Updating I-9’s Completed Using the Remote Review Process

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COVID-19

Documents physically reviewed on mm/dd/yyyy by AA (or Abigail Adams)
Agenda

• History of DHS’s Flexibility on Remote Review of Form I-9
• Form I-9s requiring additional updates
• Form I-9 Update Options and Processes
• Form I-9 Update Expired List B Documents
• Form I-9 Update Options and Processes for Equifax Electronic I-9 System
• Form I-9 Update Expired List B Documents for Equifax Electronic I-9 System
Hiring Practices

This guidance applies to current employees and prospective new employees who have been approved for hire prior to the hiring freeze or in accordance with the hiring freeze exception process. This includes those Harvard students who are or will be performing services for compensation.

Please contact your local human resources, faculty planning, or finance offices for guidance on current hiring policies.

Individuals with an unpaid appointment (e.g., visiting scholars, unpaid interns, etc.) are not affected by the hiring freeze and are not covered by this guidance. Follow your School's or Unit's unpaid or courtesy appointment processes.
What Form I-9 to Use

Be sure to use the version of the of the Form I-9 with a 10/21/2019 version date and a 10/31/2022 expiration date.

• All hiring departments should transition over to using the 10/21/2019 version by 4/30/20. After 4/30/20 I-9’s that are not the 10/21/19 version will be returned to hiring departments.
• Schools in the electronic I-9 pilot do not need to do anything unless they are accepting a paper I-9 form.
Updating I-9’s Completed Using the Remote Review Process

On March 20, the Department of Homeland Security (DHS) announced flexibility regarding the in-person review of Section 2 documents during the COVID-19 Emergency. In May 2020, this ruling was extended through July 18, 2020.

DHS has not eliminated the in-person verification requirement; but had granted a temporary and discretionary deferral regarding viewing of original documents during the COVID-19 emergency.

• A new hire still must complete Section 1 of the Form I-9 on or before the first day of employment.
• Employers still must complete Section 2 within three business days of hire
  • Employees were able to inspect documents remotely during the COVID-19 Emergency; however, the ruling stated that upon resumption of normal operations, the new employee must bring in their original documentation for review within three business days.

Effective July 18, 2020, schools and units may no longer review Section 2 documentation remotely, but must have the Form I-9 section 2 completed and documentation reviewed in person. Section 2 may be completed by a Harvard I-9 Administrator or Harvard assigned Authorized Representative (an adult household member, notary, etc.).
Physical Inspection of Section 2 Documents Requirement

The I-9 flexibility rules allowed employers to inspect documents remotely during the COVID-19 Emergency; however, the ruling stated that upon resumption of normal operations, the new employee must bring in their original documentation for review within three business-days.

We recognize that meeting the three business-day requirement may be difficult while the majority of Harvard is working remotely. While we disagree with DHS’s decision to terminate the remote I-9 completion allowances, given that reported COVID-19 cases continue to rise to new heights nationwide, the national emergency declarations of the President and Secretary of Health and Human Services remain in effect, and the Commonwealth of Massachusetts, too, continues to acknowledge the emergency conditions at the state level, schools and units must nevertheless apply their best efforts to comply with this federal legal requirement.
Which I-9s Need a Physical Inspection of Section 2 Documents?

Form I-9s that were completed without the Section 2 completer physically reviewing the documents require follow-up.

If an I-9 was completed by an authorized representative who reviewed the documents in-person, no additional follow-up is required.

By 7/17/20, Central Payroll will reach out to the school or unit’s I-9 Section 2 administrator (i.e., completer) identifying the employee and notifying the completer that the section 2 documentation must be physically reviewed (i.e., reviewed in person). This information will be based on the school or unit having entered “COVID-19” or other language in the Section 2 Additional Information box of the Form I-9, thereby signifying that the Form I-9 was completed during the period of time when DHS was allowing for exceptions.

If a Harvard I-9 administrator is aware of other I-9s completed remotely that require additional follow-up, the I-9 administrator should follow the same process to have the section 2 documents reviewed in person.
Options to Physically Inspect Section 2 Documents

There are three options for complying with the Form I-9 completion requirements.

