

The University of North Carolina at Chapel Hill

Form I-9 & E-Verify Compliance Manual

This guide is intended to be a supplement and not a replacement to the U.S. Citizenship and Immigration Services (USCIS) Handbook for Employers M-274. I-9 preparers should refer to the [USCIS Handbook for Employers M-274](#) for more information on the topics in this guide.

Background

All U.S. employers are required by law to verify the identity and employment authorization or eligibility of their employees, citizens and non-citizens, hired after November 6, 1986, by completing a Form I-9 - Employment Eligibility Verification. A Form I-9 can be completed once an employee has accepted an offer of employment for a position with the University.

The Office of Human Resources (OHR) I-9 unit oversees the I-9 program for the University, completes Forms I-9 for SHRA and EHRA Non-Faculty permanent employees and conducts E-Verify verifications. Campus I-9 preparers are primarily responsible for completing Forms I-9 and monitoring temporary employment authorizations for Faculty and temporary employees.

The University uses an electronic I-9 compliance software solution, LawLogix Guardian to manage Form I-9 and E-Verify processes.

Preventing Discrimination in the Form I-9 Process

The anti-discrimination provision of the Immigration and Nationality Act (INA), as amended, prohibits four types of unlawful conduct:

- Unfair documentary practices during the Form I-9 and E-Verify process
- Citizenship or immigration status discrimination
- National origin discrimination
- Retaliation or intimidation

Title VII of the Civil Rights Act of 1964 (Title VII) and other federal laws prohibit employment discrimination based on race, color, national origin, religion, sex, age, disability and genetic information. The U.S. Equal Employment Opportunity Commission (EEOC) enforces these laws.

Employers cannot discriminate against anyone (other than any unauthorized alien) on the basis of national origin or citizenship status in hiring, discharging, recruiting, or referring for a fee, assignment, compensation, or other conditions of employment. The Form I-9 Employment Verification process cannot be used to pre-screen employees.

Employers must accept any document an employee presents from the [Form I-9 Lists of Acceptable Documents](#), as long as the document reasonably appears to be genuine and relates to the employee. **Employers must not:**

- Ask to see employment authorization documents or complete a Form I-9 before an individual accepts a job offer
- Ask the employee to present specific documents
- Request that an individual produce more or different documents than are required by Form I-9 to establish the individual's identity and employment authorization
- Refuse to accept a document, or refuse to hire an individual, because a document will expire in the future
- Refuse to accept a receipt that is acceptable for Form I-9 purposes
- Request that an employee who presented an unexpired Permanent Resident Card present a new document when the Permanent Resident Card expires
- Request specific document(s) when reverifying that an employee is authorized to work



Reminder: Employers must reject documents that do not reasonably appear to be genuine or do not appear to relate to the individual presenting them.

Responsibilities – Employee and I-9 Preparer

Who is Required to Complete a Form I-9?

Every employee of the University hired after November 6, 1986 who is working in the United States must complete a Form I-9 and E-Verify at the time of initial hire and rehire. This includes staff, faculty, student employees as well as adjunct faculty who are classified as employees.

When is a Form I-9 Required?

Situation	Form I-9 Needed?
New employee (includes adjunct faculty with intent to pay)	Yes
New international employee without a Social Security Number	Yes
Returning/rehired employee following any break in service of at least one calendar day	Yes
Unpaid position/volunteer/intern/visiting scholar	No
UNC independent contractor	No
Contingent worker (includes adjunct faculty with no intent to pay)	No
Other unpaid affiliate	No
Employee returning from unpaid time off – Family Medical Leave, Leave Without Pay, EHRA short work break, etc.	No

Rehired Employees

Employees who leave the University for at least one calendar day must complete a new Form I-9 when they return to University employment, regardless of the length of break in service/employment.

Employee Responsibilities

Employees must complete the information requested in Section 1. In limited cases, a preparer/translator may assist the employee with the completion of this section (refer to [Form I-9 Instructions](#) for more information).

Most importantly, the employee must attest to their status by checking the appropriate box:

- Citizen/national of the United States
- Non-citizen national of the United States
- Lawful permanent resident
- Alien authorized to work in the United States until a specific date

Employees must electronically sign and date Section 1 of the Form I-9 when completed.



Reminder: The employee **does not** need to provide any documentation to substantiate the information in Section 1. In addition, the Form I-9 is not valid and cannot be accepted if the employee refuses to complete and/or sign Section 1.

I-9 Preparer Responsibilities

Campus I-9 preparers are responsible for the following:

- Completing Form I-9 on time
 - Section 1 of the Form I-9 must be completed by the employee **on or before the date of hire**, and
 - Section 2 must be completed by the **third business day following the date of hire**
 - Section 3 must be completed **on or before expiration** of the current employment authorization

	Section 1 Due			Section 2 Due
Prior to Hire (Candidate Accepts Job Offer)	Monday (Date of Hire)	Tuesday	Wednesday	Thursday
Employee Completes Section 1				
I-9 Preparer Completes Section 2 & OHR Completes E-Verify				

- Sending an I-9 invitation to the employee -or- providing a copy of the Form I-9 Instructions and [Form I-9 Lists of Acceptable Documents](#) to the employee prior to completing the Form I-9 with the employee.
- Reviewing Section 1 to ensure that it is complete and accurate. *Note: The Social Security number is required as the University is an E-Verify participating employer.*
- Examining original documents presented for Form I-9. *Note: Photocopies (including copies faxed, mailed or emailed) or numbers representing original documents are not acceptable.*
- Scanning and uploading a copy of identity and employment authorization document(s) presented by the employee for Form I-9 in the LawLogix system.
- Making corrections to any errors within a reasonable timeframe (typically 72 hours) from error discovery.
- Explaining irregularities in the I-9 process (i.e. reason for completing a Form I-9 late) by adding a case note on the Form I-9.
- Ending the employee's employment if Form I-9 requirements are not met and only with direction from the OHR/I-9 unit.



Reminder: A Form I-9 with errors, omissions and/or without supporting documents is not considered to be complete and cannot be processed through the E-Verify system.

Reviewing and Verifying Documents

As a reminder, the I-9 preparer must physically examine original documents presented for Form I-9 in the employee's presence. Photocopies (including copies faxed, mailed or emailed) or numbers representing original documents are not acceptable.

