IFAS-HR Roundtable
February 12, 2019

Form I-9 & E-Verify
I-9 Reverifications
Visa Expirations
Immigration Updates
Form I-9

So many rules, it’s hard to keep straight
Form I-9
Section 1

This section is to be filled out by the Employee on or before start date

• US Citizens and Permanent Residents complete this in GatorStart

• Foreign Nationals will complete this on paper or using the online smart form then printed and signed.

• Note: Empty boxes are not acceptable. Always enter “N/A” where needed.
  ➢ Always give employee the document list
  ➢ Have the instructions readily available for employee to refer to
  ➢ When in doubt, call us 😊
Form I-9
Section 1

This section is to be filled out by the Employee on or before start date

• #1 & #3 completed in GatorStart
• #2 – there are only a handful of people on campus who qualify for this status (see page 3)
• #4 – An alien authorized to work
  • Need expiration date! (see page 3 for exceptions)
  • Notice the “OR”
  • Put “N/A” on unused lines

Completing Section 1: Employee Information and Attestation

You, the employee, must complete each field in Section 1 as described below. Newly hired employees must complete and sign Section 1 no later than the first day of employment. Section 1 should never be completed before you have accepted a job offer.

Signature of Employee
  • they can use their native alphabet to sign
  • Digital signatures are not allowed

Today’s Date
  • DO NOT BACK DATE!

Preparer and/or Translator Certification
  • The employee must mark one of these boxes
Form I-9
Section 1

This section is to be filled out by the **Preparer and/or Translator**.

- If someone other than the employee entered any information into Section 1, this section must be completed!!
- All fields must be filled in
- Use the department's physical address
  - No PO Boxes
- Today’s Date
  - DO NOT BACK DATE!
Form I-9
Section 2 & E-Verify

This section is to be filled out by the HR Liaison no later than the 3rd business day after start date

- Employee Info
  - Autofilled by smart form
  - Handwritten must be exactly as Section 1
- List A Documents (see page 8)
  OR
- List B Documents (see page 9-10)
  AND
- List C Documents (see page 11)
Form I-9
Section 2 & E-Verify

Foreign Nationals will only have List A documents

• 1 document only
  • Employment Authorization Card (EAD)
    • Issuing authority is DHS

• 2 documents only
  • Passport – not expired
  • I-94 – not expired

• 3 documents needed
  • Passport – not expired
  • I-94 – expiration date says “D/S”
  • DS-2019 or I-20
Form I-9 Certification

- Employee’s first day of employment: must match the effective date on the ePAF
- Authorized Representative: the person who completed Section 2
- Employer’s Business: University of Florida
- Employer’s Address: must be the physical address of your department – No PO Boxes allowed

COMPLETED NO LATER THAN 3RD BUSINESS DAY AFTER START DATE
Common I-9 Problems

- Not putting “N/A” in empty boxes and spaces
- Not checking the correct attestation in Section 1 for foreign nationals
  - #4 will be the main choice for foreign nationals on visa
- The Preparer and/or Translator Certification box is not checked.
- The birth date was entered instead of the signature date.
- Top of page 2: Employee info was not fully entered
  - Don’t forget to put the number that was checked in Section 1 in Citizenship/Immigration Status box
- Documents listed in wrong List column or wrong documents listed in correct List column
- Not all foreign national documents are listed
  - If I-94 says “D/S”; must add DS-2019 or I-20
- Too many foreign national documents are listed
  - ex. If using EAD card – this is the only document needed
- PO Boxes used for addresses
- Corrections
  - must be a single line through the wrong information
  - Don’t erase or whiteout
  - Correct information provided and initialed
E-Verify

But, WHY?!!!
E-Verify

- It’s the Law!
  - for institutions that accept funding from the federal and Florida state governments
- 3 Business Days from start date!!
  - Must be done through I-9 Management portal
  - Everybody
I-9 and E-Verify Repercussions

- Late 2017 the Immigration and Customs Enforcement (ICE) ordered Homeland Security Investigations (HSI) to increase the amount of time spent on I-9 audit compliance worksite enforcement by four to five times.
- It is not a matter of IF we get audited, it’s WHEN!
- Fines now range from $224 - $2,236 per Form I-9.
- Keep in mind that if there are fines to assess, departments will be held financially responsible.

- As UF stood last year, in a 12-month period:
  - Section 1 Late Completions: 37% = $6,305,060.00
  - Section 2 Late Completions: 31% = $5,338,015.00
  - Total = $11,643,075.00

- These figures do not include fees for possible mistakes within the I-9; keep in mind that each line carries a different fine amount.
Late I-9s and E-Verifications

• What if I wasn’t told about a hire before the employee’s start date?!!!
• What if the start date requested is before the foreign national entered the country?!!!
• What if E-Verify is entered after the mandatory 3 business days?!!!

