



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

THE CATHOLIC UNIVERSITY OF AMERICA

Office of the General Counsel

Immigration Compliance at CUA

Employment Eligibility Verification Form I-9

Introduction

Every person hired by The Catholic University of America (CUA) must meet two absolute requirements: 1) they must be eligible to work in the United States; and 2) they must prove their identity. By law, CUA is required to verify both requirements. The process required by the federal government to establish that such verification has occurred is completion of an I-9 form. The I-9 must be completed within three business days of hire.¹

The I-9 form has three sections. The first section (Section 1) is completed by the new employee, signed and dated. Failure to ensure that the new employee signs and dates the form results in the employer assuming legal responsibility for the veracity of the statements. The second section (Section 2) is completed by the employer. All new employees need to present original documents that establish their identity and eligibility to work. The employer (or its agent) must examine the documents and attest that they appear to be genuine and to relate to the individual. The employer must record the title, issuing authority, number and expiration date (if any) of the documents; fill in the date of hire and correct information in the certification block; and sign and date the form. The third section (Section 3) is used for re-verification and updating. For example, if a document listed in Section 1 or Section 2 has an expiration date, the employer is required to view the newly issued document before the expiration date of the original document authorizing employment, and note the updated information in Section 3.

At CUA, all new employees must report to the Department of Human Resources upon commencement of their first day of work. It is expected that the I-9 will be completed at that time. Supervisors should tell new hires to **bring the necessary documentation with them on the first day of work. A new employee should not be permitted to work if an I-9 form has not been completed for that individual.**

I-9 verification is not required for independent contractors. However, an employer may not use contract labor to circumvent the law against hiring unauthorized aliens.

Note that for employees re-hired within three years of the date an original I-9 form was completed, a review of the original form is sufficient if the work authorization has not expired. Employees who work 8 1/2 months and take the summer off, but return in the fall, do not have to go through re-verification. See, generally, 8 U.S.C. § 1324a and 8 C.F.R. § 274a for the law and regulations on employment eligibility verification.

¹ Hire is defined as actual commencement of employment. See 8 C.F.R. § 2741.1(c).

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