Original Documents

Any document presented for Form I-9 must reasonably appear to be genuine on its face and relate to the person presenting it. If the I-9 preparer is not sure if a document is acceptable, they should call the OHR/I-9 Hotline at (919) 962-0985 for assistance.

Document Choice

An employee may choose to provide a combination of documents from List A to establish identity and employment authorization -or- List B document to establish identity and List C document to establish employment authorization. The document(s) presented **cannot be expired**.

If the employee is not able to present the required document(s) within three business days of the date of hire, the employee must present a receipt showing they have applied for replacement document(s) and then present the original document(s) within 90 days of the date of hire (see Receipt Rule). If the employee is not able to present either a receipt or original document(s), then the employee cannot continue working for the University.



Reminder: An employee must always be given the option to choose which documents they present for completion of the Form I-9 (from the [Lists of Acceptable Documents](#)).

Receipt Rule

The Receipt Rule allows receipts to be presented in lieu of original documents in the Form I-9 process if one of the following situations apply:

Table 1: Receipts

Receipt	Who may present this receipt?	Is this receipt proof of employment authorization and/or identity?	How long is this receipt valid?	What must the employee present at the end of the receipt validity period?
A receipt for a replacement of a lost, stolen, or damaged document	All employees	A receipt fulfills the verification requirements of the document for which the receipt was	90 days from date of hire or, for reverification, 90 days from the date employment	The actual document for which the receipt was issued.

Receipt	Who may present this receipt?	Is this receipt proof of employment authorization and/or identity?	How long is this receipt valid?	What must the employee present at the end of the receipt validity period?
		issued (can be List A, List B, or List C)	authorization expires	
The arrival portion of the Form I-94 or I-94A containing a Temporary I-551 stamp and photograph	Lawful permanent residents	Employment authorization and identity (List A)	Until the expiration date of the Temporary I-551 stamp, or if no expiration date, one year from date of admission	The actual Form I-551 (Permanent Resident Card, or "Green Card")
The departure portion of Form I-94 or I-94A with an unexpired refugee admission stamp	Refugees	Employment authorization and identity (List A)	90 days from date of hire or, for reverification, 90 days from the date employment authorization expires	An unexpired EAD (Form I-766) or a combination of a valid List B document and an unrestricted Social Security card



Reminder: A receipt is never acceptable for employment lasting less than three days. In addition, the Form I-9 must be updated when the original replacement document is presented.

Retaining Supporting Documentation

The University requires that I-9 preparers scan and upload a copy of identity and employment authorization document(s) presented by the employee for Form I-9 in the LawLogix system.

Social Security Card Issues and Restrictions

The Form I-9 can be completed for a new hire that does not have a Social Security Number (SSN), as long as they supply valid employment authorization document(s) from List A or C. However, all new hires must have an SSN for tax, Social Security Administration (SSA), and E-Verify purposes.

The employee must apply for an SSN as soon as possible and present the SSN within 90 days of the date employment begins for completion of the Form I-9. They do not need to present the Social Security Card when it arrives. However, the employee must update Section 1 in order for the E-Verify verification to be processed.

The Social Security Administration (SSA) issues Social Security Numbers and cards to non-resident aliens if they can present documentation of current employment authorization in the United States. Some Social Security cards have restrictions on them and do not satisfy Form I-9 requirements. If that is the case, the employee must present other documents to comply with Form I-9 requirements. Refer to the [Form I-9 Lists of Acceptable Documents](#) for more information.

A Social Security card that includes any of the following restrictive wording is not an acceptable List C document:

- NOT VALID FOR EMPLOYMENT
- VALID FOR WORK ONLY WITH INS AUTHORIZATION
- VALID FOR WORK ONLY WITH DHS AUTHORIZATION

Lawful permanent residents, refugees, and asylees are issued unrestricted Social Security cards that are treated the same as those issued to U.S. citizens.

How to Apply for a Social Security Card

If an employee needs to apply for a Social Security card, they must go to the U.S. Social Security Administration (SSA) and bring two documents to prove age, identity and U.S. citizenship or current immigration status.

The closest SSA office is located at:

3511 Shannon Road #Suite 200
Durham, NC 27707

Directions: The Social Security Administration office is located on the 2nd floor of the Valley View Office Building at the intersection of Shannon Rd. and Martin Luther King Parkway.

Other Information on SSNs

- Based on advice from the Social Security Administration, a newly-arrived foreign national/non-resident alien should wait 10 days to apply for a SSN to ensure that the Social Security Administration is able to process the application.
- An Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service is not a Social Security Number. Employees should not write an ITIN on the Form I-9. An employee with an ITIN but no SSN must obtain an SSN.



Reminder: An unsigned Social Security card can be used as evidence of authorized employment for Form I-9 purposes.

Completing Section 2

The I-9 preparer must complete Section 2 of the Form I-9 within three business days following the date of hire. The following information must be recorded on the form:

- Document title
- Issuing authority
- Document number
- Expiration date (if any)
- Date the employment begins

Once Section 2 is completed, the I-9 preparer must attach supporting documents, electronically sign and mark the Form I-9 complete.

Employee's First Day of Employment

The employee's first day of employment in Section 2 of the Form I-9 must match the effective date of hire in the ConnectCarolina system, unless the 9-month Faculty exception applies.

9-Month Faculty Exception

Due to the unique circumstances of 9-month Faculty appointments whereby the Faculty member works nine months but is paid over 12 months, the following special procedures apply:

- Although a 9-month Faculty's first day of employment for Section 2 of the Form I-9 should be the employee's effective date of hire in ConnectCarolina, it may instead be the first day that they begin performing work *unless* they will receive pay prior to the first day of employment indicated in Section 2. **In the 9-month Faculty will receive pay prior to the first day of employment in Section 2, the Form I-9 must be completed before the employee can receive pay and the first day of employment must be no later than the date they begin receiving pay.**
- If the first day of employment changes after completing the Form I-9, the department must immediately correct the first day of employment by editing Section 2 (if the Form I-9 has not been approved by OHR) –or– completing a Form I-9 amendment (if the Form I-9 has been approved by OHR).



Once the Form I-9 has been completed, the I-9 preparer must take the following action to document the exception in LawLogix:

1. Add a case note under OnDocs tab for the specific Form I-9 in LawLogix:

Activity Type: Note

Subject: 9-Month Faculty Hire

Note: Though the hire effective date for this 9-month faculty member in ConnectCarolina is xx/xx/xxxx, the employee first began working on xx/xx/xxxx and this date is accurately reflected in Section 2 of the Form I-9.

