

U.S. Department of Justice
Civil Rights Division
Immigrant & Employee Rights Section (IER)

Your Right To Work

Civil Rights Protections and Resources





Overview

1. IER history
2. Scope of IER's work
3. Worker protections
4. IER enforcement
5. IER assistance



IER Worker Hotline

1-800-255-7688

M-F | 9am-5pm ET

Free help available in
many languages

Calls can be anonymous

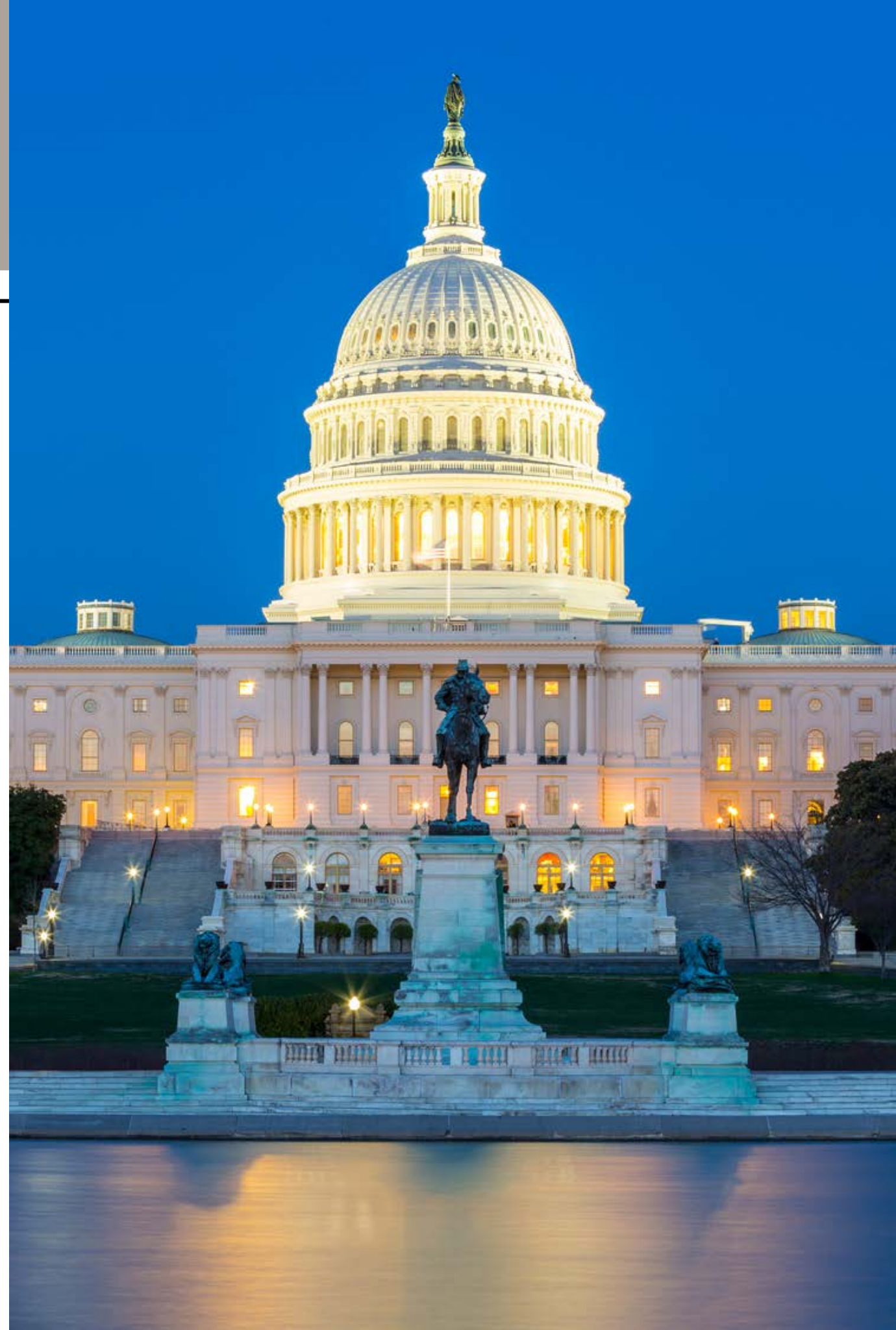


www.justice.gov/ier

1-800-237-2515 TTY

History of IER

- Immigration Reform and Control Act of 1986
- Created sanctions for knowingly hiring unauthorized workers
- Established Form I-9 process
- Created anti-discrimination protections that IER enforces





Scope of IER's Work

Enforcement

Policy

Outreach

IER Worker Protections Under the Anti-Discrimination Provision of the Immigration and Nationality Act

8 U.S.C. § 1324b

1. Citizenship, Immigration
Status Discrimination
2. National Origin
Discrimination
3. Unfair Documentary
Practices
4. Retaliation





Citizenship, Immigration Status Discrimination

- Hiring
- Firing
- Recruitment or referral for a fee



Omar is a lawful permanent resident, and interviews for a job as an engineer. Omar doesn't get the job because the hiring manager does not like to hire non-U.S. citizens.



