



NORTHWESTERN  
UNIVERSITY

**Responsible University Official:** Provost &  
Senior Vice President for Business and  
Finance

**Responsible Office:** Office of Human  
Resources

**Origination Date:** January 26, 2010

## **ELECTRONIC FORM I-9 EMPLOYMENT ELIGIBILITY VERIFICATION AND E-VERIFY POLICY**

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### **Policy Statement**

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Northwestern University is committed to ensuring that all faculty and staff employees, as well as all other paid individuals, are legally eligible to be employed in the United States.

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### **Reason for Policy/Purpose**

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This policy is required to comply with U.S. immigration laws, which require employers to hire only individuals who may legally work in the United States (U.S.): citizens and U.S. lawful permanent residents, and aliens authorized to work. To comply with the law, Northwestern University must verify the identity and employment authorization of each person hired, complete and retain a Form I-9 for each employee, and refrain from discriminating against individuals on the basis of national origin or citizenship.

An electronic Form I-9 (Employment Eligibility Verification Form) must be completed according to the timelines provided in the Form I-9 Handbook for Employers (M-274) for each paid individual hired after November 6, 1986. Effective January 26, 2010, all paid individuals, including current and future hired employees, completing a Form I-9 must receive confirmation of their employment eligibility through the E-Verify system operated by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS).

As of September 8, 2009, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to use E-Verify to reinforce federal government policy that the federal government does business only with organizations that have a legal workforce. Based on the information provided by the individual on his/her Form I-9, E-verify checks this information electronically against records contained in DHS and Social Security Administration (SSA) databases to confirm or deny the individual's eligibility to legally work in the U.S.

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## Who Approved This Policy

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Provost  
Senior Vice President for Business and Finance

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## Who Needs to Know This Policy

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All individuals who receive employment related payments and/or scholarships or fellowships through Northwestern University’s payroll, including staff, faculty, nonresident aliens, temporary student and nonstudent employees who are direct hires of Northwestern University, post doctoral fellows, visiting scholars, and graduate students. This policy also pertains to subcontractors assigned to a prime contract with the FAR clause at Northwestern University.

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## Website Address for this Policy

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<http://www.northwestern.edu/hr/payroll/E-VerifyI-9policy.pdf>

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## Contacts

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If you have any questions on the policy or procedure for the Form I-9 and E-Verify policy, you may:

1. Call the Office of Human Resources Payroll Department at 847-491-7362, or
2. Send an e-mail to payroll@northwestern.edu

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## Definitions

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Adjunct Faculty	These appointments are not tenured or tenure-track faculty. Adjuncts are not full-time and typically have a primary job outside of academia.
Citizen	Individuals who are born in the U.S. and subject to the jurisdiction of the U.S. and individuals born in certain territories or outlying possessions of the U.S. are citizens at birth. Also, individuals born outside the U.S. may be citizens at birth if their parent or parents were citizens at the time of birth and other requirements are met. Individuals may become a U.S. citizen after birth either through their parents, known as “derived” or “acquired” citizenship, or by applying for naturalization on their own. Generally, permanent residents (green card holders) age 18 or older who meet all eligibility requirements for naturalization may submit a Form N-400, Application for Naturalization.
Department of Homeland Security (DHS)	A cabinet department of the U.S. federal government with the primary responsibilities of protecting the territory of the U.S. from terrorist attacks, securing U.S. borders, enforcing immigration laws and responding to natural disasters.
Electronic Form I-9	Employment Eligibility Verification Form used to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the U.S. Upon completion of Section 2 of the Form I-9, a query will be submitted to E-Verify to determine work authorization.
Employee	Individuals who perform services in return for wages or other remuneration by Northwestern University, including temporary staff, non-resident aliens, faculty, staff and researchers.
Employment Authorization Document (Form I-766)	A card issued to aliens who are authorized to work temporarily in the U.S. It is issued after the Form I-765, Application for Employment Authorization, is granted.
E-Verify	An Internet-based system that allows an employer, using information reported on an

employee's Form I-9, to determine the eligibility of that employee to work in the U.S. The E-Verify system is operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration. (See the **Electronic Form I-9 Employment Eligibility Verification and E-Verify Procedures** for E-Verify responses.)

Federal Acquisition Regulation (FAR)

Primary regulation for use by all federal executive agencies in their acquisition of supplies and services with appropriated funds.

Federal Contractors

Entity that provides goods or services to a federal agency. As of September 8, 2009, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to use E-Verify to determine the employment eligibility of:

- Employees performing direct, substantial work under those federal contracts
- New hires organization-wide, regardless of whether they are working on a federal contract

A federal contractor or subcontractor who has a contract with the FAR E-Verify clause also has the option to verify their entire workforce.

Form I-9 Manager

Individual identified to complete Section 2 of the Form I-9, also known as the "Section 2 Processor." Form I-9 Managers must submit a security form and attend training in order to gain access to the online I-9 Service Center.