2. On the employee profile, under the Job Details tab in LawLogix, ensure that the most recent hire date reflects the actual hire effective date of xx/xx/xxxx instead of the date indicated in Section 2 of the Form I-9. This will allow the OHR I-9 Unit the ability to audit and manage this process properly.

Signature and Date

The I-9 preparer who reviews the original documents must certify (sign and date) the Form I-9, whether that person is the employer or a remote agent (see Remote Hires).

By certifying the Form I-9, the I-9 preparer (or remote agent) is not attesting to the legitimacy of the person's status, but rather to the fact that the documents presented appear to be genuine and relate to the person presenting them.

Completing Section 3

If a non-resident alien presents temporary employment authorization for Form I-9, they are authorized to work for a specific period of time.

The I-9 preparer is responsible for:

- Instructing every non-resident alien employee whose immigration status is sponsored by the University to check in with ISSS immediately upon arrival to the United States
- Monitoring temporary employment authorizations and reminding employees at least 6 months, 90 days, 60 days and 30 days prior to expiration to renew their expiring employment authorization
- Ensuring that the employment authorization is reverified in Section 3 of the Form I-9 **on or before the expiration date** of the current employment authorization

When an employee cannot provide proof of current employment authorization or employment authorization is not reverified prior to expiration, the University cannot continue to employ the individual. The employee must cease all paid work for the University immediately and employment must be terminated upon approval of the OHR/I-9 unit.



Reminder: Employees should apply to renew an expiring employment authorization well in advance of expiration.

Lawful Permanent Residents (LPRs)

Lawful permanent residents (LPRs), also known as “Green Card” holders, are non-citizens who are lawfully authorized to live permanently in the United States. LPRs may accept an offer of employment without special restrictions. They also may apply to become U.S. citizens if they meet certain eligibility requirements. A Permanent Resident Card (Green Card) is issued to all permanent residents as proof that they are authorized to live and work in the United States.

Once a non-citizen becomes a lawful permanent resident (Green Card holder), they maintain permanent resident status until they:

- Apply for and complete the naturalization process; or
- Lose or abandon their status

An individual should renew their Green Card if they are a permanent resident and their card is valid for 10 years and is either expired or will expire within the next 6 months.



When completing a Form I-9 for an employee who has attested to being an LPR, the employee may choose to present:

- List A document such as a Form I-551, Permanent Resident Card
- or-
- List B document such as a state-issued driver's license
 - List C document such as an unrestricted Social Security Card -or- expired Permanent Resident Card and a Form I-797 Notice of Action which grants an 18 month extension (in this case, the Form I-797 is the List C document)

Form I-551, Permanent Resident Cards may:

- Have no expiration date. Cards with no expiration date have no conditions and should not be reverified. These cards were issued from 1977 - August 1989, or
- Have a 10 year expiration date. Cards with a 10 year expiration date have no conditions and should not be reverified, or
- Have a 2 year expiration date. Cards with a 2 year expiration date have conditions and should not be reverified if unexpired when presented for Form I-9

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.

Conditional Permanent Resident Status

[Section 216](#) of the Immigration and Nationality Act (INA) enables an individual to become a lawful permanent resident on a conditional basis, based on marriage.

[Section 216A](#) enables an individual to become a lawful permanent resident on a conditional basis, based on a qualifying investment.

Documents Requiring Reverification

Lawful permanent residents and conditional residents may be issued temporary I-551 documents. These documents are acceptable for Form I-9 as follows:

- The combination of an expired Permanent Resident Card and a Form I-797, Notice of Action, which indicates the card's validity has been extended. This is acceptable List C evidence of employment authorization in combination with a List B document. At the end of the extension period, you must reverify.
- If an employee presents the arrival portion of Form I-94/Form I-94A Arrival/Departure Record, containing an unexpired temporary I-551 stamp and a photograph of the individual, this combination of documents is an acceptable List A receipt for the Permanent Resident Card. The employee must present their Permanent Resident Card to you no later than when the stamp expires, or one year after the issuance date of the Form I-94 if the stamp does not contain an expiration date.
- Reverification is necessary if an employee presents a foreign passport with either a temporary I-551 stamp or I-551 printed notation on a machine-readable immigrant visa (MRIV) when the stamp or MRIV expires, or one year after the admission date if the stamp or MRIV does not contain an expiration date. MRIVs are usually issued with the following language on the visa: "UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR." The one year time period begins on the date of admission. If, in the rare instance, an immigrant visa is issued without the statement "FOR 1 YEAR," you should treat the MRIV as evidence of permanent residence status for one year from the date of admission.
- If the stamp in the passport is endorsed "CR-1" and is near but not on the immigrant visa, it is still a valid endorsement.

Temporary Employment Authorizations (EADs, Refugees, Asylees, TN, F-1, J-1 & H-1B Visas)

A non-resident alien must satisfy federal employment authorization and visa requirements in order to work or study in the United States. Below are a number of employment authorization documents that an employee may present for completion of the Form I-9. The most common temporary employment authorizations are discussed in this section.

As a reminder, campus I-9 preparers are expected to regularly monitor the status of temporary employment authorizations and ensure that the Form I-9 is re-verified on or before employment authorization expiration.

Employment Authorization Document

An Employment Authorization Document (EAD) is one way that an employee can prove that they are allowed to work in the United States for a specific time period.

When completing a Form I-9 for an employee with an Employment Authorization Document (EAD), the I-9 preparer should enter the following information in Section 2 under List A:

- Unexpired EAD title and number
- EAD expiration date

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.

Employment Authorization Document Automatic Extension

Foreign nationals in certain employment eligibility categories who file an EAD renewal application may receive automatic extension of their expiring EAD for up to 180 days, if the Employment Authorization Document (Form I-766) Renewal Application is submitted timely. The extension begins on the date the EAD expires and continues for up to 180 days unless the renewal application is denied. An automatic EAD extension depends on these requirements:

- The employee must have timely filed an application to renew their EAD before it expires (except certain employees granted Temporary Protected Status (TPS) and the application remains pending;
- The eligibility category on the face of the EAD is the same eligibility category code on the Form I-797C Notice of Action, the employee received from USCIS indicating USCIS's receipt of their renewal application (except employees with TPS who may have a C19/A12 combination); and



When completing a Form I-9 for an employee with an Employment Authorization Document (EAD) that has been automatically extended, the I-9 preparer should enter the following information in Section 2 under List A, “Special Amendment – EAD Auto Extension”:

- The employee’s expired EAD (Form I-766)
- Form I-797C Notice of Action showing that the EAD renewal application was timely filed and showing the same qualifying eligibility category as that on the expired EAD
- The eligibility category is listed on uscis.gov as eligible for EAD automatic extensions. As of the date of publication of this M-274, Handbook for Employers, eligibility categories codes for a 180-day automatic extension are A03, A05, A07, A08, A10, C08, C09, C10, C16, C20, C22, C24, C31 and A12 or C19

This document combination is considered an unexpired Employment Authorization Document (Form I-766) under List A. Refer to the [USCIS Handbook for Employers M-274](#) for more information.

