanent Resident Card (Form I-551)
4. Employment Authorization Document (Form I-766)

When the employee presents one of these documents, employers must copy the front and back of the document (or in the case of a U.S. passport, copy the Passport ID page and the Passport Barcode page)
Foreign Academic Students: Students in F-1 Nonimmigrant Status

- Unexpired foreign passport
- Form I-20 with the DSO’s endorsement for employment
- Form I-94 or Form I-94A indicating F-1 nonimmigrant status
J-1 Exchange Visitors

- Unexpired foreign passport
- Form I-94/Form I-94A Arrival Departure Record indicating J-1 non-immigrant status; and
- Form DS-2019 with the responsible officer’s endorsement.
- J-1 students may present the documents above if they also have a letter from the responsible officer authorizing employment.

Or

- List B and List C documents.
  - For example, the J-1 student could present a List B document (such as a state driver’s license) and under List C #7, a Form I-94 in combination with Form DS-2019 and a letter from a responsible officer. The documents by themselves do not qualify. Some exchange visitors may extend their status. If you have questions about any exchange visitor’s continued employment authorization, contact the responsible officer whose name and telephone number are on Form DS-019.
  - Dependents of a J-1 exchange visitor are classified as J-2 nonimmigrants and are only authorized to work if USCIS has issued them an EAD. A J-2 nonimmigrant’s foreign passport and Form I-94/Form I-94A are not evidence of identity and employment authorization for purposes of Form I-9.
TN Professionals

- NAFTA (TN)
  - The North American Free Trade Agreement (NAFTA) creates special economic and trade relationships for the U.S., Canada, and Mexico. The TN nonimmigrant status allows professionals from Canada and Mexico to work in the U.S. Mexican professionals must obtain a TN visa at a U.S. Consulate or Embassy to enter the U.S. Canadian professionals can request TN status at a U.S. port of entry.

- The employee’s unexpired Form I-94 together with their unexpired foreign passport is acceptable as a List A document for Form I-9.
Frequently Asked Questions

Q: Do I need to print information from the I-9 Service or make copies of employment eligibility documents?

• For E-Verify Photo Matching, you must retain copies of the documents ONLY if the employee presents an I-551, I-766 or U.S. Passport of passport card. For all other documentation, please refer to your internal company policy.
Q: An employee, who was determined Employment Authorized, is appearing in the “reverification due” link. How does this affect their employment eligibility?

1. You must **reverify** an employee in the I-9 Service if their work eligibility is about to expire. To reverify, refer to the following steps:
   2. Search for the employee using Quick Search/Reverification Due link, and then click, the employee record.
   3. On the Employee Detail page, click the **Section 3** button.
   4. On the Updating and Reverification page, verify that the displayed information is correct and select the appropriate document in the **List A or List C Documents** field. a. Click **Continue**.
      b. Enter the required information for the document you selected in Step 3 and click **Continue**.

5. From the Employer Review page, verify that the employee’s information is correct. a. Select “**I have read and agree with the certification statement above**” check box and complete the PIN field.

6. Click **Continue**.
Q: How do I enter a name change?
• Locate the existing I-9 by searching for the employee by their SSN or previous name. Click on their record to access the employee detail page. Update the name by clicking on the Section 3 button. If there is no I-9 in the system, you will need to create a new I-9 using the original date of hire.

Q: What do I need to do with a rehired employee?
• If your policy requires a New I-9 for rehires, have the individual complete a new electronic.
• If the employee already has an I-9 in the electronic database, you will be asked if this is the “Same” or a “Different” employee. If the new I-9 is for the “Same” employee, click SAME, enter REHIRE date, document information, sign the I-9 and click Continue.
Q: What if someone doesn’t have a Social Security Number?

• SSN Applied For option. This option should be used if the employee does not have a Social Security number or the employee has applied for a Social Security number and it has not yet been issued. The employee should provide their SSN to you within 90 days. I-9 Management will track these employees for you.