1. Harvard may assign an individual as an authorized representative to physically review the section 2 documents and make an update to the originally-completed Form I-9.

2. Harvard may have the employee complete a new I-9 with a Harvard-assigned authorized representative completing Section 2.

3. A Harvard I-9 Administrator may set up an appointment to review the documents in person with the employee.

The first two options do not require in-person contact between the Harvard I-9 administrator and the employee and limit the employee’s contact with outside individuals. If the employee has someone in their “social bubble” who can act as an Authorized Representative of Harvard, we strongly recommend the first two approaches.
Option 1 – Authorized Representative Updates a Previously Completed I-9

Harvard may assign the role of authorized representative to an outside individual which allows them to review in-person the Section 2 documents on behalf of Harvard and update the previously completed Form I-9.

- An authorized representative may be an adult household member, personnel officer, foreman, agent, or notary public.

- The Authorized Representative would physically review the Section 2 documents and confirm the documents are the same ones as those on the original Form I-9.

- A Harvard I-9 Administrator may walk a household member through process using teleconference to view the Section 2 documents being presented as well as how to update the Additional Information box in Section 2.

- The information in the Additional Information box must contain language that the documents were physically reviewed, the date, and full name and relationship of the reviewer.
Option 1 – Authorized Representative Updates a Previously Completed I-9

1. The I-9 Administrator will reach out to the employee to see if employee has someone who may act as an Authorized Representative and review the Section 2 documents on behalf of Harvard.
   - The Authorized Representative will be responsible for reviewing the section 2 documentation in person and confirming the documents are the same as those that appear in Section 2, that the information is accurate, and make appropriate notations in the Additional Information section 2 of the Form I-9.
   - Check to see if the employee still has a copy of the completed Form I-9 to save time!
2. If I-9 Administrator does not have a copy of the completed I-9, they may email ufs_crt@harvard.edu requesting a copy of the remotely reviewed Form I-9.
   - The email must contain the name and HUID(s) of the employee(s) for which they need a copy of the completed I-9.
3. Central payroll will send to the I-9 Administrator via Accellion/Kiteworks a copy of the remotely reviewed Form I-9.
4. The I-9 Administrator will send the completed I-9 to the employee via Accellion/Kiteworks.
5. The employee will have the Authorized Representative review their original section 2 documents (which must be the same documents as listed on Section 2 of the Form I-9).
   - A Harvard I-9 Administrator may set up a teleconference call to help guide the authorized representative on their responsibilities.
6. The Authorized representative acknowledges that they reviewed the Section 2 documentation in person in the Additional Information section of section 2.
   - Information which should appear in the Additional Information field must contain language that documents were reviewed in-person, the date the documents were reviewed, the full name of the reviewer, and relationship.
7. The employee returns via Accellion/Kiteworks, the updated Form I-9 (and documents if not previously sent) to the I-9 Administrator.
8. The I-9 Administrator emails ufs_crt@harvard.edu (subject line: “Remote I-9 Review Complete”) to notify them they have a completed Form I-9 for submission and indicate whether they will:
   - Fax the materials to 617-496-3196; or
   - Require and email address supplied by Payroll Customer Service to send the Form I-9 and documentation via secure email.
9. Payroll Customer Service (via ufs_crt@harvard.edu) will contact the I-9 Administrator (i) to specify a Payroll Customer Service contact to receive the documents via Kiteworks/Accellion or (ii) to confirm receipt of faxed documents.
   - When submitting the documents to Central Payroll, please name the documents with the employee’s name and document being submitted (e.g., John_Harvard_I9 or John_Harvard_I94 or John_Harvard_I9FullPacket).
Option 2 – Employee Completes New I-9 with a Harvard Assigned Authorized Representative

Harvard may assign the role of authorized representative to Section 2 of the Form I-9 on behalf of Harvard. If completed correctly and, with the submission of an outside individual which allows them to complete the Section 2 documents, no further action is necessary by the Harvard I-9 Administrator or hiring department. **This option is the preferred option if the Form I-9 cannot be completed in person.**