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.

Temporary Protected Status Automatic Extension

The Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to an ongoing armed conflict (such as civil war), an environmental disaster (such as earthquake or hurricane) or an epidemic, or another extraordinary and temporary condition in the country.

TPS beneficiaries may receive an automatic extension of their Employment Authorization Document (Form I-766) if they file their renewal application in accordance with the applicable *Federal Register* notice regarding procedures for renewing TPS-related employment documentation, which may or may not require that the application be filed prior to the expiration of the Employment Authorization Document (Form I-766).

TPS beneficiaries have other ways to receive an automatic extension of their EAD. In many circumstances, their EAD may be automatically extended under a notice published in the *Federal Register* based on an extension of the TPS country designation. In these instances, DHS will inform the public in the *Federal Register* notice that TPS status and employment authorization for TPS beneficiaries are being extended. You may not require employees to prove they are a national of a country that has been designated for TPS.



When completing a Form I-9 for an employee with an Employment Authorization Document (EAD) that has been automatically extended, the I-9 preparer should

enter the following information in Section 2 under List A, “Special Amendment – TPS Auto Extension”:

- The employee’s expired EAD (Form I-766)
- Form I-797C Notice of Action showing that the EAD renewal application shows the same eligibility category as that on the expired EAD -or- has a C19/A12 category combination
- The eligibility category is listed on uscis.gov as eligible for EAD automatic extensions. As of the date of publication for the July 2017 edition of the USCIS Handbook for Employers M-274, eligibility categories codes for a 180-day automatic extension are: A03, A05, A07, A08, A10, C08, C09, C10, C16, C20, C22, C24, C31 and A12 or C19

This document combination is considered an unexpired Employment Authorization Document (Form I-766) under List A. Refer to the [USCIS Handbook for Employers M-274](#) for more information.

These individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period. When the automatic extension of the Employment Authorization Document (Form I-766) expires, you must reverify the employee’s employment authorization.

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.



Reminder: TPS beneficiaries may present an Employment Authorization Document (Form I-766) that is expired on its face with a C19 eligibility code but a Form I-797C Notice of Action indicating the eligibility category code A12. Therefore, just for TPS beneficiaries, the eligibility category codes do not need to be the same, but can be either C19 or A12.

Refugee & Asylee Status

Refugee status or asylum may be granted to people who have been persecuted or fear they will be persecuted on account of race, religion, nationality, and/or membership in a particular social group or political opinion.

Refugee

Refugee status is a form of protection that may be granted to people who meet the definition of refugee and who are of special humanitarian concern to the United States. Refugees are generally people outside of their country who are unable or unwilling to return home because they fear serious harm. For a legal definition of refugee, see section [101\(a\)\(42\) of the Immigration and Nationality Act \(INA\)](#).

The following documents establish the employee’s identity and employment authorization for Form I-9 purposes:

- Any applicable List A or B and C document(s) from the [Form I-9 Lists of Acceptable Documents](#)



When completing a Form I-9 for a refugee, Section 1 of the Form I-9 should indicate “Alien Authorized to Work” and “N/A” for the expiration date and the I-9 preparer should enter the following information in Section 2:

- List A document(s) such as:
 - Unexpired Form I-94 with admission code of “RE” and refugee admission stamp, or
 - Expired EAD with an I-797C Notice of Action from USCIS indicating timely filing of the renewal application for an EAD (provided the I-797C indicates the same employment authorization category as the expired employment authorization document). This combination of documents is valid for up to 180 days after the date the original EAD expires

-or-

- List B document such as a Department of State-issued Transportation Boarding Letter if it contains a photograph or identifying information (name, date of birth, gender, height, eye color and address), and
- List C document such as an unrestricted Social Security card

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.



Reminder: Form I-94 may be used a receipt for a document establishing both employment authorization and identity for up to 90 days. Before the end of the 90 days, the employee must present either an Employment Authorization Document or a combination of a List B document and unrestricted Social Security card.

Asylum

Asylum status is a form of protection available to people whom:

- Meet the definition of a refugee
- Are already in the United States
- Are seeking admission at a port of entry

The following documents establish the employee’s identity and employment authorization for Form I-9 purposes:

- Any applicable List A, B and C document(s) from the [Form I-9 Lists of Acceptable Documents](#)



When completing a Form I-9 for an asylee, the I-9 preparer should enter the following information in Section 2:

- List A document(s) such as:
 - Unexpired Employment Authorization Document (I-766), or
 - Unexpired Form I-94 with a stamp or notation indicating asylee status “AY”, or
 - Expired EAD with an I-797C Notice of Action from USCIS indicating timely filing of the renewal application for an EAD (provided the I-797C indicates the same employment authorization category as the expired employment authorization document). This combination of documents is valid for up to 180 days after the date the original EAD expires

-or-

- List B document, and
- List C document such as:
 - An unexpired Form I-94 with a stamp or notation indicating asylee status, or
 - Unrestricted Social Security card

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.



Reminder: Form I-94 is acceptable as either a List A or C document for asylees.

NAFTA (TN) Non-Immigrant Status

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



When completing Section 1 of [Form I-9, Employment Eligibility Verification](#), an employee in TN status should select “An alien authorized to work” and enter the admission number and expiration date of their status as indicated on Form I-94/Form I-94A, Arrival/Departure Record in Section 1.

The following documents establish the employee’s identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired foreign passport
 - Form I-94 or Form I-94A indicating TN nonimmigrant status

-or-

- List B document, and
- List C document such as Form I-94/I-94A indicating admission in TN status

F-1 Non-Immigrant Status for Foreign Academic Students

F-1 students may not work off-campus during the first academic year, but may accept on-campus employment subject to certain conditions and restrictions. There are various programs available for F-1 students to seek off-campus employment after the first academic year. The following table shows the types of documents that a foreign student in F-1 nonimmigrant status may be issued and could present to an employer for Form I-9 purposes.

