

The University of North Carolina at Chapel Hill
Form I-9 & E-Verify Compliance Manual

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Overview

All State agencies are required to verify employment eligibility for all employees hired on or after January 1, 2007 using the E-Verify program (formerly called the Basic Employment Verification Pilot, or Basic Pilot) administered by the U.S. Department of Homeland Security (DHS) in cooperation with the Social Security Administration (SSA). This new requirement adds to, but does not replace, the existing Form I-9 verification process required by Federal law for all employees hired after November 6, 1986. Form I-9 and E-Verify rules also require consistent administrative practices across the University and timely compliance by all departments.

This manual establishes the University's mandatory employment eligibility verification procedures, including procedures for termination of employment when employment eligibility is not verified. Careful compliance with these procedures can prevent unnecessary disruptions. Employees whose employment eligibility is not verified on time should not begin work or continue to work for the University until eligibility is verified. When ineligibility is determined, a Form I-9 or E-Verify deadline is missed, or a work authorization lapses, the employee must cease all work for the University immediately.

The University does not discriminate on the basis of national origin or citizenship. Personally identifying information on the Form I-9 or in the LawLogix I-9 and E-Verify systems may be used only in compliance with Federal and State law. This information will not be used when making hiring or personnel decisions and will not be available to managers making those decisions. Assignments, training, and future planning does not take into account an employee's E-Verify status or the employee's work authorization expiration date, if any.

The Federal laws and regulations which govern employment eligibility verification are complex. If you encounter a situation where the course of action required by the Form I-9 and E-Verify rules is unclear, help is available. The [glossary](#) at the end of this manual defines terms that may be unfamiliar. For assistance, please contact an Employment Eligibility Verification Specialist (EEV Specialist) at 919-962-0985 or send an email to eevquestions@listserv.unc.edu.

Employment & Staffing Department
Office of Human Resources
The University of North Carolina at Chapel Hill
104 Airport Drive, Suite 1100, CB #1045
Chapel Hill, NC 27599-1045

Federal and State Form I-9 Requirements

1. Cooperation with Form I-9 and E-Verify employment eligibility verification procedures is a condition of new and continued employment at UNC-Chapel Hill. Employees who decline to cooperate will be discharged.
2. Every termination, placement in leave status, or halt to hiring related to Form I-9 and E-Verify compliance must be approved by the Employment & Staffing Department, Office of Human Resources (OHR) *before* the action is taken.
3. Every employee of UNC-Chapel Hill must complete Section One of the Federal Form I-9 (“Employment Eligibility Verification”) ***no earlier than when he/she has accepted a job offer in writing and no later than the day he/she starts work or otherwise first performs services for pay***. The employee must *not* be allowed to complete his/her first day of work for pay before Section One is complete and the hiring unit has verified its completeness.
4. In the case of an employee who will work three business days or less, the employee must not be allowed to do any work for pay until both Sections One and Two of the Form I-9 are completed and verified.
5. Every employee of UNC-Chapel Hill must provide a combination of valid documents establishing his/her identity and authorization to work in the United States to the hiring unit ***within three business days of the hire date***. If the deadline passes, the employee must *not* be allowed to continue to do any work for pay until valid documents are provided and Section Two of the Form I-9 is completed and certified.
6. An authorized representative (permanent University employee who is trained on Form I-9 policies and procedures) certifies the Form I-9 by determining that the documents presented are valid and reasonably appear to be genuine and relate to the employee presenting them. The employee must be ***physically present*** when the documents are examined. The Representative completes and electronically certifies Section Two, attaches/uploads supporting documents and marks the Form I-9 completed in the LawLogix I-9 system to ensure that the information is submitted to E-Verify on time.
7. If the University representative cannot verify identity and work authorization, he or she must contact an Employment Eligibility Verification Specialist (EEV Specialist) in OHR for a final decision on whether the employee has presented proof of eligibility to work.
8. It is the University’s policy not to release a first paycheck or to accept Payroll direct deposit instructions until Section One and Section Two of the Form I-9 are completed and certified.
9. The information from the Form I-9 must be submitted to the Social Security Administration (SSA) and the Department of Homeland Security (DHS) via E-Verify ***within three business days of the employee’s start date***. The hiring unit and the employee must cooperate with instructions from the EEV Specialists, who may require further information or may direct that the *employee contact the EEV Specialists, DHS, or SSA for follow-up* before a deadline passes.
10. When an employee’s work authorization expires, he or she must cease all paid work for the University immediately. If the employee cannot provide proof of current work authorization, the University cannot continue his/her employment; the employee must either be terminated or, at the hiring unit’s discretion, and in accordance with other laws and policies, placed in leave status. Employees should apply to renew an expiring work authorization well in advance of expiration. International Student and Scholar Services may be able to help with some renewals, for example, renewals of F-1, J-1, H1-B, O-1 and TN immigration statuses. See the section on [*Non-Resident Aliens*](#) for more information.
11. The University is required to promptly ***correct*** any mistakes on the Form I-9 or in the E-Verify system without obscuring any error or concealing that a mistake was made.

Overview:

Assignment of Responsibility

UNC-Chapel Hill hires its workforce through several different channels. Departments directly hire **EPA Faculty** and **EPA Non-Faculty** permanent employees, **EPA Postdoctoral Fellows**, **EPA Student Employees**, and some EPA and SPA temporary employees—**Direct Hire Temps**. Departments work with their OHR Employment & Staffing Consultant to hire **SPA employees** for permanent and time-limited positions; once a department selects a candidate, OHR/Staffing completes the hiring process. The Office of Scholarships and Student Aid verifies the employment eligibility of **Work-Study Student Employees** before other departments hire them.

Responsibility for the Form I-9 Process and the E-Verify Employment Eligibility Verification Check (E-Verify EEV check) is assigned as shown in the chart below. Each row in the chart refers to a section in this manual and is reproduced at the start of that section.

Form I-9 and E-Verify Compliance: Assignment of Responsibility			
	EPA Faculty, EPA Non-Faculty, EPA Student Employees, and Postdocs	EPA & SPA Direct Hire Temporary Employees and Work Study Student Employees	SPA Permanent Employees
Complete the Form I-9 using the LawLogix I-9 system within three business days of employment.	Hiring Department	Hiring Department	OHR
Submit Form I-9 Information to DHS using E-Verify for each new hire. Follow up on any problems with department and employee.	OHR with cooperation of Hiring Dept	OHR with cooperation of Hiring Dept	OHR with cooperation of Hiring Dept
Update Forms I-9 Receipts, renewals and corrections	Home Department	Home Department	OHR
Maintain Form I-9 files Filing, and archiving the Form I-9 and supporting document(s)	OHR with duplicate in Home Dept	OHR with duplicate in Home Dept	OHR
When Eligibility Is Not Verified, Place Employee in Unpaid Leave Status or Terminate Employment	Employing Department after approval by OHR	Employing Department after approval by OHR	Employing Department after approval by OHR

EEV = Employment Eligibility Verification. EPA = Exempt from State Personnel Act. SPA = State Personnel Act. Postdoc = Clinical Fellow, Resident, or Postdoctoral Fellow, Trainee, or Research Associate. DHS = Dept. of Homeland Security. OHR = Office of Human Resources.

**Complete the Form I-9
and
Submit Form I-9 Information to OHR**

<u>Form I-9 and E-Verify Compliance: Assignment of Responsibility</u>			
	EPA Faculty, EPA Non-Faculty, EPA Student Employees, and Postdocs	EPA & SPA Direct Hire Temporary Employees and Work Study Student Employees	SPA Permanent Employees
Complete the Form I-9 using the LawLogix I-9 system within three business days of employment.	Hiring Department	Hiring Department	OHR

The hiring department collects, verifies and submits Form I-9 information to OHR for newly hired EPA Faculty, EPA Non-Faculty, EPA Postdocs, EPA Student Employees, and Direct Hire Temporary Employees. OHR completes Forms I-9 from new SPA permanent employees as part of the Welcome to Carolina New Employee Orientation process. Scholarships and Student Aid completes and submits Form I-9 information to OHR for Work-Study Student Employees.

Familiarity and compliance with the Form I-9 rules is required to complete this task. Please read and refer to these instructions below, the instructions on the [Form I-9](#), and the [Handbook for Employers](#).

If an employee refuses to complete Section One of the Form I-9 or does not provide valid documents for the completion of Section Two, the job offer must be rescinded and employment must be terminated with the approval of OHR/Staffing. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

It is the University’s policy not to release the first paycheck or to accept Payroll direct deposit instructions until Section One and Section Two of the Form I-9 are completed and verified. See [Payroll-related Procedures for Nine-Month Faculty and Certain Student Employees](#) for more information.

[Employees Paid with One-Time Payments](#) must complete a Form I-9 at the time they begin work for pay.

Because the rules for completing the Form I-9 are so complex, two versions are provided. The complete rules are presented below.

Steps to Complete and Verify a Form I-9

Determine if a New Form I-9 and an EEV Check are Required

Follow the rules below to determine if you need to complete a new Form I-9 and submit an EEV check.

Yes

You will *always* need to complete a *new* Form I-9 and an EEV check in the following situations:

- hiring a new employee (unless an employee is currently active on the UNC-CH payroll)
- re-hiring a former University employee (other than a continuing student) after any break in service
- a Zero-Salary Adjunct Faculty member who will do work for pay
- a continuing student who has had a break in service of **more than** 12 months

You will *never* need to complete a Form I-9 or an EEV check for the following:

No

- [*Independent Contractors*](#),
- [*Dual Employees*](#), or
- [*Employees of University Contractors*](#), or
- [*SPA Additional Employment*](#), or
- [*Unpaid Zero-Salary Adjunct Faculty*](#)*
- [*Unpaid Volunteers and Interns*](#)
- Continuing student who has had a break in service of **less than** 12 months

Note: A new Form I-9 and an EEV check are *usually not required* when the “new hire” is one of the following a current employee on the UNC-Chapel Hill payroll and a current Form I-9 is on file. This situation requires careful investigation and may require the cooperation of another department. Follow the instructions in the section [*Existing Employment and Continuing Student Employment*](#). If you are unable to verify that one of these situations applies, continue with step 2, [*below*](#), to complete a new Form I-9.

Preliminary Steps

1. **The University requires that a job offer is made and accepted in writing before the Form I-9 is completed.**[†] Every new hire must receive one of the following: (1) a dated SPA *Conditions of Employment* (COE) form, (2) an EPA job offer/appointment letter and the EPA *Appointee Certifications and Conditions of Appointment* form, or (3) a Work-Study aid acceptance letter. The COE and/or letter must:

- state the employee’s name, position title, department, start date, and starting salary,
- for EPA hires, incorporate by reference the required Conditions of Appointment document,
- be signed and dated by the department representative and by the employee,
- be completed, signed, and dated *before* the Form I-9 is accepted or verified.[†]

An original of the COE or letter should be kept in the employee's personnel file in the hiring department (for EPA hires and SPA direct-hire temps), OHR/ Records (for SPA permanent hires), or Scholarships

* No Form I-9 is required for Zero-Salary Adjunct Faculty or Faculty with non-salaried fixed term appointments until and unless they are hired to do work for pay. (Zero-Salary Adjunct Faculty hired to do work for pay in the course of their appointments are usually paid with one-time payments. A department may change a non-salaried fixed term appointment to a salaried fixed term appointment, requiring a Form I-9.) Just as with any other hire, a zero-salary faculty member hired to work for pay must complete Section One of the Form I-9 on or before the *day he or she begins work for pay*, submit documents in person to complete Section Two within three business days of the day he or she begins paid work, and be submitted for an E-Verify EEV check within three business days of the day he or she begins paid work.

[†] However, an employee may complete a Form I-9 without a written acceptance *on the first day of work, but not before*.

and Student Aid (for Work-Study hires). A copy of the EPA job offer and Appointee Certifications and Conditions of Appointment form should be kept in the appointing department. (Note: Hiring Departments may issue an EPA job offer letter when a candidate is selected. This is *not* the same as the appointment letter issued when all conditions of employment have been met. Departments with questions about EPA Non-Faculty job offer letters should contact the EPA Non-Faculty Human Resources office at 919-962-2897. Questions about Faculty job offer letters should be addressed to the Academic Personnel office at 919-962-1091.)

2. **Send an email with login through Create New Employee method in the LawLogix I-9 system.**
3. **If an employee is not yet in an immigration status with a work authorization** valid for employment at the University in the position for which he/she is being hired and current as of the date employment is scheduled to begin, **wait until the employee is in status to complete the Form I-9.** For example, if a prospective employee visits the University in B-2 (tourist) immigration status, and a job offer is made and accepted during that visit, the Form I-9 *cannot* be completed until he/she changes to an immigration category that permits employment at the University. Such a change may require the individual to leave and return to the U.S. prior to employment.
4. **The employee must be physically present** with the University representative who checks Section One for completeness, verifies that the documents presented are current and valid, and completes and verifies Section Two. If the employee is not physically present, but will be present on or before the day he or she begins work, wait until then to complete the Form I-9. If the employee cannot be physically present, follow the instructions for [Remote Hires](#).
5. **Individuals with disabilities who are being placed in employment by a non-profit organization, association, or as part of a rehabilitation program need not provide a list “A” or list “B” identity document.** If they do not, a representative of the sponsoring organization or rehabilitation program must complete Section One of the Form I-9, write “Special Placement” in place of the employee’s signature and complete the Preparer/Translator certification. The University representative who verifies the Form I-9 should type “Special Placement” in place of the list “B” document number. A work authorization document is still required. See page 9 of the [Handbook for Employers](#) for an example.

Section One

6. **Complete Section One of the Form I-9.** A new hire must complete and sign Section One of the Form I-9 *no earlier* than the date he/she accepts a job offer in writing and *no later* than the day he/she starts work or otherwise first performs services for pay. No department may require an employee to complete Section One of the Form I-9 before the day he/she actually starts work, but an employee *may* do so if it is convenient for both the employee and the hiring department.
 - If the employee has a Social Security Number (SSN) assigned by the U.S. Government, he/she *must* provide it in Section One. If the employee does not have a SSN assigned by the U.S. Government, he/she must select “Employee does not have a Social Security No.” in the space provided on the electronic I-9 form. See [Obtaining Social Security Numbers](#) for additional instructions.
 - **If an employee’s work authorization has expired or does not yet exist, he/she is not eligible to work.** See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#).

- **An employee who refuses to complete Section One** of the Form I-9 by the day he/she starts work **must be terminated immediately upon receiving the approval of OHR/Staffing.** See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment.](#)
- The employee *must* provide each of the following items of information in Section One of the Form I-9.
 1. Name (Surname / Family name, Given / First name, Middle Initial if any, Maiden Name if any)
 2. Complete mailing address in the United States
 3. Date of birth
 4. Social Security Number (if not yet assigned, select “Employee does not have a Social Security No.” when completing the Form I-9). The employee is required to apply for an SSN and update his or her Form I-9 with it as soon as it is assigned, no later than 90 days following the date of hire).
 5. Attestation to citizenship. The employee must check one of the four boxes.
 - If “**A citizen of the United States**” is checked, no other information is needed.
 - If “A noncitizen national of the United States” is checked, no other information is needed.
 - If “**A Lawful Permanent Resident**” is checked, the employee *must* provide the:
 - Alien number assigned by the Federal government. (An Alien number begins with the letter A and contains either 8 or 9 digits.)
 - If “**An alien authorized to work**” is checked, the employee *must* provide two more items:
 - Expiration Date for his or her work authorization (if applicable)
 - Alien number supplied by the Federal government *or* the 11-digit Admission / Departure Number from the Form I-94 Arrival / Departure record.
 6. The employee *must* complete and electronically sign Section One unless a preparer completes it.
 7. If someone helps the employee to complete this section (for example, if English is not the employee’s first language, the employee is disabled or under the age of 18), that person should provide all the information requested in the “Preparer and/or Translator Certification” portion.

Section Two

7. **Complete and certify Section Two of the Form I-9:** An employee must present unexpired identification and work authorization document(s) in person so that the hiring unit can complete Section Two of the Form I-9 ***within three business days*** of the date he/she first reports for work. (Exception: An employee hired to work for a duration of less than three business days must complete both Sections One and Two of the Form I-9 *no later than the day he/she starts work.*)
 - A University representative *must* complete each of the following items of information in Section Two of the Form I-9. The *same* representative must provide all the information in this section and electronically sign it.
 - a. Title, Issuing Authority, Document Number, and Expiration Date if any for each document. The Issuing Authority should be recorded as it appears on the document.*
 - b. The last two lines under column “A” are *only used when a foreign passport is presented.*
 - For document number, provide *either* the 8- or 9-digit Alien number from an I-551 stamp or Machine Readable Immigrant Visa (MRIV) with temporary I-551 language *or* the 11-digit number from the Form I-94 Arrival/Departure Record.
 - **For expiration date, provide the expiration indicated on the Form I-94 or if D/S is indicated, the expiration date indicated on the Form I-20 or DS-2019.** The expiration dates for these documents may not be obvious. Sometimes passports carry updated name and expiration date information on internal pages. Determine the expiration date for the I-551 stamp/MRIV as explained under [How to Enforce the Form I-9 Receipt Rule](#). The expiration date for the Form I-94 may be a fixed date or may be given as “D/S” (Duration of Status). See [How to](#)

* The issuer of a government-issued ID or birth certificate *cannot* be abbreviated. For example, use “New Orleans Passport Authority” not USA; “NC Department of Motor Vehicles” or “NC DMV,” not North Carolina or NCDL; “Macon County Vital Records, Macon County, GA,” not Macon County, GA. Use whatever authority is listed in English on a foreign passport.