Qualified U.S. workers apply for driver positions at a bus company. The bus company ignores the U.S. applicants because it wants to hire H-2B drivers. The bus company successfully applies to DOL for permission to hire H-2B drivers.



Is preference in hiring based on citizenship status ever permissible?

- When required by law, regulation, executive order, government contract
- With unprotected individuals, such as those without work authorization and those requiring sponsorship



National Origin Discrimination

- Hiring
- Firing
- Recruitment or
referral for a fee


National Origin Indicators

Examples





Katsuko is a lawyer. She speaks English with an accent. She applies for a job at a law firm and is invited to interview. The firm decides not to hire Katsuko when they hear her accent because they don't know how their clients would feel about it.



Unfair Documentary Practices

- Form I-9
- E-Verify

Unfair Documentary Practices

Form I-9 and E-Verify

Employers may not, based on citizenship status or national origin:



Request more or different documents



Reject reasonably genuine-looking documents



Specify certain documents

Form I-9

The image displays three overlapping Form I-9s. The top form is the front page, titled 'Employment Eligibility Verification' and 'Form I-9'. It includes a USCIS logo, a 'START HERE' instruction, an 'ANTI-DISCRIMINATION NOTICE', and 'Section 1. Employee Information and Attestation'. This section contains fields for employee name, address, date of birth, U.S. Social Security Number, and employment status. Below this is a section for the employer or preparer to attest to the employee's identity and eligibility. The middle form is the back page, which contains 'Section 2. Documentation Requirements' and 'Section 3. Additional Information'. The bottom form is another front page, partially obscured by the others.

- The Form I-9 is used to verify identity and permission to work.
- The purpose of the Form I-9 is not to verify a particular immigration status.

www.uscis.gov/i-9-central



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number [][] - [][] - [][][][]		Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States
<input type="checkbox"/> 2. A noncitizen national of the United States <i>(See instructions)</i>
<input type="checkbox"/> 3. A lawful permanent resident <i>(Alien Registration Number/USCIS Number):</i> _____
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. <i>(See instructions)</i>
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____</p>

QR Code - Section 1
Do Not Write in This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
-----------------------	---------------------------

Preparer and/or Translator Certification (check one):

☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code



Employer Completes Next Page



Form I-9 Section 1

Worker completes Section 1 after accepting a job offer and by the first day of work.

Form I-9 Section 1 Attestation Boxes

I attest, under penalty of perjury, that I am (check one of the following boxes):

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States *(See instructions)*

☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____

☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____

Some aliens may write "N/A" in the expiration date field. *(See instructions)*

*Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.*

1. Alien Registration Number/USCIS Number: _____

OR

2. Form I-94 Admission Number: _____

OR

3. Foreign Passport Number: _____

Country of Issuance: _____

Form I-9 Section 1 Attestation Boxes

Points on Aliens Authorized to Work

I attest, under penalty of perjury, that I am (check one of the following boxes):

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States (See instructions)

☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number):

☒ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy):
Some aliens may write "N/A" in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number:

OR

2. Form I-94 Admission Number:

OR

3. Foreign Passport Number:

Country of Issuance:

N/A

Form I-9 Section 2

List A

Identity and
Permission
to Work

List B

Identity

List C

Permission
to Work

The diagram shows Form I-9, Section 2, titled "Employment Eligibility Verification" by the Department of Homeland Security, U.S. Citizenship and Immigration Services. It includes the USCIS logo and form number I-9, OMB No. 1615-0047, and an expiration date of 08/31/2019. Section 2 is titled "Section 2. Employer or Authorized Representative Review and Verification" and contains instructions for employers to complete and sign within 3 business days of the employee's first day of employment. The form is divided into three main sections: List A (Identity and Employment Authorization), List B (Identity), and List C (Employment Authorization). A vertical dashed red line separates List A from List B and List C. Red arrows point from the text descriptions of List A, B, and C to their respective sections on the form. The List A section is circled in red, as is the List B section. The List C section is also circled in red. The form includes fields for Employee Info from Section 1, Last Name (Family Name), First Name (Given Name), M.I., and Citizenship/Immigration Status. Below these are sections for List A, List B, and List C, each with fields for Document Title, Issuing Authority, Document Number, and Expiration Date (if any) (mm/dd/yyyy). The List A section is circled in red. The List B section is circled in red. The List C section is also circled in red. The form also includes an "Additional Information" section and a "QR Code - Sections 2 & 3 Do Not Write in This Space" section.