On-Campus Employment	Curricular Practical Training (CPT)	Off-Campus Employment Based on Severe Economic Hardship	Employment Sponsored by an International Organization	Optional Practical Training (OPT)	Science, Technology, Engineering and Mathematics (STEM) OPT	Cap-Gap
Unexpired foreign passport and Form I-94, Arrival/Departure Record	Unexpired foreign passport and Form I-94 with Form I-20, Certification of Eligibility for Nonimmigrant Student Status	EAD	EAD	Unexpired EAD	Unexpired EAD -or-	EAD
	List B and List C documents with Form I-20, Certification of Eligibility for Nonimmigrant Student Status				Expired EAD* with Form I-20 endorsed by the designated school official for 180 days	Expired EAD* with Form I-20 endorsed by the designated school official

**In limited circumstances, I-9 preparers may accept a document that appears expired on its face for Form I-9 verification.*

There are three cases an I-9 preparer may encounter, depending on which of the following documents 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, or
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 an Employment Authorization Card (Form I-766) with category C003i, C003A, C003B, or C003C)

Foreign Students in F-1 Non-Immigrant Status Working in On-Campus Employment

Foreign students in F-1 nonimmigrant status who are studying at UNC-Chapel Hill may work on campus. Locations where foreign students in F-1 nonimmigrant status may work include:

- The school's premises, including on-location commercial firms that provide services for students on campus, such as the school bookstore or cafeteria
- Somewhere off campus that is educationally affiliated with the school

Employment that does not provide direct services to students is not on-campus employment. For example, an on-campus commercial firm, such as a construction company that builds a school building, does not provide direct student services. Guidelines for [on-campus employment](#) are available on U.S. Immigration and Customs Enforcement's (ICE) [Student and Exchange Visitor Program](#) webpage.

Foreign students may work on campus for up to 20 hours a week when school is in session and full-time during summer and other vacation periods for students who intend to register for the subsequent academic term. An exception to this limitation applies in cases of emergent circumstances announced by DHS in a notice published in the Federal Register.

The following documents establish the student's identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired foreign passport
 - Form I-94 or Form I-94A indicating F-1 nonimmigrant status
 - Form I-20 with the DSO's endorsement for employment

-or-

- List B document such as a State driver's license, and
- List C document such as a Form I-94 indicating F-1 nonimmigrant status with a properly endorsed Form I-20



When completing a Form I-9 for an F-1 student and the Form I-20 is issued by UNC Chapel-Hill as well as page 3 of the I-20 does not indicate CPT or OPT, Section 1 must indicate "Alien Authorized to Work" and the I-9 preparer should enter the following information in Section 2 under List A:

- Foreign passport title, number, issuing authority and expiration date
- Form I-94 title, number, issuing authority, D/S (duration of status)
- Student and Exchange Visitor Information System (SEVIS) number, issuing authority and program expiration date from Form I-20 (pages 1 and 3)

Finally, the I-9 preparer must scan the document(s) presented and attach a copy to the electronic Form I-9.



Reminder: The employment authorization may begin no more than 30 days before the “report no later than” date. In addition, employment authorization ends on the “complete studies not later than date” when full-time enrollment ends, or the student graduates, whichever is earlier.

Foreign Students in F-1 Non-Immigrant Status Participating in Curricular Practical Training (CPT)

An F-1 nonimmigrant student may begin Curricular Practical Training (CPT) after the Designated School Official (DSO) has completed the Form I-20 endorsement page. CPT is any alternative work/study, internship, cooperative education, or other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. CPT must be an integral part of an established curriculum.

The following documents establish the student’s identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired foreign passport
 - Form I-94 or Form I-94A indicating F-1 nonimmigrant status
 - Form I-20 with the DSO’s endorsement for employment



When completing Form I-9 for an F-1 student in CPT and the Form I-20 indicates Curricular Practical Training (CPT) at UNC Chapel-Hill, the I-9 preparer should enter the following information in Section 2 under List A:

- Foreign passport title, number, issuing authority and expiration date
- Form I-94 title, number, issuing authority, D/S (duration of status)
- Student and Exchange Visitor Information System (SEVIS) number, issuing authority and program expiration date from Form I-20 (pages 1 and 3)

Finally, the I-9 preparer must attach a scanned copy of the document(s) presented to the electronic Form I-9.



Reminder: The Form I-20 document expiration date will usually not be the same as the employment authorization expiration date. The employment authorization

beginning and ending dates for CPT appear at the top of page 3 of the I-20 form under “Student Employment Authorization.”

Foreign Students in F-1 Non-Immigrant Status Participating in Optional Practical Training (OPT)

Optional Practical Training (OPT) provides a practical training experience that directly relates to an F-1 student’s major area of study. A foreign student in F-1 nonimmigrant status participating in OPT **must obtain an Employment Authorization Document (EAD) from USCIS before they are authorized to work. The student may not begin employment until the date indicated on the EAD.** While still in school, a student authorized for OPT may work:

- For up to 20 hours per week while school is in session
- Full-time during the student’s annual vacation and at other times when school is not in session

After finishing a course of study, a student must complete all practical training within a 14-month period. Please see the USCIS [OPT for F-1 Students](#) webpage for the types of OPT. Some foreign students may be eligible for an extension of their OPT. (See F-1 STEM OPT Extension)

The following documents establish the student’s identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired Employment Authorization Document (EAD) card



When completing Form I-9 for an F-1 student in OPT and the Form I-20 indicates Optional Practical Training (OPT) at UNC Chapel-Hill, the I-9 preparer should enter the following information in Section 2 under List A:

- EAD document title
- EAD document number
- EAD document expiration date

Finally, the I-9 preparer must scan the front and back of the EAD document presented and attach a copy to the electronic Form I-9.

If an F-1 student’s EAD expires, the I-9 preparer must reverify the student’s employment authorization in [Section 3](#). The student may choose to present any List A or List C document that shows that the student continues to be authorized to work in the U.S.



Reminder: In all cases, the employment authorization expires on the EAD expiration date, regardless of the I-20 document. In addition, if the student has not

completed their studies, the I-20 “document expiration date” is the date on page 1 at #5.