Determine the Work Authorization Expiration Date when a Form I-94 Is Presented on page 18 for more information.

9. The date employment began, or will begin. (The actual date the employee begins work for pay.)
10. Signature and date. Do not electronically sign the Form until Section Two is complete.
11. If a discrepancy requires explanation, add a Case Note to the electronic I-9 by selecting the “OnDocs” and “Add Case Note” on the I-9 Details page.

Figure 1: Lists of Acceptable Documents for the Form I-9 (revised 08/07/09)

LISTS OF ACCEPTABLE DOCUMENTS		
All documents must be unexpired		
LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
OR		AND
1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	4. Voter's registration card	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
	5. U.S. Military card or draft record	
	6. Military dependent's ID card	5. Native American tribal document
	7. U.S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	9. Driver's license issued by a Canadian government authority	6. U.S. Citizen ID Card (Form I-197)
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	11. Clinic, doctor, or hospital record	8. Employment authorization document issued by the Department of Homeland Security
12. Day-care or nursery school record		

- **To request documents, use the Lists of Acceptable Documents that establish identity and employment eligibility.** These lists are provided as part of the electronic Form I-9.
- **Let the employee choose which documents to provide from the list.** Do *not* ask for or accept more than the minimum required number of documents. Do *not* ask for specific documents. You *can* say which documents we see most often. And, if the employee submits documents that require other documents to be acceptable, you *can* explain what would be required for a document to be valid for either identity or employment eligibility.

- **The documents presented must appear to be valid, genuine, and relate to the person presenting them.** If you cannot certify Section Two of the Form I-9 based on the documents presented, refer the employee to an EEV Specialist immediately as explained under [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment.](#)
- **If the employee provides a List B document, it must include a photograph to be acceptable.** List B documents must be issued within the United States with one exception: Canadian drivers' licenses.
- **Determine if the documents presented are acceptable** (see Form I-9 Lists of Acceptable Documents). The employee must provide documents establishing identity and work authorization. If an employee presents too many documents, accept the first valid combination of documents you encounter. However, if you determine that those documents:
 - do not appear on the Lists of Acceptable Documents, OR
 - do not form a valid combination from the Lists of Acceptable Documents, OR
 - do not appear to be genuine (that is, they appear to be forged), OR
 - do not appear to relate to the person presenting them,

Then you must reject them and ask the employee for other valid documents.

Do not certify Section Two of the Form I-9 if the documents submitted appear unacceptable. Certain documents not listed on the Lists of Acceptable Documents are acceptable as receipts for those documents, under [How to Enforce the Form I-9 Receipt Rule](#), explained below.

- **If you are uncertain whether documents are valid, genuine, or relate to the employee, contact an EEV Specialist immediately as explained under [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment.](#)**
- **Determine if the documents presented contain special provisions.** If the employee is a non-resident alien, the type of work he or she is permitted to do may be restricted by his or her **immigration status**, by the **category on his or her Employment Authorization Card**, or by the **endorsements on another work authorization document**. Also, some documents require accompanying documents to be valid, restrict the employee to certain jobs, or have other special provisions.

To determine if special provisions apply, refer to the charts [Expiration Dates and Category-Specific Rules for Employment Authorization Cards](#) and [How to Determine the Work Authorization Expiration Date when a Form I-94 Is Presented](#) for more information. These charts will refer you to the sections on [Non-Resident Alien Student Employees in F-1 Status](#) and [How to verify a Pending I-129 Petition for a Nonimmigrant Worker](#) when appropriate.

If work restrictions apply, obtain a copy of the employee's job description and consult with an EEV Specialist before certifying the Form I-9.

12. **Determine if the documents presented contradict each other or contradict information provided in Section One.** If the name provided in Section One does not match Social Security Administration's records, the employee must correct it. If a discrepancy is found between the name provided in Section One and the documents presented for Section Two, the employee must provide a reasonable explanation, or the documents must be rejected. Record any explanation by adding a Case Note to the electronic I-9 by selecting the "OnDocs" and "Add Case Note" on the I-9 Details page.

- If a contradiction among documents or between documents and Section One is not explained, contact an EEV Specialist immediately to determine whether the employee is eligible to work, as instructed under [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#).

For example, the **names** given on each document must agree, or the employee must offer a reasonable explanation, such as a name change. If an employee submits documents in more than one name without credible explanation, **always** contact the EEV Specialists.

The information in Section One and in the documents presented for Section Two should also agree. If it does not, ask the employee to correct Section One or, if the employee provides a credible explanation, note the discrepancy and the explanation in the Case Notes. For example, if **birth dates** in Section One and on a driver's license differ, an explanation is required. If the **address** provided in Section One differs from the address on a document, make sure the address in Section One is the employee's current U.S. address. Never accept a foreign address.

The information from Section One that is most helpful in ruling out contradictory documents is the **citizenship attestation**. Certain documents are only available based on citizenship status, as shown in the chart on page 12. Instructions for detecting discrepancies and contradictions continue on the next page following the chart.

Besides **names, addresses, birth dates, and citizenship attestation**, two other pieces of information in Section One should be checked against the documents presented for Section Two, whenever possible:*

- **Social Security Number:** If a Social Security Card is presented and accepted, check it against the Social Security Number in Section One. The two numbers should be the same.
- **Alien number or Admission/Departure Number:** If a document with an Alien number or Admission/Departure Number is presented for Section Two, and the same type of number is supplied in the citizenship attestation in Section One, the two numbers should be the same.
- **Determine the work authorization expiration date and verify it against the information provided in Section One.**

If the employee is a non-resident alien you should determine the work authorization expiration date from the documents and confirm that it matches the date provided in the citizenship attestation in Section One.

- When presented with an Employment Authorization Card (Form I-688, I-688A, I-688B, or I-766), always refer to the chart, [Expiration Dates and Category-Specific Rules for Employment Authorization Cards](#). Find the card's category in the left-hand column and follow the instructions.
- When presented with a Form I-94 Arrival / Departure document, a Form I-20, DS-2019, or I-797, a UNC-Chapel Hill employment letter (required in certain "TN" cases), or a "ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker" always refer to the chart, [How to Determine the Work Authorization Expiration Date when a Form I-94 Is Presented](#). Find the employee's immigration status and the documents accepted in the left-hand columns and follow the chart's instructions.

* Remember: Never ask for specific documents. Always cross-check the documents accepted against Section One.

You may encounter the following issues when determining the work authorization expiration date:

- *Sometimes there is no expiration date.* Employees who are with asylees, refugees and certain citizens of the Federated States of Micronesia or the Republic of Marshall Islands may present an unrestricted Social Security Card as his or her list “C” work authorization document. If he or she does so when initially completing the Form I-9, he or she should leave the expiration date in Section One blank if their work authorization does not expire. For such employees, reverification does not apply unless they choose to present in Section Two evidence of employment authorization that contains an expiration date.
- *Sometimes the work authorization date may be updated on the back of the form or on a separate page.* If the employee presents one of the older, still valid DHS Employment Authorization Documents (Form I-688 Temporary Resident Card or Form I-688A or I-688B Employment Authorization Card) as a list “A” identity and work authorization document, the form will clearly list a work authorization beginning date and expiration date on the face of the card. However, an updated expiration date may appear on an official sticker on the back of the card.*

Foreign passports usually list the expiration date on the main page with the individual’s name and birth date, but may also record a name change or an updated expiration date on a separate page.

- *Sometimes the work authorization expiration date must be determined based on several documents.* This may be the case when an employee presents a foreign passport with a Form I-94 Arrival/Departure record or a DHS Employment Authorization Card (Form I-766) as a List “A” document to prove identity and work authorization.
- *Sometimes the work authorization expiration date may be updated in a separate publication by DHS.* If the most recent DHS Employment Authorization Card (Form I-766) is presented, the form will clearly list the work authorization beginning date and expiration date on the face of the card, and an updated expiration date may appear on an official sticker on the back of the card. However, the expiration date may *also* be extended to a date (not listed on the card) announced by DHS in the Federal Register and published in a DHS press release. Or, DHS may have announced a procedure extending the work authorization under specific circumstances.
- *Sometimes the work authorization expiration date may reflect a pending I-129 petition for which an automatic temporary employment authorization is granted pending adjudication.* If ISSS has petitioned DHS to extend the valid period of an existing employer-specific immigration status or to transfer H-1B status for an individual from a prior employer, the employee may present the University’s *ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker*. If so, you must review this form and the attached document(s) as explained in [How to Verify a Pending I-129 Petition for a Nonimmigrant Worker](#) to determine valid employment dates and whether the employee is eligible to work in a particular job. Properly filed I-129 petitions in these cases provide temporary work authorization, similar to receipts. The employee must present an I-797A Approval Notice or other new work authorization before the temporary authorization expires.

If you cannot determine the work authorization expiration date, or if the expiration date in Section One seems incorrect, contact an EEV Specialist for help at 919-962-0985.

- **Scan all of the documents** you recorded on the Form I-9. Scan all relevant pages and sides of each document (including all relevant inserts in a foreign passport and both sides of a Form I-94 Arrival/Departure record). Make sure all scanned images are legible and that photographs, print,

* Such stickers are used on Forms I-688, I-688A, and I-766, but not on Form I-688B.
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document identification numbers, and dates are clear. Note: The scanner must be configured to a secure network drive that is not mobile and the files are cleared regularly to maintain security of personal information. Some departmental copiers have the ability to scan. If you are planning to use the copier as a scanner, the copier must be configured to deliver scans to a secure network drive and not use email delivery to your desktop. Using email may compromise your employee's personal information.

- **Record the required information in Section Two for each document you accept:**

The *document title, issuing authority, document number, and expiration date*, if any.

Record list "A" documents in column "A", list "B" documents in column "B", and list "C" documents in column "C". The document expiration date is the most current expiration date printed on the document. Some documents do not carry expiration dates.

- **Always Record the "date employment began" in Section Two.** This is the date the employee first begins work for pay for the University. If this date changes, the Form I-9 must be updated. (See [How to Correct Errors and Omissions](#).) If this date is unknown, Section Two may not be certified.
- **Verify all the information requested in the Certification portion of Section Two.** Electronically sign the Form I-9 by entering your Login (Onyen).
- **The same University representative must complete all of Section Two. If Section Two is begun but only partially completed, the person who completes it must see the employee in person and re-verify the documents.**
- **If there is any question in your mind that there is an error or omission** in Section One, that there is a problem with the documents presented for Section Two, or if you are uncertain how to fill the date employment began, or if you think the work authorization expiration date in Section One is in error, do not sign and date Section Two yet. Instead, immediately contact an EEV Specialist at 919-962-0985 for assistance.
- **Sign and date Section Two only when it is complete. Upload the supporting work authorization documents and finalize the completed I-9 by clicking the Mark Completed button located at the bottom of the screen.**

If the employee requests a copy of the electronic Form I-9, provide a copy to the employee within a reasonable timeframe.

8. **If Section One and Section Two of the Form I-9 are not complete at the end of the second business day following the date employment began, upon receiving the approval of OHR/Staffing, the employee must be placed in leave status or terminated from employment** by the end of the next business day. These deadlines apply regardless of the employee's work schedule.

Example: In a regular business week, an employee who starts work on Monday must complete a Form I-9 by the end of business Wednesday or else be placed in leave status or terminated by Thursday. However, Wednesday, July 4, 2007, is a holiday. An employee who starts work on Monday, July 2, 2007 must complete a Form I-9 by Thursday, July 5 or else be placed in leave status or terminated by Friday, July 6. A part-time employee who worked only on Mondays is subject to these same deadlines.

See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

9. **Receipt rule: if an employee who is hired for employment expected to last at least three business days provides one of the following instead of a valid document, he/she is granted extra time to provide the actual document:**

- **a receipt** for a lost, stolen, or damaged document (but *not* a receipt showing an application for a new, never-before-issued document or renewal of an expired document),
- **arrival portion of the Form I-94 or I-94A containing a Temporary I-551 stamp (indicating temporary evidence of permanent resident status) and a photograph of the individual**
- **departure portion of the Form I-94 or I-94A containing an unexpired refugee admission stamp**
- When an employee presents one of these items instead of a valid document, complete the Form I-9 using the receipt or Form I-94 information in place of the missing document. Select the type of receipt from the list of documents, and check the box “Receipt Only” (This is called a “Receipt Rule” case. See [How to Enforce the Form I-9 Receipt Rule](#) for more information and a more detailed description of valid receipts.)

The receipt rule does not apply if employment is for less than three business days. Employees hired to work for less than three business days must complete Sections One and Two of the Form I-9 *no later than the day they start work* and must provide valid documents—not receipts—for Section Two.

- **Monitor the Pending Tasks module on your LawLogix I-9 System Dashboard***. The LawLogix I-9 system will automatically track the deadline to provide the original document in the place of the receipt. Individuals are given 90 days to provide the necessary documentation to complete the Form I-9. [How to Enforce the Form I-9 Receipt Rule](#) explains how to determine the deadline.
- [See How to Renew a Form I-9 Work Authorization](#) and the [ISSS Monthly Scholar Update](#) for more information on work authorization renewals.

* A tickler file is a file or calendar containing reminders to take action on a particular date in the future. It ordinarily contains only reminder notes with the name and PID of each employee whose I-9 is due for renewal and the date by which it must be renewed. Such a tickler file of reminders can be kept on a calendar or in a spreadsheet. The LawLogix system includes an automated reminder for receipts presented in lieu of actual document(s), expiring temporary SSNs and expiring work authorizations.
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Figure 2: Expiration Dates and Category-Specific Rules for Employment Authorization Cards

Category on Employment Authorization Card	Category Description	Additional Work Authorization Required? (If any, record in Form I-9 Column C and photocopy)	Restrictions on Employment?	Valid Dates?
A002	Lawful Temporary Resident	None	None	As shown on card
A003, A004, A005 (also C008)	Refugee or Asylee	None	None	As shown on card . (May be valid indefinitely. If so, Form I-9 Work authorization will not expire.)
A006–A11	Various	None	None	As shown on card
A012 (also C019)	Temporary Protected Status	None	None	Expiration date may be extended by a USCIS announcement. Contact the EEV Specialist to determine expiration date.
A013–A18	Various	None	None	As shown on card
C001–C002	Various	None	None	As shown on card
C003i, C003A, C003B, C003C	F-1 Student in Optional Practical Training (OPT)	I-20 Certificate of Eligibility endorsed by a designated school official. (School specified in Item 2 on Page 1 of the I-20 does <i>not</i> need to be UNC-CH.)	Employment must be in the <i>field of study</i> specified in item 5 on page 1 of the I-20. <i>Employer Name</i> on page 3 of the I-20 must specify UNC-CH or the employing department.	As shown on card in most cases In some cases, the end date may have been automatically extended. Contact an EEV Specialist if an expired card with one of these category numbers is presented.
C003ii	F-1 Student employed by International Organization	n/a	May work only at International Organizations specified in 22 USC 288.	Not valid at UNC-Chapel Hill.
C003iii	F-1 Student in Economic Hardship	I-20 Certificate of Eligibility endorsed by a designated school official certifies eligibility and hardship. (School specified in Item 2 on Page 1 of the I-20 does <i>not</i> need to be UNC-CH.)	None	As shown on card.
C004	Status G dependent	None	None	As shown on card
C005	J-2 (Dependent of J-1)	None	None	As shown on card
C006	M-1 Student in Optional Practical Training (OPT)	I-20 Certificate of Eligibility endorsed by a designated school official. (School specified in Item 2 on Page 1 of the I-20 will <i>not</i> be UNC-CH)	Employment must be in the <i>field of study</i> specified in Item 5 on page 1 of the I-20. <i>Employer Name</i> on page 3 of the I-20 must specify UNC-CH or the employing department.	As shown on card
C007	NATO dependent	None	None	As shown on card
C008 (also A003, A004, A005)	Refugee or Asylee	None	None	As shown on card . (May be valid indefinitely. If so, Form I-9 Work authorization will not expire.)
C009–C011, C014, C016	Various	None	None	As shown on card
C017	Foreign domestic servants and airline employees	None	Domestic service for sponsor or job with sponsoring airline	Not valid at UNC-Chapel Hill.
C018	Under Final Order of Deportation, delayed	None	None	As shown on card
C019 (also A012)	Temporary Protected Status	None	None	Expiration date may be extended by a USCIS announcement. Contact the EEV Specialist to determine expiration date.
C020	Agricultural Worker who filed for 1986 Legalization	None	None	Should no longer be in use.
C021–C022	Various	None	None	As shown on card
C023	Q-2 Irish Peace Process Visitor	Certification Letter issued by Department of State	May only be hired by employer listed on certification letter.	As shown on card
C024–C025	Various	None	None	As shown on card
Other	?	?	?	Ask EEV Specialists

Color codes: Red: Not valid at UNC-CH. Blue: Special authorizations or restrictions apply. Green: Expiration date may be later than date on card or card may not expire—see Valid Dates. Abbreviations: n/a: not applicable. DHS: Department of Homeland Security. USCIS: United States Citizenship and Immigration Services. Category restrictions and special provisions taken from 8 CFR §274a.12 (1-1-07 Edition), 73 FR 18944, Form I-765 and instructions (both 07/30/07Y and 04/08/08N). Questions? Call 962-0985 or email eevquestions@listserv.unc.edu.