Open Discussion
I-9 Reverifications

Annoying but necessary
Form I-9 Reverification

- **Employee Name from Section 1** – Exactly as it appears in Job Data
- **Box A** – only to be filled out if there is a legal name change (call IFAS-HR for instructions)
- **Box B** – not to be used for rehires per instructions from UFHR
- **Box C** – used most often
  - To update changes in status (i.e. new permanent resident)
  - To update expirations in work authorization (i.e. visa extensions)
Form I-9 Reverification

- New Permanent Resident
  - Document Title – “Perm. Resident Card (Form I-551)”
  - Document Number – USCIS number on card
  - Expiration Date – as stated on card
- New I-94, DS-2019 (J-1), or I-20 (F-1) forms
  - Document Title – “Employment auth document (DHS)”
  - Document Number –
    - I-94 form: number on form
    - DS-2019/1-20 form: SEVIS number
  - Expiration Date – Ending date on form
- New Employment Authorization Card
  - Document Title – “Employment Auth Document (Form I-766)”
  - Document Number – USCIS number on card
  - Expiration Date – as stated on card

Note: Reverification is never required for U.S. citizens and noncitizen nationals. Do not reverify the following documents after they expire: U.S. passports, U.S. passport cards, Alien Registration Receipt Cards/Permanent Resident Cards (Form I-551), and List B documents.
Form I-9 Reverification Procedure

- Open shared Dropbox file
- Check Visa Expiration Report
- Ask foreign national employee to bring in updated documents before current expiration date
- Save completed Form I-9, Section 3 and copy of documents into Dropbox file
- Done

(If utilizing IFAS-SSC, please contact your Business Administrative Specialist for instructions)
Visa Expiration Report

So much information
Visa Expiration Report

- Updated quarterly and saved in Dropbox file
- Color Coded:
  - **Red** – Expired visas within the system
    - Urgent action needed!!
  - **Blue** – EAD, J-1, or F-1 visas expiring in the next 3-6 months
    - Remind employee to make preparations or begin process to extend
  - **Green** – begin discussions with administration
    - Will department continue sponsorship for H-1B, TN, O-1, or E-3 visas?
    - Will department offer 4th year Postdoc a permanent appointment?
Visa Expiration Report

- This spreadsheet is yours too!
  - Please add notes!!
  - As expiration dates are updated in the system, they will get updated on the spreadsheet so the department knows they’ve been done

- Privacy Security
  - Do not upload anything with social security numbers into Dropbox
  - Documents will be deleted from Dropbox once updated in system
Who’s Responsibility Is It?

• In every foreign national’s Letter of Offer there should be this statement:

“All employees bear a continuing responsibility throughout their employment to maintain their eligibility to work in the U.S. and at the University in the position to which they are assigned. The University cannot pay a wage to any person not lawfully authorized to work regardless of the cause. Failure to timely receive or maintain authorization to be employed in the U.S. at the University in the relevant position shall automatically terminate your employment status at the University.”

• First and foremost, it is the responsibility of the employee to maintain a current work authorization.

UFHR Immigration Compliance website
Who’s Responsibility Is It?

- **Department HR Liaison Responsibility**
  - Monitor the Visa Expiration Report as provided
  - Be Proactive – Not Reactive
    - Update work authorizations BEFORE they expire
    - Present upcoming visa sponsorships BEFORE rush fees become required
      - H-1B & 4\(^{th}\) year Postdocs – 9-12 months prior to current expiration
      - TN – 3 months prior to current expiration
    - Save your department thousands of $$
Who’s Responsibility Is It?

- **IFAS-HR Immigration Compliance Responsibility**
  - Provide the Visa Expiration Report (VER) quarterly
  - Update work authorizations in system, as provided by department
  - Employer sponsored visas
    - Process, initiate, and actively monitor all sponsored visa cases
    - Process, initiate, and actively monitor green card cases processed through UF immigration attorney (Fragomen)
  - Assist department identify Faculty, TEAMS, and 4th year Postdocs
  - Assist department, faculty, and employees with all immigration questions & concerns
Who’s Responsibility Is It?

DON’T ASSUME … ASK
Immigration Fees

- **H-1B**
  - $460 – USCIS file fee
  - $500 – USCIS anti-fraud fee
  - $1000 – Fragomen legal fee
  - $1410 – USCIS premium processing
  - $1500-$3000 – Rush fees

- **TN**
  - $1000 – Fragomen legal fee
  - $460 – USCIS file fee
  - $1500-$2000 – Rush fees

- **Green Card**
  - Costs and fees depend on foreign national and what type of petition will be filed
    - $6700 - $11,000

(dependents paid for by employee)
Immigration Updates

• E-Verify is back up and running … for now

• Effective July 31, 2018, UFHR/ICS will no longer sponsor incoming Post-Doctoral Associates (PDA) for the H-1B employment status.
  • Options would be F1/OPT, J1 Professor/Researcher Program or the TN visa for Canadian/Mexican citizens.
  • A Post-Doctoral title has become unsuitable for an H-1B due to the high costs associated with filing it and the on-going prevailing wage determination issues with the Department of Labor. In addition, UF policy dictates a four-year term in a PDA title and the H-1B is filed in three-year increments.
Immigration Updates

• It is currently taking up to 12 months to process extensions and amendments
  • Make sure budget is able to pay the Premium Processing fee of $1,410
  • These must be initiated 9-12 months prior to current expiration
Contact

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