F-1 STEM OPT Extension

A foreign student who received a bachelor’s, master’s, or doctoral degree in science, technology, engineering or mathematics ([STEM \(PDF\)](#)) from an accredited [Student and Exchange Visitor Program-certified school \(PDF\)](#) may apply for a 24-month extension of their OPT while in a period of post-completion OPT.

STEM OPT students must work for an employer that is enrolled and in good standing with E-Verify. While a STEM OPT student may change employers, the new employer must be enrolled and in good standing with E-Verify before the student begins STEM OPT employment. EAD cards issued to F-1 STEM OPT students state “STU: STEM OPT ONLY.”

The following documents establish the student’s identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired EAD, or
 - Expired EAD presented with Form I-20 endorsed by the student’s Designated School Official (DSO) recommending a STEM extension



Reminder: An expired EAD is acceptable for 180 days from the expiration date on the card and employment authorization must be reverified after 180 days for employment to continue.



If the student presents an expired EAD and an endorsed Form I-20 as described above, the I-9 preparer should click on the amendment tab under the special amendment option, choose F-1/OPT STEM extension and enter the following information:

- EAD document title
- EAD document number
- Date the EAD expired

Details	Options	Issues
I-9 Amendments		
Issues with I-9 Amendments		
Special Amendments		
Hide Special Amendment Options		
Extension of Stay		For:
F-1/OPT STEM Extension		For:
CAP GAP Extension		For:
TPS Auto-extension		For:
EAD Auto-extension		For:

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.



Reminder: In all cases, the employment authorization expires on the EAD expiration date, regardless of the I-20 document. In addition, if the student has not completed their studies, the I-20 “document expiration date” is the date on page 1 at #4 of the Form I-9.

Cap-Gap Extension

A cap-gap extension extends an eligible F-1 student's status and post-completion OPT period to bridge the gap between the end of F-1 status and start of H-1B status. This allows the student to remain and work in the U.S. during the "gap."

The cap-gap extension is available to students who, through September 30 of the current calendar year:

- Are either on approved OPT or in their 60-day grace period; and
- Have a pending or approved H-1B change-of-status petition with an October 1 start date that was filed prior to the expiration of their OPT or 60-day grace period.

The documents below establish identity and employment authorization for Form I-9 purposes by students who have had their status and employment authorization extended through cap-gap:

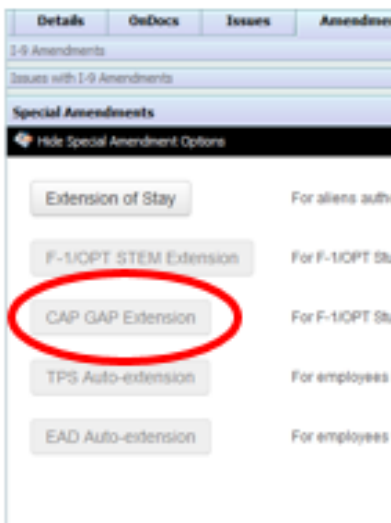
- List A document(s) such as:
 - Expired EAD
 - Form I-20 endorsed by the DSO recommending the cap-gap extension

Such documentation is acceptable through Sept. 30 of the year in which the employer filed the H-1B petition unless the H-1B petition is rejected, not selected, denied, revoked or withdrawn before Oct. 1 of that calendar year.



To verify employment authorization in Section 2 or conduct reverification in Section 3 during the cap-gap period, the I-9 preparer should use the special amendment in LawLogix and select CAP Gap Extension (see example below):

- EAD document title
- EAD document number
- Date the EAD expired in the expiration date space



Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.

J-1 Non-Immigrant Status for Exchange Visitors

The J-1 classification (exchange visitors) is a type of employment authorization for those who intend to participate in an approved program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, receiving training, or to receive graduate medical education or training.

Exchange visitors come to the United States for a specific period of time to participate in a particular program or activity, as described on their Form DS-2019. Only J-1 exchange visitors may use Form DS-2019 for employment when such employment is part of their program.



Reminder: Dependents of a J-1 exchange visitor are classified as J-2 nonimmigrants and are only authorized to work if USCIS has issued them an EAD.

A J-2 nonimmigrant's foreign passport and Form I-94/Form I-94A are not evidence of identity and employment authorization for purposes of Form I-9.

J-1 Exchange Visitors – Non-Students

USCIS does not issue an Employment Authorization Document (EAD) Form I-766 to J-1 exchange visitors. Instead, they are issued several other documents that in combination are List A documents and serve as evidence of employment authorization for J-1 exchange visitors who are not students:

- List A document(s) such as:
 - Unexpired foreign passport
 - Form I-94/Form I-94A Arrival Departure Record indicating J-1 non-immigrant status
 - Form DS-2019 with the responsible officer's endorsement



When completing a Form I-9 for a J-1 exchange visitor and the DS-2019 is issued by UNC Chapel-Hill, the I-9 preparer should enter the following information in Section 2 under List A:

- Foreign passport title, number, issuing authority and expiration date
- Form I-94 title, number, issuing authority, D/S (duration of status)
- Form DS-2019 document title, number and expiration date

Finally, the I-9 preparer must scan the document(s) presented and attach a copy to the electronic Form I-9.

J-1 Exchange Visitors – Students

Students who are exchange visitors may present a variety of documents with a letter from the UNC Chapel Hill's International Student and Scholar Services (ISSS), the responsible officer authorizing employment:

- List A document(s) such as:
 - Unexpired foreign passport
 - Form I-94/Form I-94A Arrival Departure Record indicating J-1 non-immigrant status
 - Form DS-2019 with the responsible officer's endorsement
 - A letter from International Student and Scholar Services (ISSS) authorizing employment must be included when the DS-2019 lists Student Bachelors, Masters or Doctorate (*Note: The end date in the ISSS letter should be indicated in Section 1 of the Form I-9*)

-or-

- List B document, and

- List C document

For example, the J-1 student could present a List B document (such as a state driver's license) and a Form I-94 in combination with Form DS-2019 and a letter from a responsible officer. The documents by themselves do not qualify.



When completing a Form I-9 for a J-1 student and the DS-2019 is issued by UNC Chapel-Hill, the I-9 preparer should enter the following information in Section 2:

- List A document(s) such as:
 - Unexpired foreign passport title and number
 - Form I-94 title and number
 - Form DS-2019 document number and expiration date

-or-

- List B document, and
- List C document

Finally, the I-9 preparer must attach a scanned copy of the document(s) presented as well as the letter issued by ISSS authorizing employment with end date to the electronic Form I-9.