Figure 3: How to Determine the Work Authorization Expiration Date when a Form I-94 Is Presented

Immigration Status from I-94	Employer specified on I-94?	Additional Work Authorization Required, if any (record in Column C and photocopy)	Work authorization expiration date, location of document number for additional work authorization, if any, special instructions
B-1 or WB	n/a	I-94 with unexpired B-1 or WB status <i>Should not complete an I-9.</i>	Not authorized to work on payroll. May receive travel reimbursement for entire length of US stay. May receive honorarium and incidental expenses for academic activity at UNC-CH if UNC-CH visit is 9 days or less and individual has accepted honoraria/expenses from 5 or fewer other institutions in the previous 6 months.
B-2 or WT	n/a	I-94 with unexpired B-2 or WT status <i>Should not complete an I-9.</i>	Not authorized to work on payroll. Honorarium & incidental expenses allowed for academic activity at UNC-CH if UNC-CH visit is 9 days or less and individual has accepted honoraria/expenses from 5 or fewer other institutions in the previous 6 months.
F-1	n/a	I-20 or I-20 with EAD	Depends whether student employment is on-campus, Curricular Practical Training (CPT), or Optional Practical Training (OPT). This manual's Non-Resident Alien Student Employees section explains how to determine the work authorization expiration date and locate the document number(s). (I-94 end date is always D/S, which stands for "duration of status" as specified in another document.)
H-1B or H-1B-1	UNC-CH, unexpired	Valid Passport and unexpired I-94 with a definite end date are sufficient. May also present I-797A Approval Notice. May also present ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	Expiration date is end date from I-94 or end date from top right of I-797A Approval Notice indicating UNC-Chapel Hill as "Petitioner". (I-94 document #: 11-digit "Departure Number" in upper left corner. I-797A doc. # in upper left corner, 3 letters + digits.) If an ISS Notice of Pending Petition is presented, the expiration date may be later than that indicated on the I-94. See this manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section for instructions.
	UNC-CH, expired	ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	This manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section explains how to determine the work authorization expiration date and locate the document number(s).
	Anything except UNC-CH	ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	This manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section explains how to determine the work authorization expiration date and locate the document number(s).
J-1	n/a	Valid Passport, I-94, and DS-2019. If UNC-Chapel Hill did not issue the DS-2019, need letter from sponsor authorizing employment with explicit work authorization end date.	DS-2019 expires on the "to" date in box 3 on face of DS-2019 form. The document number for the DS-2019 is the Student and Exchange Visitor System (SEVIS) number (N + 9-10 digits, located at the top right of the form). (I-94 end date is D/S). J-1 students need letter from sponsor authorizing employment. UNC-Chapel Hill J-1 scholar employment limited to location at item #1 and description at item #4 on DS-2019.
J-2	n/a	EAD, category C005	Valid dates are indicated on the employment authorization card. (I-94 end date is always D/S)
O-1 or O-2	UNC-CH, unexpired	Valid Passport and unexpired I-94 with a definite end date are sufficient. May also present I-797A Approval Notice. May also present ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	End date from I-94 or from I-797A Approval notice indicating UNC-Chapel Hill as Petitioner. (Dates should be same.) If an ISS Notice of Pending Petition is presented, the expiration date may be later than that indicated on the I-94. See this manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section for instructions.
	UNC-CH, expired	ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	See this manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section for instructions.
TN-1 or TN-2	UNC-CH, unexpired	Valid Passport and unexpired I-94 with a definite end date are sufficient. May also present ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	End date from I-94 specifying UNC-CH as the employer, which may be attached to bottom of I-797A Approval Notice indicating UNC-Chapel Hill as Petitioner. If UNC-CH not specified on I-94, other evidence that the employee is permitted to work at UNC-CH is required: DHS notation in passport indicating UNC-Chapel Hill as the employer, or the UNC-Chapel employment letter the person showed to DHS at the border. I-94 end date should NOT be D/S.
	UNC-CH, expired	ISS Notice of Pending Petition (with or without I-797C Receipt Notice)	If an ISS Notice of Pending Petition is presented, the expiration date may be later than that indicated on the I-94. See this manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section for instructions.
Other status	n/a	ISS Notice of Pending Petition (with or without I-797C Receipt Notice) Ask EEV Specialists	See this manual's How to verify a Pending I-129 Petition for a Nonimmigrant Worker section for instructions. Ask EEV Specialists.

n/a, not applicable. D/S: duration of status. DHS: Department of Homeland Security. USCIS: United States Citizenship and Immigration Services. ISSS: UNC-Chapel Hill's International Student and Scholar Services. EAD: employment authorization document (card) from DHS. A Form I-9 list "A" document. I-797A Approval Notices are issued by DHS to approve (I-797A) or acknowledge receipt (I-797C) of a properly filed I-129 Petition for a Nonimmigrant Worker, and must show UNC-Chapel Hill as the Petitioner to be valid. An I-797A approval is a list "C" work authorization document. The proper processing of I-797C Receipt Notices is explained in the section titled **How to verify a Pending I-129 Petition for a Nonimmigrant Worker**. H statuses carry special restrictions: An employee in H-1B status can only be placed on unpaid leave for medical or family leave purposes. Before honoraria can be paid to speakers and conference attendees in statuses B-1, B-2, W-2, W-3, or W-4; honoraria recipients must present themselves and their publications at International Student and Scholar Services. Eligibility rules for I-94 Arrival / Departure Record admission statuses taken from 8 CFR §274a.12 (1-1-07 Edition), USC 1184(n), 73 FR 18944, from DHS, DOS, SSA, and NAFSA publications, and from material published by OSP. Questions? Call 962-0988 or email eevquestions@lists.ev.unc.edu.
Note: Payment of travel reimbursements, honoraria, & incidental expenses for academic activity at UNC-Chapel Hill to non-immigrant aliens are restricted by immigration and tax regulations. Such payments are not considered employment and do not require completion of a Form I-9. Any such disbursement must be approved by the appropriate University Finance office.

Complete the Form I-9 Using the LawLogix I-9 System

- 1. Enter the Form I-9 information in the LawLogix I-9 Electronic I-9 System** by clicking on the “LawLogix Guardian I-9” link on the HR Central home page and log into the system using your Onyen and password.

It is strongly recommended that Section One and Two be completed the *same day* that the employee begins work to ensure that the Form I-9 E-Verify check can be completed on time. The “First Day at Work” in Section Two is the “date employment began” from the Form I-9. If the date employment began changes, or any information submitted in the electronic I-9 system changes before the date employment begins, update the Form I-9 information in the LawLogix I-9 system, electronically sign the respective section and mark the Form I-9 completed again. Note: Only the employee may update Section One and the University representative may update Section Two.

- If an employee checks the box “Employee Doesn’t Have a Social Security Number” (only in cases where the employee has been issued a “dummy” Social Security Number), the employee must provide a valid Social Security Number within 90 days of the date that employment begins. See [Obtaining Social Security Numbers](#) for more information.

Upon receipt of the Social Security Number issued by the Social Security Administration, the employee must enter the Social Security Number in Section One of the Form I-9 in the electronic I-9 system.

- 2. Select one of the following options to complete the Form I-9:**

Option 1: Create New Employee - Use this method when the employee is completing Section One prior to the day employment begins. This option is located at the top right of the Dashboard. Using this method, the LawLogix I-9 system will generate an email to the new employee with a login, password and instructions for completing Section One prior to the employee’s first day of employment. We strongly encourage departments to use this option as often as possible as this will reduce the completion time for the I-9 when the employee reports to work.

- Enter Social Security Number (you may obtain this information from the criminal check form)
- Click **Search**
- Complete applicable fields
- Click on **Create Employee with Login**
- Modify the subject line/body of the email as needed

Option 2: One Minute I-9 - Use this method when the employee is completing Section One in person on the day employment begins and/or the employee does not have an email address to receive a login, password and instructions. This option is located in two places: the top left navigation bar and the top center of the Dashboard. Using this method, the employee and the University Representative will complete Sections One and Two of the Form I-9 on the day employment begins.

Option 3: Remote Employee – Use this method when the employee will be physically working outside the Raleigh/Durham/Chapel Hill area and is unable to complete the Form I-9 in the department.

Do not complete a Form I-9 using the LawLogix I-9 system. The OHR/Employment Eligibility Verification (EEV) Unit manages the Form I-9 process for all remote employees who require a

designated agent. The University Representative must notify the OHR/EEV unit at least two weeks prior to hiring a remote employee to ensure that there is time to coordinate the Form I-9 process. For more information on the Remote Hire process, see [Remote Hires](#).

3. Section One – To be completed by the Employee on or before the day employment begins:

- Complete the required fields in Section One.
- Click on **Check Form** before proceeding to the electronic signature to electronically signing Section One.
- Confirm his/her identity by acknowledging the attestation, verifying personal information and entering the system generated PIN.

4. Section Two – To be completed by a trained University Representative within 3 days of hire:

- Examine the *original* identity and employment authorization document(s) presented by the employee, determine if they appear to be genuine and relate to the employee names and enter the document information in the boxes under List A or Lists B and C. Note: All document(s) must be original and unexpired.
- If an employee provides a valid receipt for Section Two, select the document type and check the box “Receipt Only.” See [How to Enforce the Form I-9 Receipt Rule](#) for further instructions.
- Click on **Check Form** before electronically signing Section Two.
- Acknowledge the attestation and enter your **ONYEN** into the Login field to electronically sign Section Two.
- Review the Form I-9 Details tab to verify that all information has been entered correctly.
- Scan all of the supporting identity and employment authorization document(s) presented by the employee for completion of Section Two. Ensure that the scans are legible and that any photographs, printed text, document identification numbers, and dates are clear. Note: The scanner must be configured to a secure network drive and the files cleared regularly to maintain security of personal information. Some departmental copiers have the ability to scan. If you are planning on using the copier as a scanner, please have the copier configured to deliver scans to a secure network drive and do not use email delivery to your desktop. Using email may compromise your employee’s personal information.
- Upload and attach the scanned document(s) to the Form I-9 by clicking on the **OnDocs** tab. The naming convention to use is: Last Name, First Name and Last 4 digits of the Social Security Number. Example: DoeJohn7628.pdf (be sure to capitalize the first letters of the last and first name).
- Refresh the list to verify that all documents have been uploaded properly. Note: Form I-9s submitted without the supporting documents will not be accepted.
- If you are not sure how to complete the Form I-9 or upload supporting documents, you may escalate the Form I-9 to a subject matter expert in the OHR/EEV unit. Click on **Escalate to Expert** button, enter your message and Send to Expert.
- Click on **Mark Completed**. The Form I-9 and supporting documents will route to the OHR/EEV unit for review and approval prior to submission to E-Verify.

5. The OHR/EEV unit completes the following:

- Review the Form I-9 and supporting document(s).
- Approve the Form I-9.
- Submit the Form I-9 information through the E-Verify System.

Submit Form I-9 Information to DHS Using E-Verify

<u>Form I-9 and E-Verify Compliance: Assignment of Responsibility</u>			
	EPA Faculty, EPA Non-Faculty, EPA Student Employees, and Postdocs	EPA & SPA Direct Hire Temporary Employees and Work Study Student Employees	SPA Permanent Employees
Submit Form I-9 information to DHS using E-Verify for each new hire. Follow up on any problems with department and employee.	OHR with cooperation of Hiring Dept	OHR with cooperation of Hiring Dept	OHR with cooperation of Hiring Dept

This is the sequence of events for an E-Verify EEV check. The cooperation of the Hiring Department is required.

1. **The EEV Specialists in OHR/Staffing conduct the E-Verify EEV check.** They submit the Form I-9 information to the Social Security Administration and Department of Homeland Security to be verified via the DHS E-Verify system.
2. **The EEV Specialist informs the departmental HR Facilitator of the results of the E-Verify EEV check by phone or e-mail.** Departments must respond promptly to any instructions, e-mail, voicemail, and messages to ensure that any issues are resolved in a timely manner.
3. **The department must follow the instructions of the EEV Specialist.** The most common E-Verify results and the actions that will likely be required of the department are as follows:
 - **Authorized Employment:** If the employee is authorized to work in the United States, the department will be informed through the LawLogix I-9 system. As a courtesy, please inform the employee of the successful resolution.
 - **Tentative Nonconfirmation:** If the Social Security Administration and/or the Department of Homeland Security require further information from the employee, the EEV Specialist will receive a “Tentative Nonconfirmation” notice from the U.S. Government. At this time, the EEV Specialist will instruct the department to inform the employee that he/she has 72 hours to physically report to the EEV Specialist in OHR/Staffing. **The department must inform the employee the same day the instructions are received from the EEV Specialist.** No department should take any further action on its own. The EEV Specialist will initiate any further actions.
 - [Instructions to an employee to report to the EEV Specialist for follow up](#) are available. (See [below](#).)

- Always assume an employee with a “Tentative Nonconfirmation” is authorized to work in the United States. The hiring unit should not take any action on its own based on the results or progress of an EEV check. Training and work assignments must proceed normally.
- When the employee physically reports to the EEV Specialist, he/she must choose whether to contest the “Tentative Nonconfirmation” status. If the employee chooses to contest this status, he/she will be referred to the appropriate agency for follow-up and must report to the agency within eight business days. As the employee interacts with the Federal agency, the EEV Specialist will instruct the department to take any necessary additional actions through email or by telephone.

If the employee declines to contest a “Tentative Nonconfirmation” or fails to report to the appropriate agency within eight business days, the EEV Specialist will investigate and take steps to terminate employment or place the employee in leave status. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

- **Final Nonconfirmation:** If the EEV Specialist learns that an employee is not authorized to work in the United States, the EEV Specialist will investigate and take steps to terminate employment. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.
4. **When the E-Verify EEV check is complete, a copy of the Form I-9, supporting identity and work authorization documents and the E-Verify results are retained in the LawLogix system per federal retention rules.**

a. Figure 4: Instructions to an Employee to Report to the EEV Specialist for Follow-up

Date: _____ Employee Must Respond By: _____

Employee Name: _____ Date employment began: __ / __ / __

Supervisor: _____ Department: _____

Re: Employment Eligibility Verification - URGENT

Your immediate response is required to verify your employment eligibility as required by law.

Within three business days of receiving this notice, please call 919-962-0985 to schedule a time to meet with an EEV Specialist in the Compensation & Staffing Programs Department, Office of Human Resources, Administrative Office Building (see directions below). If you are not in or near Chapel Hill, your department will direct you to report to an alternate location.

Compliance with Employment Eligibility Verification (EEV) procedures is a condition of employment at The University of North Carolina at Chapel Hill.

Directions to the Office of Human Resources

Chapel Hill Bus Routes:

- The NU bus makes the most frequent trips to and from Airport Drive.
- View all schedules for Chapel Hill Transit: http://www.townofchapelhill.org/transit/routes/all_routes.html
- View full route map for Chapel Hill Transit: <http://www.townofchapelhill.org/transit/routes/maps.html>

From Downtown Chapel Hill:

- Heading down Franklin Street towards Carrboro, turn right at the intersection of Franklin Street and Columbia.
- North Columbia becomes Martin Luther King Jr. Blvd, formerly Airport Road.
- Continue ahead on Martin Luther King Jr. Blvd for another 0.5 miles. As you near the top of the hill, Airport Drive will be located on your left. (It is the last left turn prior to reaching the intersection with Estes Drive.)
- Turn left onto Airport Drive.
- The Administrative Office Building (104 Airport Drive) is the first building on the left. The Human Resources Service Center is located on the first floor, through the main doors to the left of the elevators, to the immediate left as you enter.

From a Campus location: <http://www.mapsunc.edu/>

- Parking at the building is reserved for employees, however, visitors may receive temporary passes from the Office of Human Resources to park in the lot for business purposes. There are a number of visitor parking spaces in front of the building.
- If spaces are not available near the building, there is additional parking across Airport Drive in the R1/R2 Overflow Parking Lot (see map).



The EEV Specialists can be reached by phone during business hours in the 919 area code at ...

962-0985

- 3 104 Airport Drive
- 4 Giles Horney Bldg

Update Forms I-9

<u>Form I-9 and E-Verify Compliance: Assignment of Responsibility</u>			
	EPA Faculty, EPA Non-Faculty, EPA Student Employees, and Postdocs	EPA & SPA Direct Hire Temporary Employees and Work Study Student Employees	SPA Permanent Employees
Update Forms I-9 Receipts, renewals and corrections	Home Department	Home Department	OHR

It is the home department’s responsibility to update and re-verify Forms I-9 for EPA Faculty, EPA Non-Faculty, EPA Postdocs, EPA Student Employees, Work Study Student and Direct Hire Temporary Employees when work authorization expires and is re-authorized. OHR updates Forms I-9 for SPA permanent employees. The University requires a new Form I-9 or completion of Section Three Re-Verification for employees re-hired after any break in service. Read and refer to the instructions below, the instructions on the [Form I-9](#) and the [Handbook for Employers](#). There are several different circumstances in which a Form I-9 initially completed at the time of hire, must be updated or re-verified, in order to accomplish the tasks shown in the table below.

Task	Timing
Enforce the Form I-9 Receipt Rule	Immediately after hire
Renew a Form I-9 Work Authorization	Four to six months before expiration date
Replace Missing Forms I-9	Upon discovery of problem
Correct Errors and Omissions	Upon discovery of problem

How to Enforce the Form I-9 Receipt Rule

1. Monitor the employee’s efforts to obtain the identity or work authorization document(s) for which he/she presented a receipt when Form I-9 Section Two was verified.
2. Three types of receipts are acceptable:
 - a. **A receipt for replacement of any lost, stolen, or damaged document** is acceptable as a receipt for the required document it specifies for 90 days from the date employment began or, in the case of renewal of a work authorization, from the date employment authorization expires. A receipt for the initial application for a document is not acceptable.