- An authorized representative may be an adult household member, personnel officer, foremen, agent, or notary public.
- A Harvard I-9 Administrator must walk a household member through process using teleconference to view the Section 2 documents being presented as well as confirm the accurate completion of Section 2.
- This option is always available, but best practice is for a Harvard I-9 Administrator to review and complete Section 2 with the employee in person.
- The Authorized Representative must fully review and complete Section 2 document information, including entering the first day of work, review all Section 2 document information and electronically or manually sign the Form I-9.
- An electronic signature must be a digital signature that shows the date and time the individual signed the form. Example of an electronic signature:

  ![Signature Example]

- Copies of the Section 2 documentation **must** be included and submitted with the completed Form I-9.
- If possible, the authorized representative to should enter in the “Additional Information” box, “reviewed with and the name of the Harvard I-9 Administrator who reviewed the documents remotely with them”.

Option 3 – Harvard I-9 Administrator In Person Completion

If the individual who performed the remote review of section 2 is the same one reviewing the section 2 documents in person, they must indicate: COVID-19 physically reviewed documents, the date they physically reviewed the documents and their initials.
Due to the state of emergency and stay-at-home orders, some renewal services were restricted and individuals may not have been able to renew a state driver’s license, state ID card, or other Form I-9 employment Eligibility list B identity documentation. In those cases, the Section 2 administrator was able to use the expired document with a notation of COVID-19 EXT in Section 2. Updated List B documentation must be submitted within 90 days of July 18, 2020.

It is best if the employee can present the replacement of the actually expired document, but if necessary, a different List A or B document(s) can be used with appropriate Section 2 information updated and notes in the Additional Information section.
Sample Email to Employee

Most schools and units have a standard template and process used for new employees. Please contact your local HR or Faculty Planning/Affairs Office for a school-specific template as well as processes around communication Massachusetts Paid Family and Medical Leave.

Sample Email to Employee:
In accordance with federal law, Harvard requires all employees to complete a Form I-9 as part of the employment eligibility verification process.

Due to the restrictions in travel due to the COVID-19 public health emergency, the Department of Homeland Security (DHS) had temporarily relaxed the in person review of the Section 2 documentation which allowed Section 2 documentation be reviewed through remote video by a Harvard I-9 Administrator. This process expired on June 18, 2020 and per DHS requires the Section 2 documentation be reviewed in person within three business days.

Your Section 2 documents were reviewed remotely and requires additional follow-up of in-person review of the Section 2 documents.

In person review of the Section 2 documents may be completed by an adult member of your household, notary, or any adult in your “social bubble.”
• A Harvard I-9 Administrator will assist this person in completing Section 2 and reviewing the original, unexpired documents via remote teleconference.

Please let me know if you have someone that may review, in person, the Section 2 documentation and I can send you further instructions.
Schools participating in the Equifax Electronic I-9 Pilot have four options regarding updating the Form I-9.

1. Use the I-9 Anywhere Option
3. Have the employee and an Authorized Representative complete a new paper Form I-9
4. Have a Harvard I-9 Administrator physically review the documents and update the Equifax System
Option 1 - I-9 Anywhere

Option 1 - *Use the I-9 Anywhere Option*

Equifax offers a remote I-9 option called I-9 Anywhere which allows new employees who are not local to take their Section 2 documents to an approved remote agent based on their zip code prior to arriving on campus. There are over 1,300 authorized remote agents across the U.S. and new employees can select and schedule a time to bring in their Section 2 documents at their convenience. See [Overview of I-9 Anywhere](#) video.

a. No additional follow-up is needed by Harvard I-9 Administrators if this process is used. The remote agent will complete Section 2 and submit documents and complete E-Verify in the Equifax Electronic I-9 tool.

b. Schools may be charged a small fee ($35) for each remote hire request. If an appointment is cancelled or rescheduled or a “no show” within 24 hours of the agreed upon appointment, the school will also be charged $35.

c. Contact Central Payroll at [ufs_crt@harvard.edu](mailto:ufs_crt@harvard.edu) to request the I-9 Anywhere Remote URL to send the new employee.

**NOTE:** Most remote agent sites have now reopened.
1. An Authorized Representative may review in person, the Section 2 documents submitted on the originally completed I-9, and update in the Additional Information section.

