Information

Immigration Reform and Control Employment Eligibility/Verification

Effective

May 1, 1992

Number

PER-1.09

Applicability

This policy applies to University Administrators, Faculty, and Staff.

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

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History

Revision Date(s): December 14, 2021 (minor edits); April 22, 2022 (minor edits); August 24, 2022 (minor edit); March 27, 2026
Reviewed Date(s): March 8, 2016

Categories

Reason for Policy:

The Immigration Reform and Control Act of 1986 (IRCA) requires the university to document the fact that any employee hired after November 6 1986, is legitimately authorized to work in the United States. This act also prohibits the university from discriminating against potential employees on the basis of nationality.

IDENTIFICATION AND EMPLOYMENT REQUIREMENTS

The IRCA requires the university to maintain paperwork affirming that all new employees hired have presented proof that they are eligible for employment in the United States. The employee is required to check certain documents relating to identity and work authorization and maintain on file a new Employment Eligibility Verification, (INS I-9 Form), and must certify his or her status as either a citizen or an authorized alien on or before date of employment. If the employee does not produce the required documents prior to the first day of work, he or she must produce them no later than three working days after the employee's date of employment. If an employee who is hired for three or more days is unable to provide the document(s) within the required time period, the employee can still satisfy the requirements by presenting to the employer a receipt showing application for the document(s) within three working days of appointment, as long as the document(s) are then presented within 21 days of the date of employment by the employing unit. Civil fines may be levied for failure to maintain required records; civil and criminal penalties may be levied for employing illegal aliens.

VIOLATION

Persons who use fraudulent identification or employment authorization documents

or documents that were lawfully issued to another person, or who make a false statement or attestation to satisfy the employment eligibility verification requirements, may be fined, or imprisoned for up to 5 years, or both. Other federal criminal statutes may provide higher penalties in certain fraud cases.

FAILURE TO COMPLY

Immigration Service requirements specify that all appropriate blocks must be checked where applicable. Proper signatures of the employee and employer, along with employer's name, address, and effective dates must be provided. Failure to complete these sections of the document may invalidate the process and be in violation of government provisions.

Statement:

All new University of Louisville employees must provide proof of identity and eligibility to work.

Related Information:

ACCEPTABLE DOCUMENTS FOR IMMIGRATION FORM I-9

A. For establishing both identity and employment eligibility, an employee may use:

1. A United States Passport; or US Passport Card.
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.
4. Employment Authorization Document that contains a photograph (Form I-766).
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 restriction or limitations identified on the form.

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.

B. For establishing identity only, an employee may use:

1. A state-issued driver's license or identification card containing a photograph, or, if the document contains no photograph, identifying information such as name, date of birth, sex, height, color of eyes, and address.
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.
3. School Id card with a photograph.
4. Voter registration card.
5. U.S. Military card or draft record.
6. Military dependent's ID card.
7. U.S. Coast Guard merchant Mariner Card.
8. Native American tribal document.
9. Driver's license issued by a Canadian government authority.

For a person under age 18 who are unable to present a document listed above:

10. School record or report card.

11. Clinic, doctor, or hospital record.

12. Day-Care or nursery school record.

If such a document is relied upon, the employer must also inspect a document establishing employment eligibility, (listed below).

C. For establishing employment eligibility only, an employee may use:

1. Social Security Card other than one that specifies on the face that the issuance of the card does not authorized employment in the United States.
2. Certification of Birth Abroad issued by the Department of State (Form FS-545).

3. Certification of Report of Birth issued by the Department of State (Form DS-1350).
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. Native American Tribal document.
6. U.S. Citizen Id Card (Form I-197).
7. Identification Card for Use of Resident Citizen in the United State (Form I-179).
8. Employment authorization document issued by Department of Homeland Security.

If such a document is relied upon, the employer must also inspect a document establishing identity, (listed in section B., above).

Procedures:

A. All new university employees must complete the I-9 Form prior to the effective date of their employment and submit acceptable documents which establish both identity and employment authorization. (See section C., above).

B. The completion of Section #1 of the form is the responsibility of the employee. The employing unit must have this section completed before the effective date of the appointment.

C. The employing unit must have Section #2 of the I-9 Form completed within three working days and forwarded to Employee Service Center, along with appropriate eligibility documents and the Payroll Action Form (PAF) for payroll processing. Temporary and student employees will continue to be processed through the Payroll Department's Initial Employment Packet.

D. An employee will not be processed for payroll purposes until the completed I-9 Form is filed with the Payroll Office. Incomplete I-9 Forms or attached documentation which do not comply with these guidelines will be returned to the employing unit for compliance.

E. When an employee provides the employing unit with a receipt showing the employee has applied for a document evidencing their eligibility, the employing unit records the document title in Section 2 of the I-9 Form, and writes the word "receipt" and any document number in the "Document #" space. The employee must present

the actual document within 90 days of the date employment begins. At that time the unit or office should cross out the word "receipt" and any document #, insert the number from the actual document presented, and initial and date the change.