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title	Document Title	Document Title		
Issuing Authority	Issuing Authority	Issuing Authority		
Document Number	Document Number	Document Number		
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)		
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Additional Information		QR Code - Sections 2 & 3 Do Not Write in This Space		

Employer completes Section 2 within three business days of the worker's start date.

Form I-9 Lists of Acceptable Documents

LISTS OF ACCEPTABLE DOCUMENTS		
All documents must be UNEXPIRED		
Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.		
LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity AND LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Social Security card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY (3) INS AUTHORITY
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94		5. Native American tribal document
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		6. U.S. Citizen ID Card (Form I-197)
		7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		8. Native American tribal document
		9. Driver's license issued by a Canadian government authority
		10. School record or report card
		11. Clinic, doctor, or hospital record
		12. Day-care or nursery school record

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.



Oksana is a lawful permanent resident. She accepts a position at a psychiatry practice. On her first day of work, she brings her ID and unrestricted Social Security card. Oksana's supervisor tells her to bring in her "green card" by the end of the month to prove she is a permanent resident.



Common Document Questions

- I-94s
- EAD automatic extensions
- Receipts for lost, damaged, and stolen documents

I-94s

Departure Number
813106636 11

Department of Homeland Security
CBP I-94 A (11/04)
Departure Record

L1
12345
09/17/2007

Family Name
SAMPLE

First (Given) Name
AHMET

Country of Citizenship
PAKISTAN

Birth Date (Day Mo Yr)
22 12 50

20041122 US-VISIT 20050207 MULTIPLE

See Other Side STAPLE HERE

I-94

U.S. Customs and Border Protection
Securing America's Borders

Get I-94 Number I-94 FAQ

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	R1

I-94 Printout

Using Refugee, Asylee, & LPR I-94s for Form I-9

Type of I-94	Form I-9 use?	How long is this document valid?
Refugee I-94	List A receipt	90 days from date worker presents it
Asylee I-94	Permanent List C	Does not expire
LPR I-94	List A receipt	Until expiration date, or one year from admission if no expiration date



Samir recently moved to the United States as a refugee. He gets a job as an auto mechanic and shows the company his I-94 when he fills out the Form I-9. Because Samir is not a U.S. citizen, his boss asks to see an EAD or green card.

Form I-9 Section 3

Worker's Choice

LISTS OF ACCEPTABLE DOCUMENTS All documents must be UNEXPIRED			
Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.			
LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity AND LIST C Documents that Establish Employment Authorization	
1. U.S. Passport or U.S. Passport Card	OR	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph	
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card	
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record	
		6. Military dependent's ID card	
		7. U.S. Coast Guard Merchant Mariner Card	
		8. Native American tribal document	
		9. Driver's license issued by a Canadian government authority	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		For persons under age 18 who are unable to present a document listed above:	10. School record or report card
		11. Clinic, doctor, or hospital record	7. Employment authorization document issued by the Department of Homeland Security
		12. Day-care or nursery school record	

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

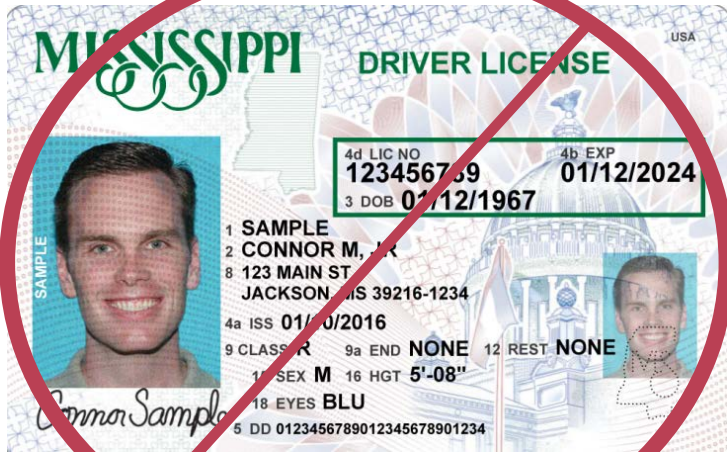
Employer must accept a List A or List C selection for Section 3 reverification.



Ana, an asylee, has been working in construction for several months. Ana's EAD expired, and her boss insists on seeing a new EAD because that is what Ana showed when she started working.