Some exchange visitors may extend their status. If you have questions about any exchange visitor's continued employment authorization, contact ISSS (responsible officer) whose name and telephone number are on Form DS-2019.

H-1B Non-Immigrant Status for Specialty Occupations

U.S. businesses use the H-1B program to temporarily employ foreign workers in a specialty occupation that requires theoretical or technical expertise in a certain field, such as science, engineering or computer programming. As a U.S. employer, the University may submit a Form I-129, Petition for a Nonimmigrant Worker, to USCIS for nonimmigrants who have certain skills, provided they meet established requirements.

Newly Hired Employee with H-1B Non-Immigrant Status

If USCIS approves the University's petition, ISSS will receive Form I-797, Notice of Approval, from USCIS, which indicates that the foreign worker has been approved for H-1B classification. Once the employee begins working, the employee and I-9 preparer must both complete Form I-9.

The documents below establish identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired foreign passport
 - Form I-94/Form I-94A Arrival Departure Record indicating H-1B non-immigrant status
 - I-797A approval notice



When completing a Form I-9 for a newly hired employee with an H-1B classification and the petitioner is UNC Chapel-Hill, the I-9 preparer should enter the following information in Section 2 under List A:

- Foreign passport title, number, issuing authority and expiration date
- Form I-94 title, number, issuing authority, D/S (duration of status)

Finally, the I-9 preparer must scan and upload a copy of the I-797A approval notice title, number, issuing authority and expiration date (*Note: the Form I-94 may be attached to the bottom of the I-797A*) and any other documents presented to the electronic Form I-9.



Reminder: 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.

Employee with H-1B Extension of Stay

H-1B petitions can be approved for an initial period of up to three years, after which USCIS may grant extensions for up to an additional three years. Certain H-1B workers may be extended beyond the six-year ceiling.

For an H-1B worker to continue working for the University beyond the expiration of their current H-1B status as indicated by the expiration date on their Form I-797 Notice of Action approval notice, the University must request an extension of stay **before their H-1B petition expires**.

Upon submitting a timely filed Form I-129 petition seeking an extension of the employee's status, the employee is authorized to continue to work while the petition is being processed for a period not to exceed 240 days, or until USCIS denies your petition, whichever comes first.



If the employee presents a I-797C receipt notice as evidence of petition to extend H-1B status, the I-9 preparer should click on the amendment tab under the special amendment option, choose Extension of Stay and enter the following information:

- I-797C receipt notice title, number and issuing authority and date petition was filed

Once the amendment is entered, the I-9 preparer must approve the amendment to Section 2. Finally, the I-9 preparer must scan the document(s) presented and attach a copy to the electronic Form I-9.

The I-9 preparer must reverify the employee's employment authorization in Section 3 once they receive a decision on the H-1B petition (I-797A approval notice) or by the end of the 240-day period, whichever comes first.

Employee with H-1B Changing Employers (Portability)

An H-1B employee who is changing H-1B employers may begin working for the University as soon as the University files a Form I-129 petition on behalf of the employee. The new petition must have been filed prior to the expiration of the individual's period of authorized stay.

The University must complete a new Form I-9 for this newly hired employee. The employment authorization date provided by the employee in Section 1 may be based on the existing H-1B information from their previous employer even if the I-94 employment authorization has expired.

The documents below establish identity and employment authorization for Form I-9 purposes:

- List A document(s) such as:
 - Unexpired foreign passport
 - Unexpired Form I-94/Form I-94A issued for employment with the previous employer

When completing a Form I-9 for a newly hired employee with an H-1B classification and the petitioner is UNC Chapel-Hill, the employee should indicate the employment authorization date for the existing H-1B from the previous employer in Section 1.

The I-9 preparer should select the "Employee Qualifies for H-1B Portability" under List A, use the existing employment authorization and indicate the petition filing date of the petition. The I-9 preparer should ensure that the filing date of the petition does not precede the expiration date of the existing employment authorization.

Finally, the I-9 preparer must scan the front and back of the document(s) presented and attach a copy to the electronic Form I-9.

The employee is given 240 days from the date the petition is filed to present the I-797A notice for Section 3 reverification of the employment authorization.



Reminder: Per USCIS and The American Competitiveness Act in the Twenty-First Century (AC-21), the employee may continue to work for the new employer until a decision is made on the new H-1B filing.

Remote Hires

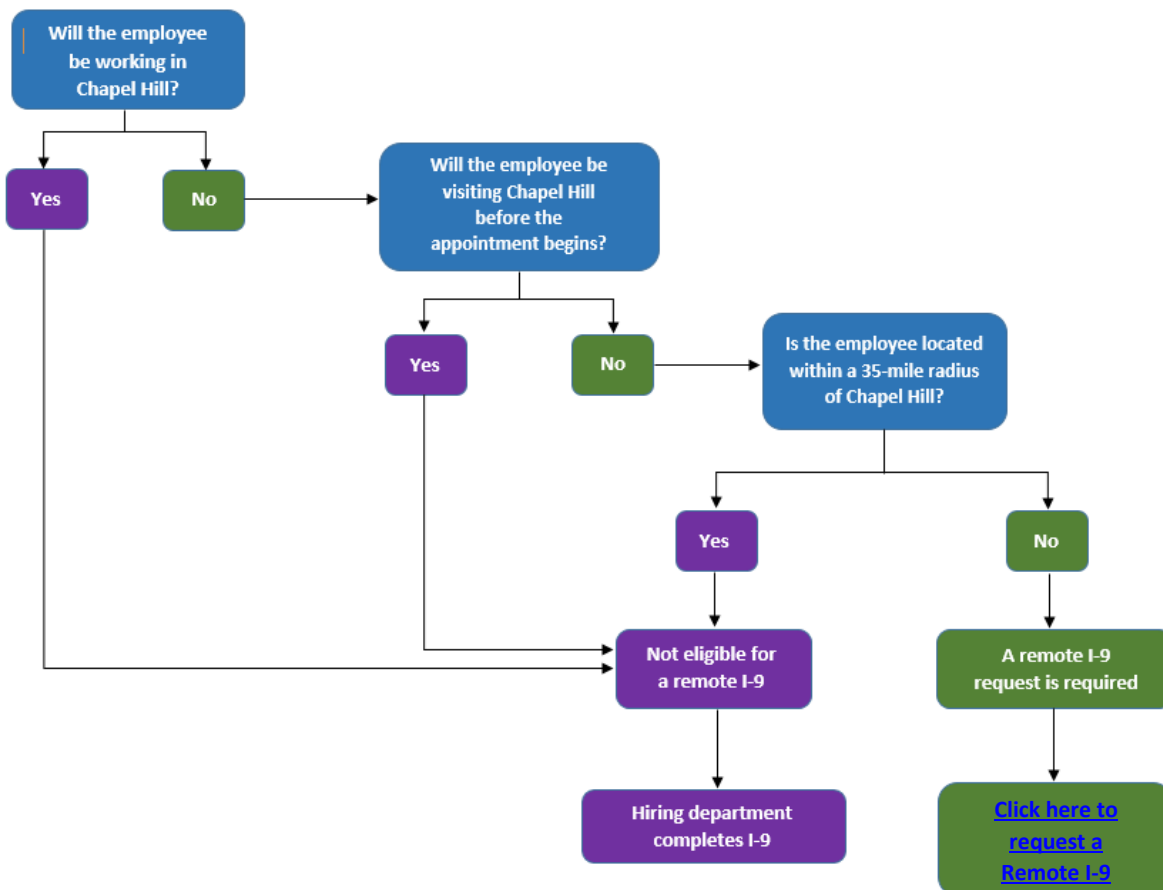
Per federal requirements, all University employees hired after November 6, 1986 are required to complete a Form I-9 at the time of hire or rehire. This includes employees who will be working out of state or outside of reasonable travel distance from the UNC-Chapel Hill campus. When hiring a person to work in a remote location, the employer can designate an agent to carry out the employer's Form I-9 responsibilities.