2. The I-9 Administrator will reach out to the employee to see if employee has someone who may act as an Authorized Representative and review the Section 2 documents on behalf of Harvard.
   - The Authorized Representative will be responsible for reviewing the section 2 documentation in person and confirming the documents are the same as those that appear in Section 2, that the information is accurate, and make appropriate notations in the Additional Information section 2 of the Form I-9.

3. The I-9 Administrator will download the I-9 from Equifax (using the “Print to Adobe PDF”) and send the completed I-9 to the employee via Accellion/Kiteworks.

4. The employee will have the Authorized Representative review their original section 2 documents (which must be the same documents as listed on Section 2 of the Form I-9).

5. A Harvard I-9 Administrator may set up a teleconference call to help guide the authorized representative on their responsibilities.
   - The authorized representative would acknowledge that they reviewed the Section 2 documentation in person in the Additional Information section of section 2.
   - Information which should appear in the Additional Information field must contain language that documents were reviewed in-person, the date the documents were reviewed, the full name of the reviewer, and relationship. See Different I-9 Section 2 Completer and Section 2 In Person Document Reviewer.

6. The employee would return via Accellion/Kiteworks, the updated Form I-9 (and documents if not previously sent) to the I-9 Administrator.

7. Copies of the Section 2 documentation must be collected and uploaded into Equifax (if not already collected).


Option 2 - Authorized Representative Reviews Documents
Option 3 – Employee Completes New Paper Form I-9

In some cases, it may be easiest to have the employee complete a new I-9 and Harvard assign the role of authorized representative to an outside individual which allows them to complete all of Section 2 of the Form I-9 on behalf of Harvard. If completed correctly and, with the submission of the Section 2 documents, no further action is required by the Harvard I-9 Administrator.

1. A new I-9 may be completed with an Authorized Representative completing section 2 and physically reviewing the section 2 documents.
2. See Packet - Form I-9 with Instructions for Employee and Authorized Representative
3. A Harvard I-9 Administrator should set up a video conference with the Authorized Representative to assist then with the process in order to view and confirm the appropriate documents have been presented and the paper form I-9 has been completed accurately.
4. Copies of the Section 2 documentation must be collected and uploaded into Equifax.
5. The Harvard I-9 Administrator would follow the Equifax Upload Process Paper Form I-9
   - The I-9 Administrator should receive a notification that a duplicate SSN is on file. Review the information and if Person A and Person B are the same select “Same” and continue in the upload process.
   - Because E-Verify was already submitted, you may receive an E-Verify error message “The case is invalid because another case with the same data already exists.” This is noting that there is already an E-Verify case on file and no further action is needed.
Option 4 – Harvard I-9 Administrator Physically Reviews Documents

I-9 Administrators who can physical inspect the documents for employees that were previously reviewed virtually should follow the below steps. The I-9 Administrator can set up an appointment with the employee to have them come in and physically review in person the Section 2 documentation and update Section 2 on behalf of Harvard. I-9 Administrators should follow all Harvard and CDC health and safety requirements if on campus or meeting in a neutral spot to review the documents.


1. Search for I-9’s that were completed via remote review for your location.
2. Employees that have “COVID-19” marked in the Additional Information field of Section 2 will appear with a new search option. Select the dropdown option labeled “COVID-19 Virtual Update” under “Type of I-9” in the search for employee page.
3. Select the appropriate employee and the “COVID-I9 Update” select at the bottom of the record.
4. You will be directed to a new COVID-I9 update screen which will allow you to confirm that you have physical reviewed documents in person.
   • REMINDER: Harvard required copies of all the I-9 Section 2 Documentation. This information must be copied and uploaded into the employees I-9 Record.
5. After selecting “Continue” the I-9 Section 2 Additional Information selection will be updated with the language “COVID-19 Documents Physically Examined”
Due to the state of emergency and stay-at-home orders, some renewal services were restricted and individuals may not have been able to renew a state driver’s license, state ID card, or other Form I-9 employment Eligibility list B identity documentation. In those cases, the Section 2 administrator was able to use the expired document with a notation of COVID-19 EXT in Section 2. Updated List B documentation must be submitted within 90 days of July 18, 2020.