Form I-9 Section 3

Do Not Reverify



List B Documents

Permanent Resident Cards



I attest, under penalty of perjury, that I am:

<input checked="" type="checkbox"/>	1. A citizen of the United States
<input type="checkbox"/>	2. A noncitizen national of the United States
<input type="checkbox"/>	3. A lawful permanent resident (Alien)
<input type="checkbox"/>	4. An alien authorized to work temporarily in the United States

Some aliens may write "N/A" in the space below.

U.S. Citizens & Nationals

I attest, under penalty of perjury, that I am:

<input type="checkbox"/>	1. A citizen of the United States
<input checked="" type="checkbox"/>	2. A noncitizen national of the United States
<input type="checkbox"/>	3. A lawful permanent resident (Alien)
<input type="checkbox"/>	4. An alien authorized to work temporarily in the United States

Some aliens may write "N/A" in the space below.



Social Security Numbers

Working while
waiting to receive SSN

- SSA, IRS, USCIS guidance
- Call IER for assistance



E-Verify

E-Verify compares
Form I-9 data with
government records.



If employer uses E-Verify,
this is the proper
sequence:

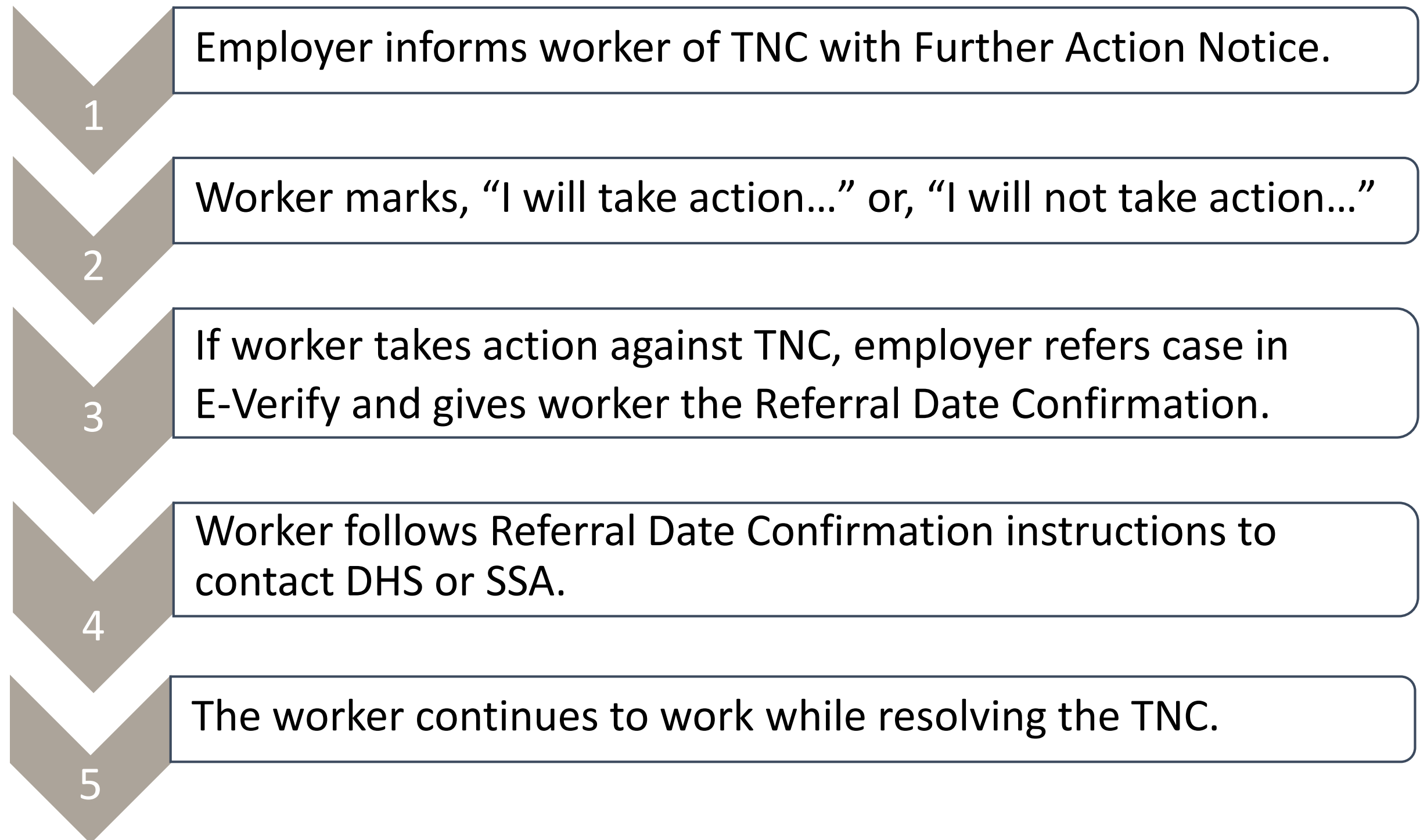
- Hire worker
- Complete Form I-9
- Run worker through E-Verify

