

# Immigration Reform and Control Act

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## **POLICY**

The Immigration Reform and Control Act (IRCA), implemented as of November 6, 1986, made employers responsible for verifying the employment eligibility and identity of any employee hired to work in the United States. Potential employees who are not current citizens or lawful permanent residents may need to apply for Employment Authorization to establish eligibility to work in the United States. University departments hiring faculty, staff, temporary, graduate or student employees partner with Human Resources and/or the International Services office to ensure compliance. The Employment Eligibility Verification form (I-9) must be completed to document a hired employee's eligibility to work in the U.S. However, hiring managers have a responsibility to determine whether a person is eligible to work prior to starting an employee in a job.

Saint Louis University prohibits discrimination against persons because of national origin and ethnicity against U.S. citizens, U.S. nationals, and authorized aliens. Additionally, the University does not discriminate against persons because of citizenship status against foreign nationals with proper work authorization including permanent residents, temporary residents, refugees and asylees. University personnel will not hold Individuals to higher documentation standards than the IRCA requires to establish identity and employment eligibility.

## **PROCEDURE**

The following procedures are to be used by the hiring manager or his or her designee:

1. Inform the selected applicant at time of job offer that Saint Louis University employs only individuals who provide employment eligibility verification.
2. Advise selected applicant that (a) original documentation of his/her choice from those authorized by the INS must be presented in Human Resources prior to their first day of work, and (b) an inability to submit original documentation as specified on the I-9 and to complete the I-9 form will invalidate the job offer.
3. Verify the eligibility of the candidate to work in the United States.
  - a. For Full-time faculty and full-time and part-time regular staff, the SLU Hiring (People Admin.) system asks the applicant to answer the following question: "Do you have the legal right to work in the United States?"
  - b. Part time/adjunct faculty, temporary staff, graduate assistants, and student workers do not complete an online application. Departments must ask this question of the applicant and document the response in writing prior to hiring the person for the position.
  - c. When rehiring someone to work at the University, the employee must re-establish eligibility to work in the United States if their prior, verified work authorization has expired.

4. When a candidate for a job indicates that they are not a U.S. Citizen or permanent resident, they must contact the Office of International Services, DuBourg Hall Room 150, 314-977-2318, to obtain the appropriate authorization to work before their first day of work. The Office of International Services assists with determining whether the person has the appropriate Visa/Authorizations to work in the United States. (For rehired international employees, see "Rehires" section below.)
5. All hires are required to visit the Human Resources office in the Wool Center, 3545 Lindell Blvd.-1st floor prior to or on their first day of work to complete applicable paperwork. A "receipt" will be provided to the employee indicating that the required forms have been completed. The employee should return that receipt to the department/hiring manager or business manager. Upon receiving this receipt, the employee may begin work.
6. A Human Resources representative will complete and sign the Employer section of the I-9, reviewing the produced documentation to verify employment eligibility.
7. The I-9 and state and federal tax forms are matched with the hiring proposal or Electronic Personnel Action Form (EPAF) submitted by the hiring department and entered in the Human Resources Information System.

### **Rehires**

Human Resources must update the I-9 form and reverify work eligibility for rehired international employees prior to starting work. New calendar year tax forms will need to be completed if more than a year has elapsed since previous employment.

Rehires are required to complete a new I-9 form if the original I-9 form was completed over three years ago. New calendar year tax forms will need to be completed if more than a year has elapsed since previous employment.

### **Social Security Numbers**

A valid social security number is required for all employees. In the event that a new hire needs to apply for a social security number, the application receipt will be accepted as a temporary document for purposes of new hire processing. However, the employee must present the actual social security card in Human Resources within 90 days of the date of application for the card. Failure to present the card could result in termination of the job assignment.

### **Remote Hires**

Employees hired to work at a remote or off-site location may not be able to present original documents to a SLU Human Resources representative for inspection prior to their first day of work. If the employee is employed through a temporary employment agency, the agency must complete the Form I-9 on behalf of SLU. The employee is still required to present original documents to the temporary employment agency. If the employee is not employed through a temporary agency, the university can authorize a qualified person to act as an agent of the university for the purpose of completing the Form I-9. The hiring unit should contact the Human Resources Department, 314.977.8589, to identify a person who is knowledgeable about the Form I-9 to whom the employee could present original documents. The form I-9 and tax forms will need to be completed prior to or on the first day of employment at the University. The remote hire process applies only to employees who will work at a site that is not within a reasonable driving distance from the main University campus.

International hires working at a remote location are required to contact the Office of International Services, DuBourg Hall Room 150, 314-977-2318, to obtain the appropriate authorization to work before their first day of work.

**Discovery of unauthorized employees**

If the University learns that an employee whose documentation for the I-9 form appeared to be in order is not actually authorized to work in the United States, the employee will be contacted and provided with the opportunity to present appropriate I-9 form documentation proving eligibility to work in the U.S. If the employee is unable to provide documentation establishing eligibility to work, employment will be immediately severed.

Departments failing to fulfill their role in this compliance effort will be responsible for payment of any resulting penalties or fines that may be incurred.