- b. **A Form I-94 with a refugee admission stamp** is acceptable as a receipt for all required documents for 90 days. The stamp usually says “Admitted indefinitely as a refugee pursuant to Section 207 of the Immigration and Nationality Act (INA). If you depart the U.S, you will need prior permission from INS to return. Employment Authorized.” The stamp also gives the port of entry and the arrival date. The Alien number is usually printed on the back of the Form I-94. However, the stamp need only state that the bearer is a Refugee or include a reference to Section 207 of the INA.
- c. Temporary evidence of permanent residence status is indicated by any of the following:
- **The Form I-94 or Form I-94A containing an unexpired temporary I-551 stamp and a photograph of the employee** affixed to the Form I-94 by a DHS officer at the port of entry is acceptable. (Valid as a receipt until the expiration date on the Form I-94. If no expiration date is indicated, the receipt is valid for one year from the date the Form I-94 was issued. For example, a Form I-94 issued on January 1, 2007 with a temporary I-551 stamp and no expiration date is valid as a receipt through December 31, 2007. If it were submitted as Form I-9 documentation on January 1, 2007, it would be valid for one year. Submitted on July 1, 2007, it would be valid for six months. Submitted on or after January 1, 2008, it would not be valid.)

Any of these forms of temporary evidence of permanent residence are acceptable as a receipt for all required documents until the expiration date as specified above.

3. If you are presented with an [ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker](#), treat it as a receipt for a Department of Homeland Security I-797 Approval Notice, the work authorization document for several employer-sponsored immigration statuses. The section [How to Verify a Pending I-129 Petition for a Nonimmigrant Worker](#) explains how to process this form, which is specific to UNC-Chapel Hill, and how to determine the deadline by which it must be replaced with a work authorization document—usually a I-797 Approval Notice.
4. When the employee presents the document(s), re-verify the documents and submit the Form I-9 information:
- a. Repeat steps 5, 6, 8, and 11 of [Steps to Complete and Verify a Form I-9](#)
- Do not ask to see any document you already accepted and certified. The employee needs to present only the document(s) that replace the documents for which he or she previously presented a receipt.
 - Record the replacement document(s) as follows:
 - a. Click on the Update I-9 Receipts button.
 - b. Uncheck the “Receipt Only” box under the respective List A, B or C document.
 - c. Electronically sign Section Two.
- b. Complete the [steps to submit Form I-9 information for each new hire](#).

If the receipt deadline arrives, and the employee has not provided the replacement document(s), the department, with the approval of OHR/Staffing, must terminate employment or place the employee in leave status and have the employee cease all work for the University until he/she provides the document(s). No employee may continue to work for the University without providing required documents after the time period allowed by the receipt rule has ended. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

For more information, see the “Receipt Rule” in the [Handbook for Employers](#).

How to Renew a Form I-9 Work Authorization

In certain cases, International Student and Scholar Services can help employees obtain work authorization renewals as explained in the section on [Non-Resident Aliens](#).

The instructions for certifying Section Two of the Form I-9 explain [How to Determine the Work Authorization Expiration Date when a Form I-94 Is Presented](#). Please refer to those instructions. See the [Handbook for Employers](#) for an example of how to record a work authorization renewal on the electronic Form I-9.

If the employee’s Form I-9 is maintained by another department, that fact should be noted in the tickler file or case note for electronic Forms I-9. Contact the other department, determine whether the work authorization has been updated, and make a note of it in the employee’s file as explained under [Existing Employment and Continuing Student Employment](#). If the employee is no longer on the other department’s payroll, determine the current home department. The current home department must update the Form I-9.

1. **Remind each non-resident alien employee to renew his or her work authorization six months before the work authorization expires**, since some work authorizations can take 90 days or more to renew, and extended delays are possible. The LawLogix I-9 system tracks work authorizations and automatically notifies the HR Facilitator by email when an authorization is approaching expiration. It is strongly recommended that HR Facilitators monitor work authorizations via the LawLogix I-9 system Dashboard.
2. **Update the Form I-9 if the employee presents an updated work authorization in person:**
 - a. **Follow the same process used to check documents for [Section Two](#)**. Compare the work authorization to Section One and Section Two and to the photocopies of previously submitted documents. Ask the employee to explain any discrepancies.
 - b. **If the original Form I-9 has been entered in LawLogix and Section Three is blank:** Follow the **instructions on the Form I-9** and use Section Three to record the work authorization document title, document number, and expiration date. If the employee’s name has changed on the work authorization document, record the new name in the space provided in Section Three. Note: The University requires that an employee provide proof of a name change for tax purposes, for example, a new Social Security card, a divorce decree, or a marriage certificate. Do *not* attach a copy of the proof of a name change to the updated Form I-9. Do check that the new name is also the name on record for tax purposes. (An employee can have only one legal name.)
 - c. **If the original Form I-9 has not been entered in LawLogix or if Section Three has already been used do the following:** (1) Complete a new Form I-9 in LawLogix (2) Record the required information in Section Three of the new Form I-9. If the employee’s name has changed, record the old name from the previous Form I-9 in Section One and the new name in Section Three, following the guidelines under (b) above.
3. **Take the employee off payroll if the work authorization expires.** If the expiration date arrives and the authorization has not been renewed, the home department, with the approval of OHR/Staffing, must terminate employment or place the employee in leave status and have them cease all work for the University until the authorization is renewed. No employee may continue to work for the University after his/her work authorization expires. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

ISSS Monthly Scholar Update

International Student and Scholar Services (ISSS) distributes a monthly survey, the “ISSS Monthly Scholar Update”, which helps both departments and ISSS keep work authorizations current for non-resident alien employees. Each department checks the report, makes corrections to it, and returns it to ISSS. All employees who are non-resident aliens are required to report to ISSS upon hiring and whenever their work authorization is renewed. The report will list all of a department’s non-resident alien employees with two exceptions: Employees working for two or more departments are listed only under their primary or sponsoring department and UNC-Chapel Hill students are not listed. The report also includes scholars sponsored by a department who are not on payroll.

Figure 5: International Student and Scholar Services Monthly Scholar Update

International Center Monthly Scholar Update								
Department:		[Redacted]		CBA [Redacted]				
Date:		5/29/2007						
Still Active (X)	Scholar's name (Please print any name changes)	Current Immigration Status	Immigration Expiration Date	Supervisor's Name	Extension In Progress in dept. (X)	Extension Pending at Intl Ctr or USCIS (X)	Last UNC (Date of Departure/ Last day of work)	Green Card approval date (attach photocopy)
X	[Redacted]	H-1	3/31/2008 0:00	[Redacted]				
X	[Redacted]	H-1	9/26/2008 0:00	[Redacted]				
X	[Redacted]	J-1	9/31/2009 0:00	[Redacted]			4/30/07	
X	[Redacted]	O-1	3/31/2007 0:00	[Redacted]			3/31/07	
X	[Redacted]	H-1	5/31/2008 0:00	[Redacted]				
X	[Redacted]	H-1	10/31/2007 0:00	[Redacted]				
X	[Redacted]	PR/I-48	11/13/2007 0:00	[Redacted]				
X	[Redacted]	J-1	9/14/2007 0:00	[Redacted]				
X	[Redacted]	Other	9/30/2007 0:00	[Redacted]				
X	[Redacted]	H-1	2/29/2008 0:00	[Redacted]				
X	[Redacted]	J-1	12/15/2008 0:00	[Redacted]				
X	[Redacted]	J-1	2/29/2008 0:00	[Redacted]				
X	[Redacted]	J-1	9/31/2008 0:00	[Redacted]				
X	[Redacted]	J-1	12/15/2008 0:00	[Redacted]	X			
X	[Redacted]	H-1	7/5/2007 0:00	[Redacted]				
X	[Redacted]	H-1	12/31/2009 0:00	[Redacted]				
X	[Redacted]	H-1	1/31/2010 0:00	[Redacted]				

Office of International Student and Scholar Services
Received On
JUN 6 2007

Completed by: [Redacted] Print Name [Redacted] Signature [Redacted] Tel: [Redacted] Date: 6/4/07 Email: [Redacted]

How to Replace Missing Forms I-9

If you are unable to locate a Form I-9 for an employee in LawLogix the employee, if hired after November 6, 1986,* must complete Section One of the Form I-9 again and supply identity and work authorization documents again as soon as possible following the discovery that the Form I-9 is missing or, if the employee is on leave, as soon as possible after returning to work. It is the University’s policy to make every effort to complete any replacement Form I-9 within three business days of discovering that the document is missing.

If there is no progress in completing the replacement form within a reasonable period of time, the department should contact OHR/Staffing to confirm when the employee should be placed in leave status or terminated from employment. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

* Employees continuously employed since November 6, 1986 or earlier are *not* required to complete Forms I-9.
Employment & Staffing Department, Office of Human Resources
The University of North Carolina at Chapel Hill
An Equal Opportunity Employer

How to Correct Errors and Omissions

If you find a problem with a Form I-9, you should act promptly to correct the form as soon as is possible. It is the University's policy to try and correct any errors or omissions within three business days of discovery. Corrections to Forms I-9 entered into the LawLogix I-9 system must be made before the Form I-9 is approved and should always be electronically signed and dated by the person making the correction. Corrections to Section One of the Form I-9 must be made by the employee. Corrections to the rest of the form must be made by a University Representative designated by the department (other than the employee). If a correction is so extensive and new Form I-9 must be completed, the old form(s) and photocopies will be electronically retained and attached to the employee's record in the LawLogix I-9 system.

If an error or omission calls into question an employee's identity and/or authorization to work, immediately report the error or omission to an EEV Specialist.

File the Form I-9 as explained under [How to File a Form I-9](#).

If completion of the necessary corrections does not occur within a reasonable period of time, the department should contact OHR/Staffing to confirm when the employee should be placed in leave status until the Form I-9 is corrected or terminated from employment. See [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#) for more information.

Maintain Form I-9 Files

<u>Form I-9 and E-Verify Compliance: Assignment of Responsibility</u>			
	EPA Faculty, EPA Non-Faculty, EPA Student Employees, and Postdocs	EPA & SPA Direct Hire Temporary Employees and Work Study Student Employees	SPA Permanent Employees
Maintain Forms I-9 Filing, transmitting the Form I-9 to a new home department, and archiving	OHR	OHR	OHR

For EPA Faculty, EPA Non-Faculty, EPA Postdocs, EPA Student Employees, and Direct Hire Temporary Employees, a change in filing procedures took effect April 30, 2007. OHR maintains *original* Forms I-9 completed or updated on or after that date; the home department maintains *original* Forms I-9 completed and last updated prior to that date. Read and refer to the instructions below, the instructions on the [Form I-9](#), and the [Handbook for Employers](#).

A Form I-9 is required to be on file for every employee hired after November 6, 1986. Each department is required to maintain its Form I-9 files consistent with State records retention rules, since State and Federal agencies as well as University Internal Audit can audit Forms I-9 with as little as 72 hours notice.

Three tasks are required to maintain paper Forms I-9. These tasks are shown in the table below.

Task	Timing
File a Form I-9	When a Form I-9 is verified, updated, or corrected
Archive the Form I-9	After termination of employment

How to File a Form I-9

Special filing procedures for Forms I-9 apply based on the type of employee, as follows: **For EPA Faculty, EPA Non-Faculty, EPA Postdocs, EPA Student Employees, and Direct Hire Temporary Employees:**

- Original Forms I-9 (and all related documentation) completed or last updated **before April 30, 2007** must be maintained in the department’s file. The home department is responsible for retaining the original Form I-9 in its records and destroying Forms I-9 when appropriate, per federal retention rules.
- Forms I-9 completed or updated **on or after April 30, 2007 and before May 12, 2010** are maintained in duplicate files. The originals and all related documentation are stored in the OHR/Records & Information Department. The home department is responsible for retaining a legible copy of each Form I-9 and all related documentation in its records and forwarding the original copy to OHR/Staffing in a timely manner.

1. Submit the original Form I-9 (and all related documentation) in a sealed envelope marked confidential to the EEV Specialist, OHR/Employment & Staffing Department, 104 Airport Drive, CB # 1045 for record keeping.
 2. Retain legible photocopies of the Form I-9 and all related documentation in the home department's files.
- Forms I-9 for completed or updated **on or after May 12, 2010** are maintained in the LawLogix I-9 system. The original forms and all supporting documentation are stored in the system.

For Work-Study Student Employees: Scholarships and Student Aid maintains the Form I-9 files completed before May 12, 2010. All Forms I-9 completed or updated after this date are retained in the LawLogix I-9 system.

For SPA Permanent Employees: OHR/ Records & Information maintains the Form I-9 files completed before May 12, 2010. All Forms I-9 completed or updated after this date are retained in the LawLogix I-9 system.

How to Manage Form I-9 Records in the Home Department

A department's approved record retention schedule determines where *copies* of Forms I-9 completed or updated **before** May 12, 2010 are filed. Forms I-9 completed or updated **on or after** May 12, 2010 are maintained in the LawLogix I-9 system. A department wishing to change its retention schedule must obtain prior approval from the University's Records Management Program. The two approved filing locations are:

- File Forms I-9 in a separate file containing only Forms I-9 in alphabetical order (best practice) OR
- File each Form I-9 in the employee's departmental personnel file.

Filing the Form I-9 separate from the personnel file is the recommended method. If a department is currently not employing this method but wishes to, it can modify its practice as long as the department's retention schedule is also modified.

How to Archive the Form I-9 after Termination of Employment

Forms I-9 must be kept on file during employment and after an employee stops working for the University. Forms I-9 (both copies and originals) must be maintained on file available for auditing until *both* the Federal and the State retention periods expire. Federal retention rules require that the Form I-9 and all accompanying documents be kept until three years after the start of employment **or** one year after employment ends, whichever is later. The State of North Carolina requires that the University develop a records retention schedule.

Under the currently approved record retention schedule, the University must maintain Forms I-9 and all accompanying documents on file in accordance with the following regulations:

- I-9s shall be retained until 5 years after termination of employment for EPA and SPA employees *whose I-9 is stored as part of the employee record*, at which point microfiche in office according to state standards.* Create 2 copies of microfiche (1 silver-halide preservation copy and 1 diazo use copy). Transfer silver halide microfiche to University Archives for permanent offsite security backup and diazo copy to OHR/ Records for reference/use copy once microfiche becomes available from vendor. Destroy in office paper records after all quality control procedures for creating and proofing microfiche have been completed. OHR/ Records will transfer the diazo use copy to University Archives 30 years after employee's separation or termination from employment.
- I-9s shall be retained until 3 years after hire or 1 year after termination, whichever is later, for EPA and SPA employees *whose I-9 is stored separately from the employee record*, at which point the I-9s are destroyed in office.

Each department must establish a records retention schedule with help from the University's Records Management Program (919-962-6402, <http://www.lib.unc.edu/mss/uars/recabout.html>) and comply with the retention rules.

Note: It is permissible to write retention-related notes in the margin of the Form I-9. Such notes must be dated and signed or initialed. (See [How to Correct Errors and Omissions](#).) When an employee leaves University employment (or a student employee leaves University employment and ends his or her enrollment), a department representative may note "Employment with department terminated MM/DD/YYYY" in the margin of the Form I-9 to make it easier to identify the appropriate destruction date. Proceed by destroying the Form I-9 and related documents via confidential shredding.

* State of North Carolina standards for Microfiche are available online at <http://www.records.ncdcr.gov/guidelines.htm>.

When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment

<u>Form I-9 and E-Verify Compliance: Assignment of Responsibility</u>			
	EPA Faculty, EPA Non-Faculty, EPA Student Employees, and Postdocs	EPA & SPA Direct Hire Temporary Employees and Work Study Student Employees	SPA Permanent Employees
When eligibility is not verified, place employee in leave status or terminate employment	Employing Department after approval by OHR	Employing Department after approval by OHR	Employing Department after approval by OHR

There are times when an employee’s identity and/or work authorization cannot be verified. When it appears that an employee is not cooperating with the employment eligibility verification process, has failed to complete forms or provide documents by federal deadlines, or is apparently unauthorized to work in the U.S., it is the hiring unit’s or employing department’s responsibility to immediately contact an EEV Specialist and *after obtaining the approval of OHR/Staffing*, have him/her cease all work for the University and terminate employment or place the employee in unpaid leave status*. The employing department is responsible for termination or placement on leave of EPA Faculty, EPA Non-Faculty, EPA Postdocs, EPA Student Employees, Direct Hire Temporary Employees, Work Study Student and SPA Permanent employees.

An employing department must always obtain the approval of OHR/Staffing before placing an employee in leave status, terminating employment, or stopping the hire of an employee if the leave, termination, or halt to hiring is triggered by or connected with the Form I-9 process or E-Verify check. This is required to ensure consistent treatment of all employees and to prevent terminations in error. Deadlines are tight, and circumstances may require action the same day a problem occurs. Notify the EEV Specialist and/or the Senior Director of Employment & Staffing immediately when it becomes apparent an employee has not verified his/her identity or eligibility to work as required.

Procedure

The EEV Specialists in OHR/Staffing are the first point of contact. They collect information on any Form I-9 problem reported within the University just as they do when the Social Security Administration (SSA) or the Department of Homeland Security (DHS) determines that an employee is not authorized to work in the United States, or when an employee fails to cooperate in the process of determining his or her eligibility to work in the United States. The employing department should be prepared to provide the EEV Specialist with details including when the employee was contacted and what attempts were made to garner the employee’s compliance. The role of the EEV Specialists is to gather the facts and present the case to the Staffing Manager and Senior Director of Employment & Staffing. The Senior Director of Employment & Staffing will determine whether errors on the part of UNC-Chapel Hill, SSA, or DHS are involved, consulting with International Student and Scholar Services and the Office of University Counsel and approve termination when appropriate.