Graduate Student

A University student, usually already possessing a four year degree, who is working on a master's degree or Ph.D.

Independent Contractors

Individuals or entities that carry on independent businesses, contract to perform work according to their own means and methods, and are subject to control only regarding results. The E-Verify federal contractor rule requires certain federal prime contractors to require their subcontractors to use E-Verify. Northwestern University will provide general oversight to subcontractors to

ensure that they meet the E-Verify requirement.

Non-Resident Alien  
Authorized to Work

Foreign workers who have obtained permission to legally work in the U.S. (See also the definition for “Visa” below). Each employment category for admission has different requirements, conditions and authorized periods of stay. A temporary worker is an individual seeking to enter the U.S. temporarily for a specific purpose. Non-immigrants enter the U.S. for a temporary period of time, and once in the U.S., are restricted to the activity or reason for which their non-immigrant visa was issued. A permanent worker is an individual who is authorized to live and work permanently in the U.S. Students and exchange visitors may, under certain circumstances, be allowed to work in the U.S. They must obtain permission from an authorized official at their school. The authorized official is known as a Designated School Official (DSO) for students and the Responsible Officer (RO) for exchange visitors.

Non-Resident Alien  
Independent Contractors

Individuals who are neither a U.S. citizen nor a U.S. resident alien and who carry on independent businesses, contract to perform work according to their own means and methods, and are subject to control only regarding results. The E-Verify federal contractor rule requires certain federal prime contractors to require their subcontractors to use E-Verify. Northwestern University will provide general oversight to subcontractors to ensure that they meet the E-Verify requirement.

Optional Practical  
Training (OPT)

Temporary employment that is directly related to an F-1 student’s major area of study. Under the prior rules, an F-1 student could be authorized to receive up to a total of 12 months of practical training either before (pre-) and/or after (post-) completion of studies. The U.S. Department of Homeland Security released an interim final rule on April 4, 2008, extending the period of OPT from 12 to 29 months for qualified F-1 nonimmigrant students. The extension is available to F-1 students with a degree in science, technology, engineering, or mathematics (STEM) who are employed by businesses enrolled in the E-Verify program.

Paid Individual	Individuals who receive employment related payments and/or scholarships or fellowships through Northwestern University's payroll.
Permanent Resident	Someone who has been granted authorization to live and work in the U.S. on a permanent basis. As proof of that status, a person is granted a permanent resident card, commonly called a "green card." An individual can become a permanent resident several different ways. Most individuals are sponsored by a family member or employer in the U.S. Other individuals may become permanent residents through refugee or asylee status or other humanitarian programs.
Permanent Resident Card (Form I-551)	The "green card."
Post Doctoral Fellows	An individual who was recently awarded a Ph.D. or equivalent doctorate and given an appointment which involves substantial research or scholarship and which is viewed as preparatory for a full-time academic and/or research career.
Rehired Employees	Employees who were previously employed by Northwestern University and were terminated in good standing.
Remote Hires	An employee is considered a remote hire if he/she is not physically on campus and able to complete Section 1 of the Form I-9 no later than the first day for pay, which prevents the Form I-9 Manager from completing Section 2 no later than three days from the first day for pay.
Seasonal Employees	Employees who return on a cyclical basis to the same position.
Temporary Employees	Employees hired for occasional or casual employment who work for the University less than 1,000 hours in a 12 month period.
U.S. Citizenship and Immigration Services (USCIS)	Government agency that oversees lawful immigration to the U.S.

<p>Visa</p>	<p>A citizen of a foreign country who seeks to enter the U.S. generally must first obtain a U.S. visa, which is placed in the traveler's passport. It classifies the visit as business, tourism, etc. and is usually valid for multiple visits to the U.S. during a specified period of time. A visa is issued by a Department of State Consular Office abroad. The USCIS determines the period for which someone is authorized to remain in the U.S. (See the <b>Electronic Form I-9 Employment Eligibility Verification and E-Verify Procedures</b> for a list of common visas at the University.)</p>
<p>Visiting Scholars</p>	<p>These appointments are approved by the Office for Research. Visiting scholars are generally sponsored or employed elsewhere, usually at other universities, in industry or government, but are at Northwestern for short periods, normally one year or less, to work with Northwestern faculty to learn research techniques, to use specialized facilities, or to collaborate with faculty investigators. Visiting scholars are normally unpaid visitors, but, occasionally, they may be paid through the University payroll system. They may not teach and there is no expectation of service for the University.</p>

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## **Policy/Procedures**

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### ***Electronic Form I-9 (Employment Eligibility Verification Form)***

#### **Policy**

The Form I-9 and E-Verify process cannot legally be completed until after an offer has been extended and accepted. All contract, offer and award letters will contain verbiage indicating that the applicant's employment and/or tenure or payment is contingent upon compliance with the Form I-9 timelines and E-Verify employment authorization. Asking job applicants to complete the Form I-9 before an offer is extended and accepted could be viewed as unlawful prescreening for job eligibility. The only permissible question is whether or not the employee is authorized to work in the offered position.