The remote I-9 process must be initiated by the unit or department I-9 preparer for those individuals working more than 35-miles or more from UNC-Chapel Hill. Refer to the decision tool below to determine if a remote I-9 is appropriate.



Hiring departments must submit the remote I-9 request at least two weeks prior to the employee's anticipated hire date to ensure sufficient time to coordinate a remote agent and complete the I-9 process. All remote I-9 requests are managed by the OHR I-9 unit in the Office of Human Resources.

Decision Tool: Is my Employee Eligible for a Remote I-9?



Retaining the Form I-9 Form

Employers must keep Forms I-9 on record as long as the person is employed for a period of time after the person has left the University. That time period is determined once an employee has terminated, by calculating two dates:

- First Date: Add three years to the hire date
- Second Date: Add one year to the termination date
- Whichever date is later is how long the Form I-9 must be retained

Forms I-9 completed November 7, 1986 through May 9, 2010 are retained for the duration of the retention period by the campus hiring department. Campus hiring departments are responsible for retaining Forms I-9 completed during this period in a secure area and destroying forms when appropriate following confidential records destruction procedures.

Forms I-9 completed on or after May 10, 2010 are retained in the University's electronic I-9 system, LawLogix for the duration of the retention period.



Reminder: Due to the sensitive nature of information on Form I-9

When Employment Authorization is Not Verified

When an employee fails to comply with employment eligibility verification requirements which includes not completing Form I-9, not providing identity and employment authorization document(s) by federal deadlines, not renewing employment authorization prior to expiration or is not authorized to work in the U.S., the I-9 preparer is responsible for immediately contacting the OHR/I-9 unit for further guidance.

After obtaining approval from OHR/I-9 unit, the I-9 preparer must have the employee cease all work for the University and terminate their employment immediately. 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.

Frequently Asked Questions

Who is required to complete a Form I-9 and E-Verify verification?

Every employee of the University hired after November 6, 1986 must complete the Form I-9 and E-Verify at the time of initial hire and rehire. This includes staff, faculty student employees as well as adjunct faculty who are classified as employees (with the intent to be paid).

Does a Form I-9 and E-Verify verification need to be completed for a contingent worker?

No. Contingent workers are not employees of the University.

Does a Form I-9 and E-Verify verification need to be completed for an affiliate (i.e. UNC independent contractor, employee of temporary staffing agency, unpaid intern, volunteer, visiting scholar, etc.)?

No. Affiliates are not employees of the University.

What do I do if I am not able to access an employee's Form I-9 in LawLogix?

You may not be able to access an employee's Form I-9 if: 1) you do not have access to the employee's department or 2) the hire action has not been initiated and executed in ConnectCarolina prior to the I-9 being initiated and as a result, the employee's Form I-9 has not been moved to their new department in the LawLogix system.

If the hire action has not been executed in ConnectCarolina, the hiring department should do so prior to completing the Form I-9, to ensure that the employee's new appointment and assigned department feeds overnight to the LawLogix system. Then, the I-9 preparer can complete the Form I-9 thereafter.

However, if there is insufficient time to execute the hire action prior to completing the Form I-9, please contact the OHR I-9 unit at (919) 962-0985 for assistance.

What do I do if the employee is working out of country?

Federal Form I-9 requirements do not apply to employees while they are working out of country. Therefore, a Form I-9 is not required unless the employee will be working in the United States for any period of time (i.e. to attend a conference, meeting, perform other work duties).

If an employee is working out of country, the I-9 preparer must include a case note in the employee's LawLogix record indicating that the employee is working out of country and if they will be returning to work in the U.S.

What is LawLogix?

LawLogix is a third-party system that the University uses to electronically complete and store Forms I-9. This system also transmits Form I-9 information to the E-Verify system.

What do I do if I cannot access the LawLogix system?

If you are a new campus I-9 preparer, if you meet the eligibility requirements and you have completed LawLogix training, your Access Request Coordinator will submit an Access Request. Once your Access Request is reviewed and approved, you will receive access to the LawLogix system.

If you recently accessed the LawLogix system and you are no longer able to log in, please contact the HR Systems Help Desk at (919) 962-HELP or OHR I-9 unit at (919) 962-0985 for assistance.

Resources and Training

Information about I-9 training and resources is available on the Form I-9 Information for Departments webpage: <https://hr.unc.edu/about/hr-community/form-i9-departments/>.

In addition, I-9 preparers should become familiar with the LawLogix guides and tutorials that can be accessed by clicking on the Help button on the left menu in the LawLogix system.

Questions about the I-9 Process?

Contact the Office of Human Resources OHR I-9 unit at (919) 962-0985 or eevquestions@listserv.unc.edu.