* Note: In accordance with Department of Labor rules, employees with H1-B or other H immigration statuses may not be placed on unpaid leave, except for medical or family leave. The option of paid leave may be available to employees who have earned leave. The OHR/Staffing unit will determine if unpaid leave is authorized.
 Employment & Staffing Department, Office of Human Resources
 The University of North Carolina at Chapel Hill
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New hires and work authorization renewals: EEV Unit advises hiring department to take action

In straightforward cases involving employee noncompliance with Form I-9 and E-Verify requirements for new hires or work authorization renewals, the EEV Specialists, the EEV Supervisor, or the Senior Director of Employment & Staffing will advise the hiring department to take appropriate action. To ensure prompt compliance and proper oversight, the EEV Unit will provide concurrent notice to the school or division, the office providing oversight for employee terminations, and any office providing special oversight, as explained in the chart [Notifications when Eligibility Is Not Verified](#) on the next page.

All other cases: The appropriate office works with Hiring Department and EEV unit to resolve problem

In all other cases, if OHR/Staffing determines that placement in leave status or termination of employment is required, the EEV Supervisor, or the Senior Director of Employment & Staffing will present the case to the office providing oversight for terminations, with the same concurrent notifications as explained in the chart [Notifications when Eligibility Is Not Verified](#).

It is the policy of the University to take action by requiring that the employee be placed on leave or terminated within three business days of the date that OHR/Staffing determines that noncompliance with EEV procedures or absence of documentation of identity or current work authorization requires such action.

For all SPA hires, the EEV Unit, Senior Director of Employment & Staffing or OHR/ Employee & Management Relations Consultant will advise the hiring department to take appropriate action and follow up with the department within three business days to ensure that the employee has received the proper notifications and has been placed in leave status or terminated from employment. OHR/Benefits & Employee Services will be prepared to help the employee understand and exercise his or her options concerning continuation or termination of any employment-related benefits.

For EPA students, Work Study students and all other cases, the procedure will be similar, except that the appropriate office will advise and consult with the hiring supervisor to determine how to proceed. For those employees including graduate student employees with employment-related benefits, the appropriate benefits oversight office will provide counsel. Because an undergraduate student employee may not readily understand the implications of an EEV issue, the Dean of Students will be notified to provide any additional counsel to the student employee.

Other University offices with limited roles in detecting and resolving EEV problems

Payroll Services sometimes encounters a problem with a non-resident alien's tax status that suggests an expired or invalid work authorization. When this occurs, Payroll Services will notify the EEV Specialists who notify the employee and his/her department.

International Student and Scholar Services (ISSS) helps departments and employees anticipate visa and work authorization expirations and helps apply for renewal of employer sponsored immigration statuses. When ISSS encounters a problem that suggests an expiring or invalid work authorization, it will notify an EEV Specialist.

Figure 6: Notifications when Eligibility Is Not Verified*

Employee Type		Employing Department(s) and School or Division	Termination Oversight	Benefits Oversight	Special Oversight
SPA	Permanent or Time Limited	Department	OHR/Staffing	OHR/Benefits	—
SPA	Direct Hire Temp (not UNC-Chapel Hill student)	All Departments with this active employee	OHR/Staffing	—	—
EPA	Undergraduate Student Employee (EPA Rank Code 26)	All Departments with this active employee and the School(s) or Division(s)	EPA Non-Faculty HR	—	Dean of Students
EPA	Student Temp (enrolled UNC-CH undergraduate)	All Departments with this active employee	OHR/Staffing	—	Dean of Students
EPA	Work-Study Student Employee	All Departments with this active employee	OHR/Staffing	—	Dean of Students
EPA	Graduate Student employee (Rank Codes 20–25)	All Departments with this active employee and the School(s) or Division(s)	EPA Non-Faculty HR	Student's Primary Department	—
EPA	Student Temp (enrolled UNC-CH graduate student)	All Departments with this active employee	OHR/Staffing	—	—
EPA	Post Doc	All Departments with this active employee and the School(s) or Division(s)	Office of Postdoctoral Affairs	Office of Postdoctoral Affairs	Academic Personnel
EPA	Non-Faculty (non-student, non-Post Doc)	Department(s) and the School(s) or Division(s)	EPA Non-Faculty HR	OHR/Benefits	—
EPA	Faculty	Department(s) and the School(s) / Division(s)	Academic Personnel – Office of the Provost	OHR/Benefits	—
—	Independent Contractor	Not handled by EEV Unit. If you have reason to believe a University Independent Contractor is not authorized to work in the United States, contact Disbursement Services at 919-962-0213 immediately.			

* At any point in the process of investigating and resolving an EEV problem, the EEV Unit or the Senior Director of Employment & Staffing may consult with any University office, and in particular may call on the following for help, information, or counsel: Academic Personnel, Dean of Students office, International Student and Scholar Services, Office of Postdoctoral Affairs, Payroll Services, Scholarships & Student Aid, University Counsel, and any of several OHR departments including Application Support, Benefits Program Administration, EPA Non-Faculty HR, Employee & Management Relations, and Policy Administrator.

Special Topics:***When a Form I-9 is Not Required***

The University expects that a new Form I-9 and E-Verify check will be completed for every new employee, including employees who will be paid via one-time payment as the section [Complete the Form I-9 and Submit Form I-9 Information to OHR](#) explains. However, under limited circumstances, as noted below, completing a Form I-9 is not required.

Independent Contractors

No Form I-9 should be on file for an independent contractor. Do not complete a Form I-9 or an EEV check for an independent contractor. Contractors are not paid through payroll and are not employees.

Dual Employees

Do not complete a Form I-9 for someone who is paid by another state agency instead of the University. Employees of other state agencies paid through the other agency's payroll complete a Form I-9 and EEV check, if required, at their home agency.

Employees of University Contractors

Do not complete a Form I-9 for someone who is not paid by the University. Contractors' employees complete a Form I-9 and an EEV check, if required, with their employer.

SPA Additional Employment

Do not complete a new Form I-9 or an EEV check in cases of SPA additional employment. Additional Employment assigns an existing employee additional temporary duties. A Form I-9 should already be on file if the employee was hired after November 6, 1986, and an EEV check, if required, should already have been performed if the employee began work on or after January 1, 2007.

Zero-Salary Adjunct Faculty and Non-Salaried Fixed Term Appointments

Do not complete a Form I-9 for an unpaid faculty member for whom you do not intend to pay. Zero-salary adjunct faculty, non-salaried fixed term appointments, and volunteers who are not paid for their work are not paid employees. If they are hired to do work for pay, or receive pay, then a Form I-9 and EEV check are required *at the time they begin work for pay*.

Unpaid Volunteers and Interns

Do not complete a Form I-9 for an unpaid volunteer or intern. Volunteers and interns who are not paid for their work are not paid employees. If they are hired to do work for pay, or receive pay, then they are considered employees and a Form I-9 and EEV check are required *at the time they begin work for pay*.

Special Topics:***Existing Employment and Continuing Student Employment***

Existing employees being hired for a second job or transferred without any break in service and continuing student employees being rehired after a break in service of less than 12 months, must have a valid Form I-9 on file and, if they first worked for pay on or after January 1, 2007, they must have had an E-Verify EEV check. Therefore, they should not be required to complete a *new Form I-9* and EEV check.

A Form I-9 is *valid* if it was completed correctly, if there has been no break in service* since it was completed, and if work authorization has not expired. A valid Form I-9 must be on file for every employee hired after November 6, 1986.

In cases discussed below where a new Form I-9 is not required for a new employee, the hiring unit must have a valid Form I-9 on file for the employee no later than the day they start work. This means that if another department has the Form I-9 on file, a copy *must* be obtained *on or before* the employee's start date.

How to Check for Existing Employment and Continuing Student Employment

1. Ask each new hire or new appointee within your department if he/she is:

- currently an employee on the UNC-Chapel Hill payroll,
- a continuing student who has had a break in service of less than 12 months.

If not, then [Complete the Form I-9 and Submit Form I-9 Information to OHR](#) and disregard the rest of this section.

2. If he or she claims to be one of the above, *verify* his or her status as described below:

- a. **Verify employment in an SPA permanent position** by contacting OHR/ Records (919-962-2894) or checking the employee's status in HRIS. If HRIS shows the employee in active permanent employment or leave status, and if he/she will continue without any break in service until the date the new employment begins or is scheduled to begin, existing employment is verified. Refer to [SPA Additional Employment policy](#).
- b. **Verify employment in an EPA Faculty, EPA Non-Faculty, EPA Postdoc, EPA Student, or Direct Hire Temporary position** with the department in which the employee claims a preexisting appointment. If EPA web shows an active appointment or leave from an active appointment that will continue without any break in service until the date the new employment begins or is scheduled to begin, existing employment is verified.
- c. **Verify that the new employee is a UNC-Chapel Hill student who was enrolled in the University during the twelve months prior to the date his or her new employment begins, worked for the University in any capacity during that time** with the department in which he/she claims to have worked (or with Scholarships and Student Aid if employment was through Work-Study) and received pay. If continuing enrollment[†] is verified and the student employee was employed by the University within twelve months prior to the date his or her new employment begins, continuing student employment is verified.

3. **When a student employee is hired into a permanent position, a new Form I-9 and EEV check is always required** even if existing employment or continuing student employment is verified. If the new employment is in a permanent SPA position or a regular EPA faculty or non-faculty appointment, and the present or previous

* Continuing students are not considered to have had a break in service if they have been employed by the University within the previous twelve months prior to the date new employment begins.

† Continuing enrollment: the student must have been enrolled at UNC-Chapel Hill at all times, or on a normal student break (i.e. fall, spring or summer break) following enrollment at UNC-Chapel Hill, or enrolled in a study away program in-between otherwise continuous periods of study at UNC-CH.

employment is in a student, or zero-salary adjunct faculty position or appointment, [Complete the Form I-9 and Submit I-9 Information to OHR](#) and disregard the rest of this section.

4. One of the following rules will apply and dictate the action to be taken:

Stop

a. If you verify existing employment or continuing student employment and confirm **the employee has already completed a valid Form I-9 and it is in the hiring unit's files or LawLogix I-9 system**, do *not* complete a new Form I-9 or submit an E-Verify EEV check.

Confirm that a valid I-9 is on file
Update I-9

b. If you verify existing employment or continuing student employment **and you think a valid Form I-9 for the employee is on file in another office of the University**, contact that office before the date employment begins, confirm that it holds a current Form I-9 for the employee or a Form exists in the LawLogix I-9 system. If you confirm that a copy of the Form I-9 exists and it is valid, do not complete a new Form I-9 or submit an E-Verify EEV check.

c. If you verify existing employment or continuing student employment **and you encounter an already completed Form I-9 on file for the employee, valid except that the employee's work authorization has expired**, do not complete a new Form I-9 or submit an EEV check. Instead, follow the instructions on [How to Renew a Form I-9 Work Authorization](#).

Correct I-9

d. If you verify existing employment or continuing student employment **and you encounter an already completed Form I-9 on file for the employee, and that Form I-9 requires corrections**, do *not* complete a new Form I-9 or submit an EEV check. See the instructions on [How to Correct Errors and Omissions](#).

Replace I-9

e. If you are able to verify existing employment or continuing student employment **but cannot determine that a valid Form I-9 is on file by the date employment begins**, follow the instructions which explain [How to Replace Missing Forms I-9](#).

New Form I-9 & EEV

f. **If it is not possible to verify existing employment or continuing student employment**, the employee must complete Section One of a new Form I-9, the department must complete and verify Section Two, and in general proceed to [Complete the Form I-9 and Submit Form I-9 Information to OHR](#) under the assumption that this is a new hire. (Note: If an old Form I-9 is located after a new Form I-9 is completed, both must be retained.)

Special Topics:***Employees Paid With One-Time Payments***

Any employee paid with one-time payments must have a current Form I-9* on file. Additionally, if he/she first worked for pay on or after January 1, 2007, an E-Verify EEV check must also be completed. To determine whether a new Form I-9 and EEV check is required, ask the individual not already directly employed by your department who will be receiving a lump sum payment from your department two questions:

1. Is he/she already employed by the University in an EPA or SPA position and receives either regular or intermittent payments from any department of the University?
2. Does he/she hold a non-salaried EPA appointment?

If he/she answers 'yes' to question #1, then a new Form I-9 is not required. However, if he/she answers 'yes' to question #2, then a Form I-9 *is* required. Follow the instructions for [Steps to Complete and Verify a Form I-9](#).

* Exception: Anyone who has been employed since November 6, 1986 without a break in service (of more than 12 months) does not need to complete a Form I-9 or be submitted for an E-Verify EEV check. So, for example, a zero-salary adjunct faculty member who has held an adjunct appointment since the summer of 1986 and who has been paid a lump sum to teach a class every fall semester since then would not need to complete a Form I-9 and would not be submitted for an EEV check.

Special Topics:***Payroll-related Procedures for Nine-Month Faculty
and Certain Student Employees***

For any employee who has a payroll effective date prior to actually reporting to work, such as nine-month faculty and certain EPA student employees, special procedures apply:

- The “date employment began” on the Form I-9 may be determined by the Hiring Department and the employee but must occur on or after the individual’s initial payroll effective date. For example, for nine-month faculty, this could be any date between the payroll effective date and the start of classes.
- The employee must report to work or begin work on the “date employment began.” If the date the employee will actually report to work changes, the department must immediately correct the date employment began on the Form I-9 as explained in [How to Correct Errors and Omissions](#). The employee must be available to respond to Form I-9 and E-Verify related requests during the period of time immediately following the date employment begins. If the employee will be out of town, the department must make arrangements for *direct contact and overnight delivery of documents* if the employment eligibility verification process requires contacting the employee. See the section on [Remote Hires](#) for more information.
- No employee should be permitted or told to have payroll direct deposit sign-up forms processed with Payroll until the Form I-9 is completed and verified (Section One and Section Two).
- Any initial paycheck generated by Payroll Services for the *employees based on his/her advance payroll effective date* must be held by the hiring unit until the Form I-9 is completed and verified (Section One and Section Two).

It is the University’s policy not to release the first paycheck until Section One and Section Two of the Form I-9 are completed and verified.

Note: On March 6, 2008, Payroll Services released two new Direct Deposit forms:

- Form PR-8A - For Faculty, Postdocs and EPA student employees only (EPA rank codes 01-05 and 20-28). This form requires that a department representative indicate that the Form I-9 has been completed and certified.
- Form PR-8B - For SPA and EPA Non-faculty employees only.

Both forms are available on the web at <http://finance.unc.edu/finance-division/finance-forms/payroll-forms.html>. If you have questions about either form, please contact Payroll Services at 962-0046.

Special Topics:**Obtaining Social Security Numbers**

The Form I-9 can be completed for a new hire that does not have a Social Security Number (SSN), as long as he/she supplies a valid work authorization document (from list “A” or list “C”).

However, all new hires must apply for an SSN for tax, Social Security Administration (SSA), and E-Verify purposes. The employee must apply for an SSN as soon as possible, and provide it to the University within 90 days of the date employment begins.

When a New Hire Does Not Have an SSN

1. In order to complete the Form I-9, check the box on the OneMinute I-9, “Employee Doesn’t Have Social Security No.”
2. The E-Verify check cannot be completed until the SSN is received. The employee is given 90 days from the hire date to provide a Social Security Number. You are able to track the number of days remaining until the employee must provide a SSN on the Dashboard of the LawLogix I-9 system.

When a New Hire Obtains a SSN, Correct the Form I-9 and Re-submit the Form I-9 Information to OHR

1. When the employee provides his/her SSN, the employee only must update Section One. Have the employee fill in the SSN in Section One and electronically sign the Form again, as explained in [How to Correct Errors and Omissions](#).
2. Follow the [steps to submit Form I-9 information for each new hire](#).
3. When the SSN is received:
 - Repeat the [steps to submit Form I-9 information for each new hire](#) with the SSN.

Note: The E-Verify EEV check will not occur until the SSN is received.

Other Information on SSNs

- Sometimes it can take months for SSA to assign a new SSN. If the employee has requested a SSN, and provides it to the University as soon as it is received, both we and the employee will have complied with the rules.
- Based on advice from the Social Security Administration, a newly-arrived foreign national/non-resident alien should actually wait 10 days to apply for a SSN. If the request is made before paperwork has had time to be processed at the port of entry, SSA will refer the case to DHS prematurely, which will result in a longer wait for a SSN. If the employee is a student or scholar sponsored by the University, he or she may be advised by ISSS to report to ISSS to meet with an SSA representative to complete an application a few days after the start of the term.
- An employee who does not yet have an SSN is given a **90-day time limit** to obtain one.
- The employee must provide the University with his/her Social Security Number as soon as it is assigned. He/she does not need to show us the Social Security Card when it arrives. If he/she does show the card to us, we should not attach a photocopy of it to the Form I-9, because he/she will have already provided sufficient documents to complete the Form I-9.
- Completely separate from the Form I-9/E-Verify process, a dummy SSN allows Payroll to process an employee who has yet to receive an SSN.
- Note that an Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service is not a Social Security Number, even though it has the same number of digits. A 9-digit

ITIN always begins with the number 9 and has a 7 or 8 in the fourth digit, for example 9XX-8X-XXXX. It does not provide authorization to work in the United States. Employees should not write an ITIN on the Form I-9; it is absolutely useless for Form I-9 purposes. An employee with an ITIN but no SSN must obtain an SSN.

Special Topics:***Non-Resident Aliens***

A non-resident alien must satisfy Federal work authorization and visa requirements in order to work or study in the United States.