E-Verify

Relationship to Form I-9

- Employers may not ask workers for specific documents for Form I-9 or E-Verify.
 - E-Verify makes 3 changes to the Form I-9 process:
 - List B document with photograph
 - Social Security numbers
 - Copying Form I-9 documents
-

Tentative Nonconfirmations (TNCs)



Sometimes an FNC issues in error to a work-authorized employee. Contact E-Verify at 1-888-464-4218 about an FNC you believe is in error.



Retaliation

- Intimidation
- Coercion
- Threats



IER investigates a shipbuilding company. IER speaks to Santiago about his experiences at the company during the investigation. The company was going to promote Santiago, but doesn't when it learns he spoke to IER.

IER Enforcement Process

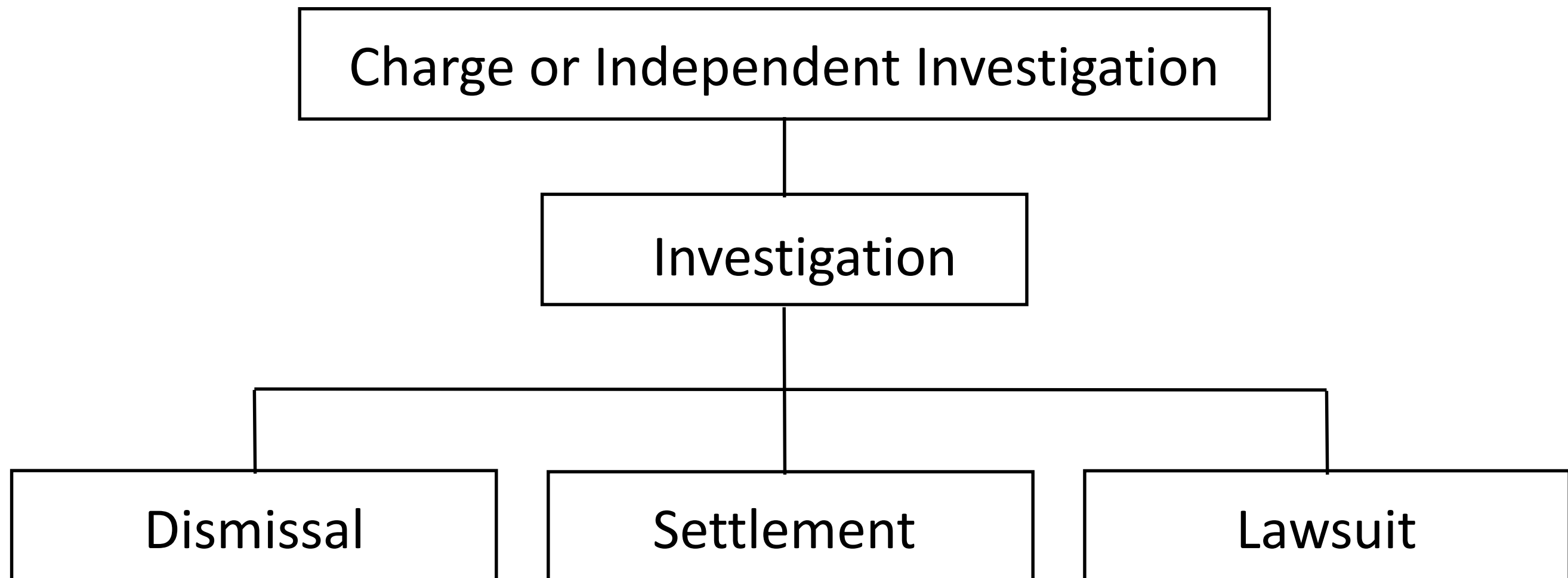
Charge or Independent Investigation

Investigation

Dismissal

Settlement

Lawsuit



Possible Outcomes

- Hire or rehire
- Back pay
- Training
- Monitoring
- Policy changes
- Civil penalties





Charge form available in
many languages



Online | E-mail | Fax | Mail



IER hotline calls save
hundreds of jobs
each year.

Free and precise
information.



IER Employer Hotline

1-800-255-8155

IER Worker Hotline

1-800-255-7688



IER@usdoj.gov

www.justice.gov/ier

1-800-237-2515 TTY