Please contact your HR representative for any assistance.
**Foreign National Employee Information**

International Student & Scholar Services (ISSS)
New Mexico State University
Brelend Hall, Room 152
575-646-2017

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**How to Apply for a Social Security Number**

To be eligible for a Social Security Number (SSN) you must have a job offer at NMSU. As soon as you are hired, you are required to apply for an SSN which is issued by the Social Security Administration, a department in the U.S. federal government. A full-time student who has an F-1 or J-1 visa is eligible to work on campus 20 hours per week while classes are in session and 40 hours per week when classes are not in session.

**Eligibility for an SSN**

1. F-1 or J-1 visa status
2. Enrolled full-time
3. Have a job offer from an NMSU department
4. Entered the U.S. at least 10 days prior to request for a social security number

**Procedures**

1. **Employment Letter**
   - Request a letter from employer (on NMSU letterhead) including:
     - Name of student employee
     - Nature of job student is, or will be, engaged in
     - Anticipated or actual employment start date
     - Number of hours the student is expected to work
     - Original signature of student’s immediate supervisor
     - Date letter was prepared

2. **International Student & Scholar Services (ISSS) Letter**
   - To request an SSN eligibility letter from our office, bring the employer’s letter to ISSS. You will receive an email from our office when this letter is ready.

3. To apply for an SSN, take the following documents to the Social Security Administration:
   - Employment letter
   - ISSS Letter
   - I-20 or DS-2019 with current travel endorsement (I-20 page 3 or DS-2019 page 1)
   - Passport
   - I-94 card or I-94 passport entry stamp
   - Copy of electronic I-94 arrival/departure (https://i94.cbp.dhs.gov/i94#!/home)
   - Completed Social Security Administration Form SS-5

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https://payroll.nmsu.edu/foreign-national-employee-information/
Tax Treaty Benefits-General Information for Foreign National Employees

Income tax treaties may allow residents of foreign countries to be exempt from U.S. Income taxes (Federal and State Withholding) on employment income they receive from sources within the United States. In addition, some foreign national employees may be entitled to a FICA tax exemption (Social Security and Medicare). Both types of exemptions, whether Income or FICA, are determined through a foreign national tax analysis performed by Payroll Services.

In order for Payroll Services to complete a foreign tax analysis, applicable documents from the below listing will need to be provided to the Aggie Service Center in Milton Hall Room 14. A complete history of all of your time in the United States is necessary for the tax analysis:
PART 6: POLICIES AND PROCEDURES TO PROTECT PERSONALLY IDENTIFYING AND CONFIDENTIAL INFORMATION

All university employees should comply with the following policies:
Confidential and other information commonly used in Identity Theft may only be transmitted using approved methods as defined by the Information and Communication Technology department. Confidential and other information commonly used in Identity Theft in an electronic format must be protected from unauthorized access or disclosure at all times.

https://arp.nmsu.edu/15-91/
Form I-9 Resources

- I-9 Central website at: [http://www.uscis.gov/I-9Central](http://www.uscis.gov/I-9Central) Because immigration law and employment eligibility verification regulations can change over time, we encourage you to periodically check I-9 Central at www.uscis.gov for updated Form I-9 information.
- E-Verify website at: [http://www.dhs.gov/e-verify](http://www.dhs.gov/e-verify)
- English and Spanish versions of Form I-9 from the U.S. Citizenship and Immigration Services (USCIS) site at [www.uscis.gov](http://www.uscis.gov). To order Forms I-9 or a print copy of the Handbook for Employers (M-274) by telephone, call the USCIS Forms Request Link toll-free at 1-800-870-3676.
Testing Site

- https://hrxtest2.talx.com/ec/#/login/21536/Template/be4bca0f-e9a7-415c-ad88-31cc408fe9c7

- https://hrxtest2.talx.com/HRX/webmanager/LoginClientKey.aspx

- Enter your Employer Code: Provided to you by HRS.