International Student and Scholar Services (ISSS) is available to help departments and foreign students, scholars, and employees with work authorization and visa requirements when the work authorization and/or visa has been sponsored by the University. This includes immigration statuses F-1, J-1, H-1B, O-1, and TN, and employees whose permanent residence application has been sponsored by a department. ISSS cannot, however, assist employees with immigration statuses not sponsored by the University. For example, individuals with asylum or refugee status, applicants for adjustment of status not sponsored by the University, and individuals in temporary protected status must work directly with the Department of Homeland Security to obtain or renew work authorization documents.

Departments employing or seeking to employ a non-resident alien in an immigration status sponsored by the University should do the following:

- Contact ISSS *as early as possible in the hiring process* to ensure that the individual will be allowed to travel here and work as planned.
- Instruct every non-resident alien employee, student, or visiting scholar whose immigration status is sponsored by the University to check in with ISSS *immediately upon his or her arrival in the United States*.
- Instruct every non-resident alien employee to report to ISSS as soon as possible (on or after his or her first day of work and no later than the end of his or her first payroll cycle at the University) to supply information required for proper tax withholding.
- Complete the [*International Student and Scholar Services Monthly Scholar Update*](#) every month.
- Contact ISSS *four to six months in advance of the expiration of a work authorization* to extend authorization to work.

ISSS can be reached at 919-962-5661 or at oisss@unc.edu. For more information see: <http://global.unc.edu/iss>.

The documents that may be offered by a non-resident alien to prove identity and eligibility to work in the United States are discussed in the section explaining how to complete and certify [*Section Two*](#) of the Form I-9.

Because certain documents that may be presented by non-resident aliens are especially complex, the procedures for certifying Forms I-9 when these documents are presented are discussed in detail in the next two sections, [*Non-Resident Alien Student Employees in F-1 Status*](#) and [*How to Verify a Pending I-129 Petition for a Nonimmigrant Worker*](#).

Special Topics:***Non-Resident Alien Student Employees in F-1 Status***

If a foreign passport with a Form I-94 Arrival/Departure Record is supplied as an “A” List document for Section Two of the Form I-9, and the classification on the Form I-94 is F-1, an additional work authorization document is *always* required. In most cases, the additional document is an I-20 A-B form.

I-20 A-B Forms are created in a three-step process. First, the student’s institution submits information online to the Department of Homeland Security’s Student and Exchange Visitor Information System (SEVIS). Second, U.S. Immigration and Customs Enforcement (ICE), a DHS agency validates and approves or disapproves the submission overnight. Third, the student’s institution logs on to SEVIS and prints out the I-20, keeps a copy, and provides the original to the student. International Student and Scholar Services at UNC-Chapel Hill submits I-20 information for all UNC-Chapel Hill students and distributes the I-20 forms to the students. See [Non-Resident Aliens](#) for more information.

There are three cases you may encounter, depending on whether the employee presents:

1. an I-20 issued by UNC-Chapel Hill* *for study at UNC-Chapel Hill*, which permits employment on the UNC-Chapel Hill campus only,
2. an I-20 endorsed by either UNC-Chapel Hill or another educational institution* for *Curricular Practical Training (CPT)*, or
3. an I-20 endorsed by either UNC-Chapel Hill or another educational institution* for *Optional Practical Training (OPT)*. (In this case, the I-20 must be presented with a DHS Employment Authorization Card (Form I-766) with category C003i, C003A, C003B, or C003C.)

If the student employee presents an I-20 form, examine it to determine which of the three cases applies, then follow the appropriate set of instructions below in addition to the general instructions for completing a new Form I-9 and EEV check or for updating a Form I-9. †

Consult with an EEV Specialist at 919-962-0985 or eevquestions@listserv.unc.edu if you have questions.

1. When the I-20 is issued by UNC-Chapel Hill and page 3 of the I-20 at “Student Employment Authorization” does *not* indicate Curricular Practical Training (CPT) at UNC-Chapel Hill or Optional Practical Training (OPT) for all or part of the anticipated period of employment:

- a. Employment is authorized for on-campus employment up to 20 hours per week while school is in session and full time during summer and other vacation periods for students who intend to register for the subsequent academic term.
- b. When the employee completes Section One of the Form I-9
 - i. The work authorization expiration date is under Item 5 on page 1 of the I-20. This section reads in part,

“The student is expected to report to the school no later than _____ and complete studies not later than _____. The normal length of study is _____ months.”

Authorization may begin no more than 30 days before the “report no later than” date.

Authorization ends on the “complete studies not later than date,” when full-time enrollment

* The issuing or endorsing institution is found on the I-20 in item 2 under “School Name.”

† These instructions are detailed because employment authorizations for on-campus employment, CPT, and OPT carry different restrictions. In each case, Form I-9 sections One, Two, and Three must be completed differently. The procedure for determining the document expiration dates and the work authorization expiration date also differs.

ends, or when the student graduates, whichever is earlier. Exceptions exist (1) for full-time enrollment based on medical conditions or hours needed to complete the course of study in the student's final semester and (2) for students transferring into or out of UNC-Chapel Hill from or to another U.S. school. Contact International Scholar and Student Services (ISSS) at 919-962-5661 or at oiyss@unc.edu if a student in one of these exceptional situations is employed.

- c. **When Section Two of the Form I-9 is completed and the Form I-9 is verified**
 - i. Three documents are accepted and photocopied—the passport, the Form I-94 form, and pages 1 and 3 of the I-20 form.
 - ii. Enter the passport and Form I-94 information in column A.
 - iii. Enter the I-20 information in column C. The I-20 document expiration date in this case is the “complete studies no later than date” from Item 5 on page 1.
 - d. **If the work authorization must be updated in Section Three of the Form I-9**
 - i. Enter the I-20 information in item C. The I-20 document expiration date in this case is the “complete studies not later than date” from Item 5 on page 1.
 - ii. One document is accepted and photocopied—pages 1 and 3 of the I-20 form.
2. **If page 3 of the I-20 at “Student Employment Authorization” indicates Curricular Practical Training (CPT) at UNC-Chapel Hill:**
- a. **When the employee completes Section One of the Form I-9**
 - i. The work authorization beginning and ending dates for CPT appear at the top of page 3 of the I-20 form under “Student Employment Authorization.”
 - b. **When Section Two of the Form I-9 is completed and the Form I-9 is verified**
 - i. Three documents are accepted and photocopied—the passport, the Form I-94 form, and the I-20 form (pages 1 and 3).
 - ii. Enter the passport and Form I-94 information in column A.
 - iii. Enter the I-20 information in column C. The I-20 document expiration date in this case is the “complete studies not later than date” from Item 5 on page 1. Note that this will usually not be the same as the work authorization expiration date.
 - iv. Page 1 of the I-20 at Item 5 indicates the field in which the individual is allowed to work.
 - v. Page 3 of the I-20 must be endorsed for specific employment at UNC-Chapel Hill.
 - vi. Page 3 of the I-20 reflects whether full- or part-time employment is permitted.
 - c. **If the work authorization must be updated in Section Three of the Form I-9**
 - i. One document is accepted and photocopied—the I-20 form (pages 1 and 3).
 - ii. Enter the I-20 information in item C. The I-20 document expiration date in this case is the “complete studies not later than date” from Item 5 on page 1.
 - iii. Note that the I-20 document expiration date will usually not be the same as the work authorization expiration date. The work authorization beginning and ending dates for CPT appear at the top of page 3 of the I-20 form under “Student Employment Authorization.” Note the work authorization expiration date in the margin with an explanation, for example: “CPT authorization expires MM/DD/YYYY.”
3. **If page 3 of the I-20 at “Student Employment Authorization” indicates Optional Practical Training (OPT) OR a DHS Employment Authorization Card (Form I-766, also called an EAD) with category C003i, C003A, C003B, or C003C is presented:**
- a. **When the employee completes Section One of the Form I-9**

- i. The work authorization beginning and ending dates for OPT appear on a DHS Employment Authorization Card (Form I-766, also called an EAD) with category C003i, C003A, C003B, or C003C. (The work authorization beginning and ending dates which appear on the back of the I-20 form should be ignored. The dates that appear there are the dates recommended by the student's institution, not the dates approved by DHS.
 - ii. However, the dates on the EAD may have been extended. New rules in effect since April 2008 permit extensions of OPT work authorizations for a total of 29 months for employees with certain degrees in Science, Technology, Engineering, and Math (STEM) under certain circumstances. If an expired Employment Authorization Card with one of the above categories is presented, ask the employee to wait while you contact an EEV Specialist at 919-962-0985 for guidance. The EEV Specialist will determine the current rule for Form I-9 completion for OPT STEM extensions and then direct you to follow that rule and either accept the Employment Authorization Card (with an extended expiration date) or reject the Employment Authorization Card (as expired).
- b. When Section Two of the Form I-9 is completed and the Form I-9 is verified**
- i. Two documents are accepted and photocopied— the Employment Authorization Card and the I-20 form (pages 1 and 3).
 - ii. Enter the EAD information in column A. The document expiration date for the Employment Authorization Card is the end date on the card unless the card's expiration date has been extended. In case of an extension, the EEV Specialist will help you determine the expiration date.
 - iii. Enter the I-20 information in item C. If the student has completed his/her studies, the EAD expiration date should be indicated as the I-20 "document expiration date," because the issuance of the EAD has extended the I-20 expiration date. If the student has not completed his/her studies, the I-20 "document expiration date" is the date on page 1 at #5.
 - iv. Page 1 of the I-20 at Item 5 indicates the field in which the individual is allowed to work.
 - v. Page 3 of the I-20 reflects whether full- or part-time employment is permitted.
- c. If the work authorization must be updated in Section Three of the Form I-9**
- i. Two documents are accepted and photocopied— the Employment Authorization Document and the I-20 form (pages 1 and 3)
 - ii. Enter both the EAD information and the I-20 information in item C of Section Three.
 - The document expiration date for the Employment Authorization Card is the end date on the card unless the card's expiration date has been extended. In case of an extension, an EEV Specialist will help you determine the expiration date.
 - The document expiration date for the I-20 is determined as follows. If the student has completed his/her studies, the EAD expiration date should be indicated as the I-20 "document expiration date." If the student has not completed his/her studies, the I-20 "document expiration date" is the date on page 1 at #5.
 - iii. If the two document expiration dates disagree, or if this an extension, consult with an EEV Specialist. A marginal note may be required to explain the discrepancy or the extension.
 - iv. In all cases the work authorization expires on the EAD expiration date, regardless of the I-20 document.

Special Topics:***How to Verify a Pending I-129 Petition (H1-B) for a Nonimmigrant Worker***

In two relatively rare circumstances, the University is permitted to employ a nonimmigrant alien for whom it has requested a change in the expiration date of immigration status and work authorization and/or change of employer but for whom it has *not* yet received formal approval. * This occurs in the following instances:

- When the University requests an extension of the expiration date for a previously-granted University-sponsored immigration status before the status expires and
- When the University requests approval to hire an individual working in H1-B status for another employer. This may involve changing the H1-B expiration date, extending or shortening it.

Either change is requested using DHS Form I-129, "Petition for a Nonimmigrant Worker." The changes in expiration date and/or employer are automatic and temporary while the petition is being adjudicated, so long as the petition was properly filed and the employee has complied and continues to comply with immigration rules and Department of Labor rules, including EEV procedures. The employee in these cases always holds a previous work authorization (which may have already expired or be due to expire) and is never a full-time student.

International Student and Scholar Services (ISSS) files all the I-129 petitions for the University. Formal approval of an I-129 petition consists of a DHS I-797 Approval Notice. When ISSS receives an Approval Notice, it provides the notice to the employee, so the employee can present it as evidence of work authorization for the Form I-9. The standard instructions in this manual for completing the Form I-9 explain how to verify and record an Approval Notice.

When formal approval has not yet been received in one of the two situations discussed here, ISSS issues an [*ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker*](#)[†] to the employee, which the employee may present as temporary evidence of work authorization. The instructions below explain how to determine whether an *ISSS Notice of Pending I-129 Petition* authorizes the employee to work at the University and, if so, how to determine the expiration date and any restrictions which apply.

These instructions are necessarily complex. Please contact an EEV Specialist for help at 919-962-0985 the first time you encounter an employee who presents an *ISSS Notice of Pending I-129 Petition*.

Summary of instructions:

If all the following statements are true, accept an *ISSS Notice of Pending I-129 Petition* as temporary evidence of work authorization:

- The *ISSS Notice* and its attached documents must appear to be valid, genuine, and to relate to the person presenting them.
- All of the documents the *ISSS Notice* states must be attached.
- For a new hire, the *ISSS Notice* and attached documents must permit employment at the University on the first day the employee works (or is scheduled to work) for the University.

* This is an exception to the rule that a receipt for renewal of an expired work authorization document is not acceptable.

† ISSS also issues another form letter, titled *Portability of H-1B Status*, to inform employees hired under the H-1B portability rule of certain requirements. You may encounter these form letters attached to older Forms I-9 as part of the documentation. The *ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker* replaces the *Portability of H-1B Status* form letter for Form I-9 purposes.

- For continued University employment of an existing employee, the *ISSS Notice* and attached documents must permit employment at the University beginning on the calendar day following the date the employee's current work authorization ends, so that authorization is continuous.

If the above statements are true, the beginning and end dates of the temporary work authorization depend on the employment dates requested in the petition and the description which applies to this case:

- If the *ISSS Notice* specifies H-1B Portability (with or without extension of status) employment is permitted during the "Employment dates requested in petition to USCIS" on the *ISSS Notice*. Employment may not begin before the first date or continue after the second.
- If the *ISSS Notice* does not specify H-1B Portability, employment may continue **until the earlier of:**
 - (1) the second date listed under "Employment dates requested in petition to USCIS" or
 - (2) 240 days after the first date listed under "Employment dates requested in petition to USCIS."
- In either situation, employment authorization will cease immediately if notice is received that the petition is denied.
- In either situation, when ISSS receives an Approval Notice, it will provide it to the employee, who must present it or some other form of official work authorization to update the Form I-9.

Step-by-step detailed instructions are provided below.

Detailed instructions:

To determine if an *ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker* authorizes an individual to work at the University, follow these steps:

1. Determine if the documents accepted include one of the following.

- DHS Form I-797 receipt notice specifying:

Case Type:	I-129 Petition for a Nonimmigrant Worker	
Petitioner:	University of North Carolina at Chapel Hill	OR
- *ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker*

If either of these documents was accepted, proceed to step 2 below.

If the employee presented a different work authorization document, then these instructions do not apply. You should finish certifying the Form I-9 following the instructions for [Section Two](#) (for a new hire) or the instructions on [How to Renew a Form I-9 Work Authorization](#), whichever is appropriate.

2. Determine if all required documents are present.

If the employee presents an I-797 receipt notice without an *ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker*; inform the employee that the *ISSS Notice* is needed to complete the Form I-9 with the I-797 receipt notice.

If the employee presents an *ISSS Notice of Pending I-129 Petition* but one or more of the documents indicated under "Proof ... of timely filing" are missing or incomplete, inform the employee that the documents indicated are needed to complete the Form I-9 with the *ISSS Notice*.

The employee will need to obtain the missing notice or documents from ISSS, or obtain other work authorization, and return to the hiring unit and re-present his or her documents in person in order for you to certify the Form I-9. If the employee is a new hire, documents (including the *ISSS Notice* if required) must be presented within three business days of employment; if this is a work authorization

renewal, documents (including the *ISSS Notice* if required) must be presented by the expiration date of the previous work authorization. If the deadlines are not met, follow the instructions in the section [When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment](#).

3. **Determine if the *ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker* is valid.**

Answer the following questions to determine if the notice seems valid and the basic information is consistent with other documents, information on the Form I-9, and the position the employee is filling.

(If you answer “no” to any questions, stop and contact an EEV Specialist at 919-962-0985.)

- **Are all the blanks on the form completed?**
- **Is one of the “Proof” options checked?**
- **Is at least one of the “Description” options checked?**
- **Is it signed and dated?**
- **Is it on UNC-Chapel Hill International Student and Scholar Services letterhead?**
- **Is the name on the *ISSS Notice* and the attached documents correct?**
That is, does the name on the notice agree with the name in Section One of the Form I-9 and the name on all other documents accepted for the Form I-9 or attached to the notice?
- **Is the Form I-94 on the *ISSS Notice* and the attached documents correct?**
That is, if a Form I-94 Arrival / Departure Number appears anywhere else on the Form I-9 (in Section One or Section Two), or on any other documents accepted for the Form I-9 or attached to the notice, is it in every case the same number as the number on the notice?

4. **Determine if the documents attached to the *ISSS Notice* are valid.**

(If they appear not to be, contact an EEV Specialist at 919-962-0985 before proceeding.)

- **Copy of I-797 Receipt Notice**
 - Case Type: Must be “I-129 Petition for a Nonimmigrant Worker”
 - Petitioner: Must be University of North Carolina at Chapel Hill
 - Beneficiary: Must be Employee
 - Notice type: Must be “Receipt Notice”
 - Received date: Must be reasonable—in the previous six months.
 - Stamp: Must be stamped as received by ISSS at UNC-Chapel Hill.
- **Copy of Express mail electronic receipt**
 - Must specify delivery to a DHS office
 - Must clearly specify the date of delivery (not expected delivery)
- **Copy of Previous I-797 Approval Notice**
 - Case Type: Must be “I-129 Petition for a Nonimmigrant Worker”
 - Petitioner: If *ISSS Notice* indicates H-1B Portability, any employer.
If *ISSS Notice* does not indicate H-1B Portability, must be University of North Carolina at Chapel Hill.
 - Beneficiary: Must be Employee
 - Notice type: Must be “Approval Notice”
 - Valid from: Note: “to” date is date previous work authorization expires.
 - Stamp: If petitioner is University of North Carolina at Chapel Hill, must be stamped as received by ISSS at UNC-Chapel Hill.