#### **Individuals Covered**

Beginning January 26, 2010, an electronic Form I-9 must be completed for all new hires and all paid individuals in order to initiate an E-Verify query. Individuals covered by this policy include:

- Employees
  - Staff
  - Faculty

- Temporary student and nonstudent employees who are direct hires of Northwestern
- Non-Resident aliens
- Visiting scholars
- Individuals receiving additional or special pay, assistantships (such as graduate assistantship, teaching assistantship, research assistantship), or a stipend/scholarship/fellowship
  - Post Doctoral Fellows
  - Graduate students

### **Individuals Exempt from the Process**

- Employees hired before November 7, 1986 who have continued in service with Northwestern University.
- Foreign nationals working outside the United States.
- Employees who are on paid leave, including salary continuance (short and long term disability must be verified through the E-Verify system).
- Employees on unpaid leave, including worker's compensation, are exempt until such time as they become a paid employee.
- An individual on an unpaid appointment.
- Independent contractors who are not working on a Northwestern University federal prime contract with the FAR E-Verify clause.
- Temporary employees hired through a staffing agency.
- Individuals receiving expense reimbursements, royalties, and non-tuition refunds.

### **Employment Prohibitions**

The following groups are prohibited from working:

- Persons without work authorization or permanent residence.
- Individuals who have not provided evidence of employment eligibility by completing the Form I-9 or obtaining employment authorization through E-Verify.

### **Considerations**

#### ***Seasonal Employees***

Employees who have completed an electronic Form I-9 and have a reasonable expectation to return to work do not need to complete a new Form I-9 upon return. To qualify, the individual must be returning to work in the same capacity in consecutive years.

Listed below are examples of employees at Northwestern University defined as “seasonal”:

- Individuals working in the Athletics Department who provide seasonal game security
- Adjunct faculty who teach at least one (1) quarter per year
- Teachers who receive Special Pay
- Temporary employees, work study students and graduate student employees who continue or return to work in the same department

Any individual not falling into one of these categories or a similar category as designated by the Office of Human Resources must comply with Form I-9 regulations and timelines upon return to work.



## ***E-Verify***

### **Policy**

Northwestern participates in the E-Verify program as required by law.

Northwestern's participation in E-Verify enables qualified F-1 students working pursuant to Optional Practical Training ("OPT") to extend their OPT for an additional 17 months. In order to qualify for the OPT extension, the student must have a degree in science, technology, engineering or math ("STEM") and the hiring site must be using E-Verify.

All paid individuals must have their Form I-9 information submitted via the electronic I-9 Service Center to the E-Verify system. This process will be completed at the same time the Form I-9 is done internally, for maximum efficiencies and consistent compliance.

Individuals who are work authorized but cannot yet obtain a social security number due to processing times at the Social Security Administration are still subject to the Form I-9 timelines for Section 1 and 2 completion. However, a query to E-Verify will only be submitted upon receipt of the social security number. Examples of these types of employees include those newly in H-1B, F-1 or J-1 visa status.

Individuals must be allowed to continue work without penalty during the verification process. See the **Electronic Form I-9 Employment Eligibility Verification and E-Verify Procedures** for compliance timelines and results relating to the verification process.

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## **Forms/Instructions**

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**Form I-9:** A copy of the form is located at: <http://www.northwestern.edu/hr/payroll/i-9.pdf>

**I-9 Service Center:** <https://northwestern.i9servicecenter.com/Login.aspx>

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## **Appendices**

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## **Related Information**

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Practices for groups prohibited from working:

<http://www.northwestern.edu/hr/forms/WorkWithoutCompStaff.pdf>

Procedures on how to process payments for speaker fees, honorariums, travel expenses, prizes, awards, royalties, no-tuition refunds, and research subject fees for Non-Resident Alien Independent Contractors:

<http://www.northwestern.edu/hr/payroll/nonresidentindcont.html>

Form I-9 compliance and E-Verify participation verbiage for award, contract and offer letters:

<http://www.northwestern.edu/hr/payroll/E-VerifyOfferLetterVerbiage.pdf>

Electronic Form I-9 Employment Eligibility Verification and E-Verify Training Materials:  
<http://www.northwestern.edu/hr/payroll/E-VerifyTrainingGuides.htm>

Electronic Form I-9 Employment Eligibility Verification and E-Verify Procedures  
<http://www.northwestern.edu/hr/payroll/E-VerifyProcedures.htm>

Remote Hire Process:  
<http://www.northwestern.edu/hr/payroll/E-VerifyRemoteHireQuickSheet.pdf>

E-Verify Frequently Asked Questions:  
<http://www.northwestern.edu/hr/payroll/E-VerifyFAQ.htm>

E-Verify Proof of Enrollment:  
<http://www.northwestern.edu/hr/payroll/E-Verify-Proof.pdf>

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## **History/Revision Dates**

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**Origination Date:** January 26, 2010

**Last Amended Date:**

**Next Review Date:**