It is best if the employee can present the replacement of the actually expired document, but if necessary, a different List A or B document(s) can be used with appropriate Section 2 information updated and notes in the Additional Information section.

Two workflows exist for COVID-19/Expired List B Documentation:

- The document is expired and the Issuing Authority has extended the document expiration date, OR
- The document is expired and the Issuing Authority has not extended the document expiration date (to now be treated as a receipt).

1. Search for I-9’s that were completed via remote review for your location
2. Employees that have “COVID-19 EXT” marked in the Additional Information field of Section 2 will appear with a new search option. Select the dropdown option labeled “COVID-19 EXT Update” under “Type of I-9” in the search for employee page.
3. Select the appropriate employee and the “COVID-I9 Update” select at the bottom of the record.
4. Select if the receipt update is being processed using the same document(s) originally presented or with new documents.
5. Follow additional steps as required.

**REMINDER:** Harvard required copies of all the I-9 Section 2 Documentation. This information must be copied and uploaded into the employees I-9 Record.

Additional Materials

The below may be found on the Central Payroll Website:

- Payroll and NRA Emergency Operations Changes
- Interim Payrolling Guidance and FAQs
- I-9 Collection Process during COVID-19
- Form I-9 with Electronic Signature for Authorized Representatives
  - Electronic Signature Suggestions (Forthcoming)
- How to Update I-9’s Completed Using the Remote Review Collection Process (will be posted by 7/17/20)
- Submitting GLACIER information Packet during COVID-19

Form I-9 Examples Related to Temporary COVID-19 Policies

I-9 Verification Tool – A tool in the Harvard Training Portal that display different types of visas along with I-9 documentation examples.

IT Links
Accellion / Kiteworks - https://filetransfer.harvard.edu/
Zoom - https://harvard.zoom.us/


Questions: contact ufs_crt@harvard.edu
Appendix

What is Accellion/Kiteworks
What is Identity Finder by Spirion
What is Accellion/Kiteworks

Harvard Secure File Transfer is enabled through the use of a tool called Kiteworks, the successor to Accellion. Harvard Secure File Transfer is supported by HUIT and provides secure file transfer for use by faculty, researchers, and administrative staff who have the need to share files that contain up to and including level 4 data, are very large in size or have unique file types.

Kiteworks is available to most Harvard Schools and Units including DIV, CADM, GSE, GSD, FAS, HKS, HSPH, HMS, Radcliffe, SEAS. For school or units not listed above, please contact your local school helpdesk for information on tools and services available for secure file transfer.

Kiteworks:
• Require a valid HarvardKey primary email address in a Harvard email domain
• **Note:** shared accounts are not supported by HarvardKey, it must be an individual HarvardKey email.
• Message content (body) is not encrypted - only the file(s) being transferred are encrypted.
• To ensure compliance with level 4 data policies visit [https://policy.security.harvard.edu/level-4](https://policy.security.harvard.edu/level-4)
• Users must adhere to the [Harvard Enterprise Information Security Policies](https://policy.security.harvard.edu/level-4)
• See key features and benefits and requirements plus plug ins at [HUIT](https://policy.security.harvard.edu/level-4).

To access Kiteworks go to: filetransfer.harvard.edu
What is Identity Finder by Spirion

Per Harvard University security policy, http://policy.security.harvard.edu/, High Risk Confidential Information (HRCI) such as Social Security and credit card numbers should not be stored on Harvard desktop or laptop computers. Identity Finder is a tool that can provide you peace of mind knowing that your computer is not storing any of this highly confidential information. Identity Finder will help you search your computer for data that may contain this type of information and then you can take the appropriate action against what it finds. In order to aid you in keeping your computer free of high-risk confidential information, it is recommended that you run periodic scans of your computer.

If Identity Finder discovers any HRCI data on your computer, please make sure to move it to an approved location for HRCI data. Once data is moved, you may use the Shred option to remove it completely from your machine.

See the below or contact your local IT Department for additional guidance.
https://policy.security.harvard.edu/faq/using-identity-finder