- Copy of pages 1-4 of **Form I-129, *Petition for a Nonimmigrant Worker***, as submitted
 - Page 1, Part 1, Item 1: Must be Employee.
 - Page 2, Part 3, Item 2: If any of this information appears on other documents presented for the Form I-9, the information should agree, or a reasonable explanation of the discrepancy is required. (E.g., a more recently issued copy of a document may have been presented for the Form I-9.)
 - Page 3, Part 5: Consistent with the employee’s job at the University.
 - Page 3, Part 5, Item 8: Dates of intended employment must match *ISSS Notice*.
 - Page 4, Part 6: Must be signed and dated.
5. **Treat the *ISSS Notice of Pending I-129 Petition* and its attachments as a List “C” document.** If the *ISSS Notice* and its attached documents appear to be valid, genuine, and to relate to the person presenting it, it may serve as temporary evidence of authorization to work at the University. When presented by a new hire, it must be presented together with a List “A” or List “B” document proving identity to meet the requirements of Section Two of the Form I-9. When used by an existing employee to renew the work authorization on a previously completed and certified Form I-9, no List “A” or List “B” document proving identity is required.*
6. **If this is not a new hire**, that is, if the employee is an existing employee or a continuing student employee, **determine the date the previous work authorization expires.** This date may be found:
- On the current Form I-9 and its attached documents.
 - On an expired or expiring I-797 Approval notice, if one is attached to the Form I-9 or to the *ISSS Notice*. Check the “Valid from MM/DD/YYYY to MM/DD/YYYY” information on the right of the form near the top, under the words “Notice Type: Approval Notice” and the class (immigration status) The “valid to” date is the previous work authorization expiration date.
7. **Complete or update the Form I-9** using the temporary work authorization information, and take proper steps to ensure that the employee presents replacement work authorization in a timely manner. The procedure required is different for new hires and for continuing employees.

If the *ISSS Notice* specifies H-1B Portability, take these steps, which are required for a new hire:

- Note that employment is temporarily authorized during the “Employment dates requested” from the *ISSS Notice*.
- Record the information from the List “A” or List “B” document as usual in Section Two.
- Instead of completing Column “C” of Section Two, write the following note in the white space below items B and C in Section Two of the Form I-9, using the “Employment dates requested” from the *ISSS Notice*:
 “H-1B portability applies. Employment Authorized ____ until ____.”
- Attach a photocopy of the *ISSS Notice* and its attached documents and of the List “A” or List “B” document to the Form I-9.
- Continue to [Complete the Form I-9 and Submit Form I-9 Information to OHR](#).

* Note that the documents attached to the *ISSS Notice* are all photocopies. Normally, photocopies are not accepted for the Form I-9. We accept them in pending petition cases because in these cases employment is authorized but no official document authorizing employment is issued. The *ISSS Notice* itself must be an original signed document, not a photocopy.

- Follow steps 3 and 4 under [How to Enforce the Form I-9 Receipt Rule](#) to insure that the *ISSS Notice* is replaced by a work authorization document before temporary work authorization ends.

If the *ISSS Notice* does not specify H-1B Portability, take these steps:

- Determine the end date for the automatic extension of work authorization. It is the earlier of
 - the second date listed under “Employment dates requested in petition to USCIS” or
 - 240 days after the first date listed under *ISSS Notice*’s “Employment dates requested”
- Instead of recording document information in Section Three, write the following note below the most recent work authorization on the employee’s existing Form I-9:
“I-129 petition for extension pending Employment Authorization extended until _____.”
- Sign and date this note.
- Attach a photocopy of the *ISSS Notice* and its attached documents to the Form I-9.
- Restart the instructions under [How to Renew a Form I-9 Work Authorization](#). Remind the employee he or she must present a work authorization document before temporary work authorization ends.

Note: The relevant federal regulation governing extensions is the 240-day Automatic Extension Rule of 8 CFR § 274a.12(b)20. The law governing H-1B Portability Rule is USC 1184(n).

Figure 7: ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker

ISSS Notice of Pending I-129 Petition for a Nonimmigrant Worker

Name of International Scholar: _____

I-94 Arrival / Departure Record Number: _____

UNC-Chapel Hill Department: _____

Category or Immigration Status: _____

Proof of UNC-CH’s timely filing of I-129 petition with USCIS:

- Photocopy of I-797 Receipt Notice (Must be attached) **OR**
- Other, e.g., an express mail electronic receipt. (Must be attached together with a copy of the employee’s previous I-797 Approval Notice *and* a copy of pages 1–4 of Form I-129, *Petition for a Nonimmigrant Worker*, as submitted.)

Employment dates requested in petition to USCIS:

_____ to _____

Check which description(s) applies to this case:

- This is an extension of status case.
- This is an H-1B Portability case.

Signed by ISSS staff member: _____

Date: _____

Instructions for departments regarding Form I-9, Employment Eligibility Verification
per Compensation & Staffing Programs Department, Office of Human Resources, University of North Carolina at Chapel Hill

1. Employees *may* present this form and its attachments when completing Form I-9. They are *not* required to present this form.
2. Do *not* request this form or any specific document from the employee for Form I-9. The employee may always choose to present any valid combination of documents specified in the Lists of Acceptable Documents on page 4 of Form I-9.
3. If an employee presents this form, follow the instructions in the University’s *I-9 and E-Verify Compliance Manual* on how to evaluate this notice and the attached document(s), determine their validity, and record them on *Form I-9, Employment Eligibility Verification*. These instructions are found in the section titled “How to verify a Pending I-129 Petition for a Nonimmigrant Worker.”
4. Questions? Contact the EEV Specialist at 919-962-0985 or evquestions@listserv.unc.edu.

Background: When *Form I-129, Petition for a Nonimmigrant Worker* is submitted on behalf of the University by International Student and Scholar Services (ISSS), this form and its attachments may be presented by the beneficiary of the petition as temporary evidence of work authorization. This implements the automatic, temporary, restricted authorization to work while a petition is being adjudicated granted to beneficiaries of properly filed I-129 petitions for status extensions or H-1B Portability under 8 CFR § 274a.12(b)20 and USC 1184(n).

Rev. 6/23/2008

Note: This form letter should always appear under the letterhead of International Student and Scholar Services, at The University of North Carolina at Chapel Hill.

Special Topics:

Remote Hires

With *advance notice* from the hiring department, and with its cooperation, the EEV Specialists handle *all aspects* of Form I-9 processing and the EEV check for Remote Hires. The EEV Specialists will also arrange to update the Form I-9 when a remote employee renews a work authorization. The home department should notify the EEV Specialists **at least two weeks in advance** of the anticipated hire date to ensure sufficient processing time. Failure to provide two weeks advance notice may result in a delayed hire date. In addition, the home department should notify the EEV Specialists **six months in advance** of the work authorization expiration date when this is necessary. (See [How to Renew a Form I-9 Work Authorization](#) for more information.)

What Is a Remote Hire?

When an employee will work or begin work at a remote location, inside the United States and generally 35 miles from the main University campus, the Form I-9 must be completed and verified and the E-Verify EEV check conducted in the same time frames that apply to local hires. To comply with this requirement, on behalf of the University the EEV Specialist selects an agent who will do the following:

- meet with the new employee in person
- require that the employee complete Section One of the Form I-9
- inspect and verify the documents submitted to prove identity and work authorization
- complete Section Two of the Form I-9
- mail or ship the original Form I-9 and copies of the documents to the EEV Specialists within the required deadlines
- if necessary, witness the employee's receipt of and signature on a E-Verify Notice of Tentative Nonconfirmation and Referral to SSA or DHS
- in general, act as the hiring unit's and the University's agent for face-to-face communication with the employee regarding the Form I-9 and E-Verify process during the time the employee is working remotely.

The agent selected may be an official at a state unemployment office or a college or university convenient to the employee, in its HR department or the department corresponding to the hiring unit. The University's OHR department is also prepared to act as a Form I-9 and E-Verify remote agent for other colleges and universities.

Procedure

Notify an EEV Specialist (919-962-0985 or eevquestions@listserv.unc.edu) **in advance** of a remote hire. You will be asked to provide specific information concerning the position and the employee being hired, including a copy of the job offer signed by the employee. Once all required information has been submitted, two weeks' processing time should be anticipated before the employee starts work. Until the employee has met with an authorized agent to complete the Form I-9, he or she cannot begin work.

The EEV Specialist will, upon notification and receipt of an offer letter and a Conditions of Appointment or Employment form (as specified in [Preliminary Steps](#)), select a remote agent, provide him or her with instructions in writing, and work with the remote agent to accept and verify the Form I-9 and to handle any tentative nonconfirmation or other EEV problem that arises. The EEV Specialist will inform the department when the employee has complied with the Form I-9 requirements and can begin work as scheduled and initiate an EEV check when the Form I-9 is received. When the EEV check is completed, the EEV Specialist will enter the I-9 information into the LawLogix electronic I-9 system and send the original Form I-9 to OHR/Records & Information for retention per federal retention rules.

The EEV Specialist will contact potential remote agents at up to three different institutions. If it is not possible to secure a remote agent within a reasonable period of time (at least two weeks), the hiring department must either send a University Representative to the remote location or require that the employee report to a University office to complete and certify the Form I-9 (if the hiring department decides to proceed

with the hire). If a University Representative will be traveling to a remote location to complete the Form I-9 for a remote hire, he or she should work closely with the EEV Specialist to avoid potential problems.

Note: Overnight delivery of documents and other necessary expenses are charged to the hiring department.

Questions

If you encounter a situation that these rules do not cover, contact an EEV Specialist at either 919-962-0985 or eevquestions@listserv.unc.edu. If you know of such a situation in advance, please ask about it as soon as you are aware of it.

Training

A “I-9 Policy, Procedure and LawLogix Training” classes, are regularly offered by the Office of Human Resources. To attend either of these classes, register online at <https://itsapps.unc.edu/TrainDev/alphaList.do?x=17&y=14>.

Forms, Handbooks, and Web Pages

Employment Eligibility Verification and Form I-9 - Information for Departments:
<http://hr.unc.edu/policies-procedures-guidelines/spa-employee-policies/employment/I-9S>.

Reference Material

Glossary

This glossary combines definitions taken from Department of Homeland Security publications (Employment Eligibility Verification (Form I-9), the *Handbook for Employers*, and *The E-Verify and Designated Agent E-Verify User Manual*) and terms specific to UNC-Chapel Hill. Terms specific to UNC-Chapel Hill not found in DHS publications are marked with an “*”.

***Accepted Job Offer:** Please see Conditions of Employment.

Alien (Non-citizen): Any person who is not a citizen or national of the United States.

Admission Number: See [Arrival/Departure Record \(Form I-94\)](#).

Alien Number: The Alien Registration Number or “A” number assigned to resident and some non-resident aliens. This number begins with the letter A and contains either 8 or 9 digits. A zero must be added in front of an 8-digit Alien number (12345678 would become 012345678) for data entry in Federal Government computer systems like E-Verify.

Alien Registration Receipt Card, Form I-151 (a.k.a. Green Card): This card was introduced in 1946 and issued to lawful permanent residents. Through 18 years of various revisions, it remained primarily green in color causing it to become known as a "green card." As of March 20, 1996, the Form I-151 is no longer acceptable as evidence of lawful permanent resident status. If a non-citizen is in possession of a Form I-151, it does not revoke his or her lawful permanent resident status; however, the document itself is expired and the applicant should be referred to the Department of Homeland Security for a replacement card.

Appointee Certifications and Conditions of Appointment: Every new EPA employee receives an Appointee Certifications and Conditions of Appointment form and a job offer letter which confirm the conditions of his or her EPA appointment. These must be completed before the Form I-9 is accepted or verified. See Preliminary Steps for more information.

Arrival/Departure Record (Form I-94): A document issued to non-immigrant aliens when admitted into the United States. Some of these forms are stamped to indicate work authorized status. The Form I-94 contains an 11-digit Admission / Departure Number, which may be used as part of the Primary Query verification process if the non-citizen employee does not have an Alien Registration Number.

Authorized Employment: Please see ‘Employment Authorized.’

Case in Continuance: The Department of Homeland Security needs more than 10 Federal Government workdays to resolve a case. The employee continues to work until a definitive answer is received from the Department of Homeland Security.

Case Verification Number: The Case Verification Number is a unique number returned by the E-Verify system. Employers participating in the E-Verify Program are required to record the case verification number on the employee's Form I-9, or to print the screen containing the case verification number and attach it to the employee's Form I-9 (the EEV Specialists do this prior to transmitting the Form I-9 to the OHR/Records & Information department).

Compliance: Compliance is expected of HR Facilitators and hiring departments/managers at all times. Please see 'Noncompliance' to understand why Compliance is so critical.

Conditions of Appointment: Every new EPA employee (temporary or permanent) receives an *Appointee Certifications and Conditions of Appointment* form and a job offer letter which confirm the conditions of his or her EPA appointment. These must be completed **before** the Form I-9 is accepted or verified. See [Preliminary Steps](#) for more information.

Conditions of Employment: Every new SPA employee (temporary or permanent) must receive a dated Conditions of Employment (COE) form which confirms the conditions of his or her SPA appointment. These must be completed **before** the Form I-9 is accepted or verified. See [Preliminary Steps](#) for more information.

Date Employment Began: The date the employee physically reported, or will report, for duty. The verifier who completes Section II of the Form I-9 enters this information on the form, and corrects it if the start date changes. This date, taken from the Form I-9, is submitted to the E-Verify system for employment eligibility verification.

Department of Homeland Security (DHS): The Department of Homeland Security leverages resources within federal, state, and local governments, coordinating the transition of multiple agencies and programs into a single, integrated agency focused on protecting the American people and their homeland. More than 87,000 different governmental jurisdictions at the federal, state, and local level have homeland security responsibilities. The comprehensive national strategy seeks to develop a complementary system connecting all levels of government without duplicating effort.

Departure Number See Arrival/Departure Record (Form I-94).

DHS Verification in Process: The response given by the E-Verify system if the employee's information matches the Social Security Administration records, but the Social Security Administration does not have employment eligibility information for the non-citizen employee. The system automatically forwards the case to the Department of Homeland Security for verification of employment eligibility. The Department of Homeland Security responds to most of these cases within 24 hours, but has up to 3 Federal Government workdays to respond. The EEV Specialist checks the system periodically for a response.

EEV Check: Please see **Employment Eligibility Verification Check**.

EEV Reference Number: Please see **Case Verification Number**.

EEV Specialist: Please see **Employment Eligibility Verification (EEV) Specialist**.

Employment Authorized: A response received through the E-Verify system from either the Social Security Administration or the Department of Homeland Security indicating the information provided by the employer matched the information contained in the database(s) and work eligibility has been confirmed.

Employment Authorization Card I-688A: A card issued by the former Immigration and Naturalization Service to non-citizens who qualified under the "Amnesty Program" of the

Immigration Reform and Control Act (IRCA) of 1986. It is valid until the expiration date stated on the face of the card or on the sticker(s) placed on the back of the card.

Employment Authorization Card I-688B: A card issued by the Department of Homeland Security to non-citizens granted temporary employment authorization in the United States. The expiration date is noted on the face of the card. The I-688B is a laminated card.

Employment Authorization Document (EAD) I-766: A document issued to non-citizens who are authorized to work temporarily in the United States. The document has been issued since January 1997. It is a credit card-type document.

Employment Eligibility Verification Check (EEV check): Actions taken to determine if an individual is authorized to work in the United States. At UNC-Chapel Hill, EEV checks include completion of the Form I-9, submission of Form I-9 information through the LawLogix I-9 system, cooperation with the Department of Homeland Security and the Social Security Administration to complete E-Verify verification, timely updating of **Forms I-9** (when work authorizations are due for renewal, to comply with the **receipt rule**, and to register a name change or assignment of a social security number), and termination of employees not authorized to work.

Employment Eligibility Verification (Form I-9): Every time an employer hires any employee to perform labor or services in return for wages or other remuneration, the employee and the employer must complete the Form I-9. This requirement applies to all employees hired after November 6, 1986. Employers must also keep this form updated when an employee supplies documents to redeem a receipt (see Receipt Rule), when an employee is assigned a Social Security Number, and when an employee's work authorization expires or is renewed.

Employment Eligibility Verification (EEV) Specialist: Only designated employees in OHR/Staffing will access the Federal E-Verify program. These OHR/Staffing employees, referred to as EEV Specialists, process Form I-9 information completed by the EEV Unit for SPA permanent hires and HR Facilitators for all other hires via the LawLogix I-9 system. The EEV Specialists conduct the EEV check by submitting the Form I-9 information to the Social Security Administration and Department of Homeland Security via the E-Verify system. In turn, they receive verification of the individual's eligibility to work in the United States. Departments and employees must follow EEV Specialist instructions when further information is required to complete the E-Verify EEV check.

EPA: Exempt from State Personnel Act.

E-Verify: E-Verify is a program in which employment eligibility of all newly hired employees will be confirmed after the Form I-9 has been completed. The pilot involves separate verification checks (if necessary) of databases maintained by the Social Security Administration and the Department of Homeland Security. All State agencies are required to verify employment eligibility for all current and new employees hired on or after January 1, 2007 using the E-Verify program provided by the U.S. Department of Homeland Security (DHS) in cooperation with the Social Security Administration. This new requirement adds to, but does not replace, the existing Form I-9 verification process required by Federal law for all employees hired after November 6, 1986. The Form I-9 and E-Verify rules also require consistent administrative practices across the University. In addition, all federal contractors with a federal contract that includes the E-Verify clause, are required to verify employment eligibility for all current employees hired after November 6, 1986 using the E-Verify program.

