

## Policy Statement

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to verify the identity and employment authorization of new employees within three days of hire. The United States Citizenship and Immigration Services (USCIS) requires employees to provide identification and proof of their authorization to work in the United States via the Form I-9. Reverification is required any time an individual experiences a change in immigration status that affects work authorization.

The IRCA applies to all Carnegie Mellon University (CMU) employees (faculty and staff) who work in the United States (whether they work on the main campus, a satellite campus, or in a remote location). It also applies to CMU students who work for the university in the United States or receive a stipend as part of their admission to a CMU program (student workers). Noncompliance with this federal law puts CMU at risk of civil fines, criminal penalties, and debarment from government contracts.

Therefore, Carnegie Mellon University requires all employees/student workers in the United States to complete the Form I-9 in the timeframe established below. Hiring managers are required to inform the Office of Human Resources (OHR) of any and all hires before the first day of work and to instruct new hires to complete the I-9. In support of this policy, the university maintains [Guidance for Completing the Form I-9 and E-Verify Requirements at CMU](#).

Any employee or student worker found to be in violation of this policy or the related guidance document is subject to disciplinary action, up to and including termination of employment.

Carnegie Mellon University does not discriminate against any class of persons in the administration of the Form I-9 process.

All university resources referred to in this policy are linked in the Related Resources section at the end of this document.

## Scope

The I-9 Policy outlined in this document applies to the following:

- All CMU employees (faculty and staff) who work in the United States.
- All student workers who work in the United States. For the purposes of this policy, “student worker” includes 1) CMU students employed by the university and 2) graduate students receiving a stipend as part of their admission to a CMU program
- CMU employees and student workers located outside the United States who train or work temporarily in the United States.

If you are unsure whether your hiring needs fall within the scope of this policy, your HR recruiter is available to assist.

## Definitions

*United States Citizenship and Immigration Services (USCIS):* A federal agency in the Department of Homeland Security that oversees lawful immigration to the United States. Its functions include: granting employment authorization to eligible foreign nationals; issuing documentation of foreign national employment authorization; maintaining Forms I-9; and administering the E-Verify employment eligibility verification program.

*Immigration Reform and Control Act of 1986 (IRCA):* An act of Congress passed into law to control and deter illegal immigration to the United States. Its major provisions stipulate legalization of undocumented foreign nationals who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders.

*E-Verify:* E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify electronically compares information from an employee's Form I-9, Employment Eligibility Verification, against government records, including the Social Security Administration (SSA) and the Department of Homeland Security (DHS).

*Employee:* A person in a non-student position (faculty or staff) at Carnegie Mellon University who receives compensation from the University and where the University has the right to control and direct how the work is performed.

*Form I-9:* The form used to verify identity and employment authorization. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States.

*Student Worker:* An individual enrolled as a student (undergraduate or graduate) at Carnegie Mellon University and who is either (1) employed by the University in a student position, or (2) receiving a stipend through CMU Payroll Services (e.g. a graduate student receiving a stipend).

Additional definitions can be found in the [HR Glossary of Terms](#).

## Procedures

Form I-9s are required in the follow situations:

- Newly hired employees and student workers with no employment history with the University.
  - If the new hire is expected to work on a federally funded project, the Form I-9 must include additional verification through E-Verify.
- Former employees and student workers rehired by the University, if they do not have an I-9 on file at CMU that was completed within the prior three years.
- CMU students who receive a stipend through Payroll Services, if they do not have an I-9 on file at CMU that was completed within the prior three years.
- Employees/student workers located outside the United States who either train or work temporarily in the United States.
- Active employees/student workers newly assigned to a federal contract, if they have not yet been E-Verified.

### Employee/Student Worker Responsibilities

Timeframe for Form I-9 completion:

- Section 1: Employee/Student Worker Information and Attestation
  - The employee/student worker is required to complete section 1 by the end of business on the first day of work.\*
- Section 2: Employer or Authorized Representative Review and Verification
  - The employee/student worker must present acceptable identification and work-authorization documents in person to OHR, or an OHR-approved I-9 verifier, before the end business on the third business day following the first day of work.
  - OHR verifies the documents and completes section 2.
- For individuals hired for fewer than three days of work, both sections 1 and 2 of the Form I-9 must be completed by the end of business on the first day of work.
- If the new hire has not completed the I-9 by the start of business on the fourth business day following the first day of work, the University is out of compliance with federal law. At this point, the new hire will be suspended without pay until the I-9 is properly completed.
- If, after 10 business days, the new hire has still not completed the I-9, he or she will be terminated.
- Section 3: Reverification and Rehires
  - Reverification must be completed prior to the expiration date, if any, on the active employee/student worker's employment authorization documents listed in section 1 and 2 of the Form I-9.
  - Rehired employees/student workers must reverify their employment authorization documents if their work authorization has expired since their documents were last verified by CMU. (Individuals rehired after three years of original execution of the Form I-9 must complete a new Form I-9.)

\* The USCIS considers the first day of work to be the first day the employee is paid for work.

### Departmental Responsibilities

Departments, divisions, and colleges are expected to follow the University's established hiring processes, such that no individual is hired without the prior knowledge of OHR and their obligations under this policy. Furthermore, no faculty, staff or student worker should be allowed to work beyond the third business day following the first day of work without having completed a Form I-9. This includes graduate students receiving stipends through Payroll Services. It is the responsibility of the hiring manager to 1) ensure that no new hire begins working for pay without the knowledge of OHR and the department's Business Office and 2) inform new employees and student workers of the Form I-9 requirements within a timeframe conducive to compliance with this policy.

## **Related Resources**

Guidance for Completing the Form I-9 and E-Verify Requirements at CMU

[Guidelines for Hiring Staff](#)

[HR Glossary of Terms](#)

[HR Business Partner Directory](#)

[OHR Directory](#)

[Form I-9 and E-Verify page of the HR Service Center website](#)