E-Verify Case Number: Please see ‘Case Verification Number.’

E-Verify Participation Notice: The E-Verify Notice informs prospective employees that the University is participating in the E-Verify Program. The University is required to display both the English and Spanish versions of the notice in a prominent place that is clearly visible to prospective employees. The University displays both notices in the Administrative Office Building (AOB), outside of Suite 1100, Human Resources.

Final Nonconfirmation: If an employee's work eligibility cannot be confirmed, an employer will receive a Final Non-confirmation response through the E-Verify System from the Social Security Administration or the Department of Homeland Security. An employer receiving a Final Non-confirmation response may terminate the employment of the employee and shall not be civilly or criminally liable under any law for the termination, as long as the action was taken in good faith and based on information provided through the E-Verify system.

Foreign National: Please see **Alien (Non-citizen)**.

Form I-9: Please see **Employment Eligibility Verification (Form I-9)**.

Handbook for Employers: Provides a step-by-step explanation of what an employer must do to meet its responsibilities under the Employer Sanctions provision of the Immigration and Nationality Act (INA). The Handbook (<http://www.uscis.gov/files/form/m-274.pdf>) also explains the responsibilities and rights of employees in the hiring and verification process and provides expanded information about how to avoid employment discrimination based on citizenship or national origin. **Hire Date:** See [Date Employment Began](#).

I-551: See **Resident Alien Card, Form I-551, AUG 1989**, **Resident Alien Card, Form I-551, JAN 1977**, and **Permanent Resident Card, Form I-551, DEC 1997**. Temporary evidence of permanent residence status is indicated by any of the following, also referred to as I-551 stamps or I-551 Immigrant Visa language:

- The arrival portion of the Form I-94 containing an unexpired temporary I-551 stamp and a photograph of the employee affixed to the Form I-94 by a DHS officer at the port of entry is acceptable. (Valid as a receipt until the expiration date on the Form I-94. If no expiration date is indicated, the receipt is valid for one year from the date the Form I-94 was issued. For example, a Form I-94 issued on January 1, 2007 with a temporary I-551 stamp and no expiration date is valid as a receipt through December 31, 2007. If it were submitted as Form I-9 documentation on January 1, 2007, it would be valid for one year. Submitted on July 1, 2007, it would be valid for six months. Submitted on or after January 1, 2008, it would not be valid.)
- An unexpired foreign passport containing an unexpired temporary I-551 stamp. The stamp carries an expiration date. Some versions of this stamp read: “Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Residence. Valid until _____. Employment Authorized. (Valid as a receipt until the stamp expiration date.)
- An unexpired foreign passport containing a Machine Readable Immigrant Visa (MRIV) with temporary I-551 language. The MRIV includes the language “Upon endorsement serves as temporary i-551 evidencing permanent residence for 1 year” immediately below the bearer’s photograph. As with all U.S. visas, each MRIV will be examined by a DHS officer at the bearer’s Port of Entry (POE). After determining that a bearer of such MRIV should be admitted to the U.S. as a Lawful Permanent Resident, the DHS officer places an admission stamp on the upper portion of the MRIV, with part of the stamp overlapping the adjoining page, just above the bearer’s photograph. (Valid as a receipt until one year from the date of DHS endorsement.)

Form I-9: Please see **Employment Eligibility Verification (Form I-9)**.

Form I-94 Departure/Arrival Record: See **Arrival/Departure Record (Form I-94)**.

Illegal Alien: A foreign national who (1) entered the United States without inspection or with fraudulent documentation or (2) who, after entering legally as a non-immigrant, violated status and remained in the United States without authorization.

Immigrant: A non-citizen who has been lawfully granted the privilege of residing and working permanently in the United States.

Immigration and Nationality Act of 1952 (INA): The Act (INA), which, along with other immigration laws, treaties, and conventions of the United States, relates to the immigration, temporary admission, naturalization, and removal of non-citizens.

Immigration Reform and Control Act of 1986 (IRCA): Public Law 99-603 (Act of 11/6/86), which was passed in order to control and deter illegal immigration to the United States. IRCA has been revised several times. Employers must be alert to changes in its provisions.

Immigrant Visa: A document, issued by a United States Department of State consulate or embassy abroad, which authorizes a non-citizen to apply for admission as an immigrant to the United States. This document does not grant work authorization. (An I-551 admission stamp, together with an immigrant visa, does grant work authorization.)

Initial Verification: When Form I-9 information is submitted to E-Verify, it initiates an automated query of the Social Security Administration and if necessary the Department of Homeland Security databases. Results will either verify employment eligibility or require additional verification, which is conducted through the E-Verify system.

Invalid Query: A resolution option for a duplicate query or incorrect data input in E-Verify.

Lawful Permanent Resident: A non-citizen who has been lawfully granted the privilege of residing and working permanently in the United States.

Lists of Acceptable Documents (revised 08/07/09 Y): The documents that establish identity and/or employment eligibility for verification purposes when the employer is completing the Form I-9. Employers cannot specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration may also constitute illegal discrimination.

Noncompliance: A violation of Federal law which can result in criminal penalties, civil fines, and debarment from U.S. Government contracts for the individuals involved, for the department, and for UNC-Chapel Hill as a whole. Noncompliance by one department can adversely affect the entire University.

Non-Immigrant: A non-citizen who enters the United States temporarily for a specific period of time and purpose. This category includes foreign government officials, visitors for business and pleasure, students and temporary workers.

No Show: A response received following a Notice to Employee of Tentative Non-confirmation when the employee did not contact the Department of Homeland Security to resolve his or her case and 10

Federal Government workdays have passed since the date of referral. The No Show response is considered a Final Non-confirmation.

Notice to Employee of Tentative Non-confirmation: This is a computer generated notice given to an employee after a Tentative Non-confirmation response has been received from the Social Security Administration or the Department of Homeland Security. If an employee contests the Tentative Non-confirmation response, he or she must contact the appropriate Government Agency to resolve the discrepancy to continue employment. If the employee does contest, he/she has 8 Federal Government workdays to report to the appropriate agency.

Passport: Any travel document issued by competent authority showing the bearer's origin, identity, and nationality, if any, which is valid for the entry of the bearer into a foreign country. If this document is used for Form I-9 purposes as a List "A," it must be unexpired with either an I-551 stamp or a Form I-94 indicating unexpired employment authorization.

Permanent Resident or Lawful Permanent Resident: A non-citizen who has been lawfully granted the privilege of residing and working permanently in the United States.

Permanent Resident Card, Form I-551, DEC 1997: Issued by the former INS after December 1997, this card is the current version given to Permanent Resident Aliens. The document is valid for 10 years. In this version of the I-551, the card title was changed from Resident Alien to Permanent Resident Card.

Receipt Rule: Employees who do not possess the required documentation when employment begins may not submit receipts showing that they have applied for initial applications for documents or for applications for extension documents. As explained in [How to Enforce the Form I-9 Receipt Rule](#) (above), an employer may accept receipts only for the following:

- A replacement document in lieu of the required document if a document was lost, stolen, or damaged. The replacement document must be presented within 90 days of the date of hire or, in the case of re-verification, the date employment authorization expires.
- The arrival portion of the Form I-94 containing both an unexpired temporary I-551 ADIT stamp (indicating temporary evidence of permanent resident status) and a photograph of the individual. This type of receipt is valid until the expiration date stated on the document. If no expiration date is indicated, an employer may accept the document as a receipt for one year from the date the Form I-94 was issued. The "green card" (i.e., Form I-551) itself should be presented by the end of the receipt validity period

Two other forms of this receipt are accepted: An unexpired foreign passport containing an unexpired temporary I-551 stamp (valid as a receipt until the stamp expiration date) and an unexpired foreign passport containing an Machine Readable Immigrant Visa (MRIV) with temporary I-551 language (valid as a receipt until one year from the date of DHS endorsement.).

- A Form I-94 containing a refugee admission stamp. The employer can accept this as a receipt as long as the employee presents one of the following: 1) the departure portion of Form I-94 containing an unexpired refugee admission stamp, which is designated for purposes of this section as a receipt for a Form I-766, Form I-688B, or a social security card that contains no employment restrictions; and 2) within 90 days of the date of hire, or in the case of re-verification, by the date employment authorization expires, presents an unexpired Form I-766 or Form I-688B, or a social security card that contains no employment restrictions together with a document described in List B. This type of receipt is sufficient to evidence both identity and employment authorization for the 90 day receipt validity period.

Referral Notice: An employee contesting a E-Verify Tentative Non-confirmation response from the Social Security Administration or the Department of Homeland Security is provided with the appropriate agency referral notice instructing him or her to contact the Government within 8 Federal Government workdays from the date of referral to resolve any discrepancy in his/her record.

Refugee: Any person who is outside their country of nationality and who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Unlike asylees, refugees apply for and receive this status prior to entry into the United States. This status is covered by Section 207 of the Immigration and Nationality Act.

Resident Alien Card, Form I-551, AUG 1989: This card was introduced in August 1989 and was the first Resident Alien Card to contain an expiration date. The card was issued to both conditional and lawful permanent residents. This card is valid only for a limited period of time - 2 years from the date of admission/adjustment for conditional permanent residents and 10 years from issuance for lawful permanent residents. The expiration date indicates when the card expires and must be renewed. It does not indicate that the non-citizen's status expires. The expiration date is stated on the front of the card. This version is rose-colored with a blue logo. It was modified in January 1992 when a white box was added behind the fingerprint.

Resident Alien Card, Form I-551, JAN 1977: This card was introduced in January 1977 and phased in over a period of time. Although this card is no longer issued, it is valid indefinitely. In addition to the photograph, the I-551 will contain the bearer's signature. This card was issued to lawful permanent residents.

Social Security Administration: A Federal Government agency that administers a national program of contributory social insurance whereby employees, employers, and the self-employed pay contributions that are pooled in special trust funds. The Social Security Administration and the Department of Homeland Security are jointly conducting the E-Verify Program.

SPA: Subject to State Personnel Act.

Student Employees: Special considerations apply to students who are employed at the University incident to their student status. Students may be hired in one of three ways: As a Work-Study Aid recipient applying for a job paid out of his or her awarded aid, as an EPA student employee (Graduate Assistant, Teaching Assistant, Research Assistant, or Undergraduate Assistant), or as a Direct Hire Temporary Employee. The procedures in this Manual have been written to handle all three cases.

Tentative Nonconfirmation: The employee information was compared to Government records and could not be confirmed. This does not mean that the employee is not work authorized, or that the information provided was incorrect. The employee must contact either the Social Security Administration or the Department of Homeland Security to resolve the discrepancy in order to continue employment.

Reference Material

Document Revision History

Date	Revisions
07/6/2011	<ol style="list-style-type: none"> 1. Revised policy on zero-salary faculty and continuing students. 2. Revised link to the current Handbook for Employers (M-274). 3. Revised LawLogix procedures (minor revisions).
08/20/2010	<ol style="list-style-type: none"> 4. Revised to take into account implementation of the University’s electronic I-9 system. 5. Revised to take into account implementation of the Federal Acquisition Regulation (FAR) Final Rule, which requires federal contractors with a federal contract that includes the E-Verify clause to verify employment eligibility for current employees hired after November 6, 1986. 6. Removed <i>Quick Reference Guide, How to Transmit the Form I-9 to New Home Department or Organizational Unit</i> and <i>Reference Material</i> sections.
01/05/2010	<ol style="list-style-type: none"> 1. Revised to take into account new Form I-9 (Rev. 08/07/09 Y) and the new <i>Handbook for Employers</i> (Form M-274, rev. 04/03/09 N) both published in 2009. Retained some references to the <i>Form I-9 Process in a Nutshell</i>, published in October 2005 as an update to the 1991 edition of the handbook, because several important notices it included there have yet to be published anywhere else. 2. Removed references to Tar Heel Temps. The on-site temporary placement agency, Tar Heel Temps will close on January 31, 2010.
01/26/2009	<ol style="list-style-type: none"> 1. Revised to take into account new Form I-9 (Rev. 06/05/07 N) and the new <i>Handbook for Employers</i> (Form M-274, rev. 11/01/2007 N) both published in November 2007. Retained some references to the <i>Form I-9 Process in a Nutshell</i>, published in October 2005 as an update to the 1991 edition of the handbook, because several important notices it included there have yet to be published anywhere else. 2. Revised all references to OHR departments and Academic Personnel to reflect recent reorganization. 7. Added <i>Quick Reference Guide</i> to processing new hires. 8. Procedures for Section Two when a foreign passport is presented now require recording the effective date and visa number of the most recent visa adjacent to Column A. E-Verify requirements announced in late 2007 require input of the most recent visa number in certain cases; recording the visa effective date helps assure that this is the most recent visa when a passport contains multiple visas. 9. Revamped explanation of how to determine work authorization expiration date in discussion of Section Two of the Form I-9, updating the chart of How to Determine the Work Authorization Expiration Date when a Form I-94 Is Presented and adding a chart of Expiration Dates and Category-Specific Rules for Employment Authorization Cards. 10. How to Correct Errors and Omissions now discusses the correction of substantive errors and administrative errors separately. 11. When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment now includes a chart of the offices to notify when an EEV-related termination seems imminent. (The offices vary by employee type.) 12. Payroll-related Procedures for Nine-Month Faculty and Certain Student Employees now reflects new direct deposit enrollment procedures. 13. Non-Resident Alien Student Employees in F-1 Status was revised to reflect the changes announced by USCIS 4/8/08, extending Optional Practical Training (OPT) for certain students in science, technology, engineering or mathematics (STEM). 14. A new section on How to Verify a Pending I-129 Petition for a Nonimmigrant Worker explains revised procedures for verifying work authorization in two situations where an automatic temporary authorization is granted. 15. Numerous minor clarifications. 16. Procedures were not updated to reflect DHS’s proposed “Safe Harbor Procedures for Employers Who Receive a No-Match Letter” as announced in the Federal Register (72 FR 45611, 73 FR 15944). University procedures will be revised when and if the federal court injunction enjoining implementation of these rules is lifted.

<p>08/17/2007</p>	<ol style="list-style-type: none"> 1. Added a section in the overview describing the Federal and State Requirements, which explains why compliance is so important and timing is so crucial. The bulk of the original overview is in a new overview section, Division of Labor and Assignment of Responsibility. 2. The main part of the manual is now titled Regular Duties. A section titled When Eligibility is Not Verified, Place Employee in Leave Status or Terminate Employment has been added. It documents procedures already in place, and makes clear that all suspensions and terminations related to the EEV process must be approved by OHR to insure consistent compliance. (Federal Regulations deny employment to individuals who do not prove their eligibility to work. This section describes how the University complies.) 3. The section Steps to Complete and Verify a Form I-9 now has illustrations, explains how to determine if documents contradict each other or section One, and provides a chart with common examples showing in those cases How to Determine the Work Authorization Expiration Date when a Form I-94 Is Presented. It includes a much clearer explanation of how to Determine if a new Form I-9 and an EEV check are required. 4. Added specific references to EPA Student employees and Postdocs. 5. Added the printable template Instructions to an Employee to Report to the EEV Specialist for Follow-up. 6. Provided a more detailed explanation of How to Enforce the Form I-9 Receipt Rule. 7. Added explanation of How to replace missing Forms I-9. 8. How to Correct Errors and Omissions now requires a printed name as well as a signature on any correction. This is essential so that we can tell later who made a correction. 9. How to Transmit the Form I-9 to a New Home Department or Organizational Unit now explains what to do when the employee is a work-study student or a non-resident alien. (The name of this section was changed from “transfer” to “transmit” since copies are transmitted, and each department ends up with a copy on file.) 10. The section in the previous edition on Zero-Salary Faculty, Existing Employment, and Lump-Sum Payments was split in two, a section called When a Form I-9 is Not Required and a second section on cases of Existing Employment and Continuing Student Employment. 11. The section on Employees Paid with One-Time Payments was moved to a section by itself. All references to lump-sum payments were changed to refer to one-time payments instead, to conform to current usage. 12. The subsection on Additional Employment within the University was renamed Existing Employment and Continuing Student Employment. Instead of contacting the EEV Specialists, the office responsible for processing the Form I-9 for a new hire contacts OHR/ Records (for current SPA employees) or the department the employee already works in or previously worked for (all other cases) to verify current or past employment and student status. Much clearer rules for determining whether a Form I-9 is needed are provided. 13. Payroll-related Procedures for Nine-Month Faculty and Certain Student Employees now correctly explains that payroll actions are forbidden and paychecks are held until after Form I-9 Sections One and Two are completed and verified. (The original stated, in error, that payroll actions were forbidden and paychecks were held until the date employment begins.) 14. Added a new section, Remote Hires, which explains how we handle the Form I-9 process and the EEV check when the employee is not physically present in the hiring unit. In the past, hiring units have handled Form I-9 processing for remote hires in consultation with the EEV Specialists. Henceforth, the EEV Specialists will handle all Form I-9 processing for remote hires. 15. Non-Resident Aliens was rewritten to better explain when a department or hiring unit should contact ISSS. 16. Added new section, Non-Resident Alien Student Employees in F-1 Status, which explains how to process a Form I-9 for someone on an F-1 visa. This is a common occurrence on college campuses, and is not explained in available DHS documentation for the Form I-9 process or for Basic Pilot. 17. Changed the former section Important Reference Material to Forms, Handbooks, and Web Pages, a subsection of a new section, Reference Material. 18. Added Conditions of Appointment / Employment links to Forms, Handbooks, and Web Pages. 19. Added a Glossary under Reference Material.
<p>04/10/2007</p>	<p>Initial publication</p>

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