# Welcome to the Form I-9 and E-Verify Employee Rights Webinar











### Agenda

- Form I-9, Employment Eligibility Verification
- Form I-9 Reverification
- E-Verify
- Self Check and myE-Verify
- Resources



# Employment Eligibility Verification, Form I-9







### Section 1

<b>y</b>		mployment Department S. Citizenship	of Homel	and Securi	ty			USCIS Form I-9 OMB No. 1615-0047 Expires 08/31/2019
► START HERE: Read instru- during completion of this form ANTI-DISCRIMINATION NO document(s) an employee m an individual because the do Section 1, Employee I	n. Employers ar OTICE: It is ille any present to ocumentation p	e liable for erro gal to discrimir establish empl presented has	rs in the con nate against oyment aut a future exp	pletion of thi work-author horization an iration date r	is form. rized individuals d identity. The may also consti	. Empli refusal tute ille	oyers CAN to hire or o gal discrim	NOT specify which continue to employ sination.
than the first day of employ		before accept	ing a job of	er.)				
Last Name (Family Name) 🕦		First Name (Gi	ven Name)	9	Middle Initial (*)	Other I	Last Names	Used (if any) 🕦
Address (Street Number and N	ame) 🕐	Apt. 1	lumber 🕐 C	ity or Town 🕐			State (*)	ZIP Code ①
Date of Birth (mm/dd/yyyy) 🕕	U.S. Social Sec	ourity Number 🕛	Employee	s E-mail Addre	ess D	E	imployee's	l'elephone Number (!)
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Allien authorized to work mus An Allien Registration Number OR 2. Form I-94 Admission Numb OR 3. Foreign Passport Number Country of Issuance:	USCIS Number USCIS Number per: (1)	OR Form I-94 A	dmission Nu	mber OR Fore			De	2PL Code - Section 1 Not Write in This Space
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Last Name (Family Name)				First Name	(Given Name)	D		
Address (Street Number and N	ame) <sup>(3)</sup>		City	or Town (1)			State U	ZIP Code <sup>(1)</sup>
			Click to	Finish				
		F	over Correl	etes Next Pa				

#### Employee completes

- Section 1
- After accepting the job offer
- By the 1st day of work for pay





### Completing Section 1

	I	nployment Department	of Home	ity Verifica eland Securi nigration Ser	ity			USCIS Form I-9 OMB No. 1615-0047 Expires 08/31/2019
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Address (Street Number and	I Name) 🕐	Apt. I	Number 🕙	City or Town 3			State (*)	ZIP Code 3

#### Employee provides

- Full legal name
- Address
- Date of birth





### Section 1 Optional Fields

Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's E-mail Address	Employee's	Telephone Number

#### The following fields are optional

- Social Security Number, but required for E-Verify
- E-mail, but useful for E-Verify
- Telephone number





### Section 1 Attestation

attest, under penalty of perjury, that I am (check	one of the following boxes):
1. A citizen of the United States ③	
2. A noncitizen national of the United States (See instru	uctions) ③
3. A lawful permanent resident (2) (Alien Registration No	umber/USCIS Number): 🕖
<ol> <li>An alien authorized to work until (expiration date, i Some aliens may write "N/A" in the expiration date fi</li> </ol>	
Aliens authorized to work must provide only one of the foll An Alien Registration Number/USCIS Number OR Form I-	
Alien Registration Number/USCIS Number:      OR	
2. Form I-94 Admission Number: ®	
3. Foreign Passport Number:	
Country of Issuance: ②	
I did not use a preparer or translator.  A preparer  (Fields below must be completed and signed when p	(s) and/or translator(s) assisted the employee in completing Section 1.  reparers and/or translators assist an employee in completing Section 1.)
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- Mark citizenship / immigration status
  - Some may write "N/A" for "An alien authorized to work" expiration date
- Sign and date
- Preparer or translator must sign, if applicable





### List 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**

- 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machinereadable immigrant visa
- 4. Employment Authorization Document that contains a photograph (Form
- 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:
  - (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.
- 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

#### Documents that Establish Identity

#### 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
- 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. School ID card with a photograph
- 4. Voter's registration card
- 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
- Driver's license issued by a Canadian government authority
- 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 12. Day-care or nursery school record
- States (Form I-179) Employment authorization document issued by the Department of Homeland Security

LIST C

1. A Social Security Account Number

the following restrictions:

card, unless the card includes one of

(1) NOT VALID FOR EMPLOYMENT

(2) VALID FOR WORK ONLY WITH

(3) VALID FOR WORK ONLY WITH

Certification of report of birth issued

by the Department of State (Forms

INS AUTHORIZATION

DHS AUTHORIZATION

DS-1350, FS-545, FS-240)

Original or certified copy of birth

certificate issued by a State,

territory of the United States

4. Native American tribal document

5. U.S. Citizen ID Card (Form I-197)

Resident Citizen in the United

6. Identification Card for Use of

bearing an official seal

county, municipal authority, or

**Documents that Establish** 

**Employment Authorization** 

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.

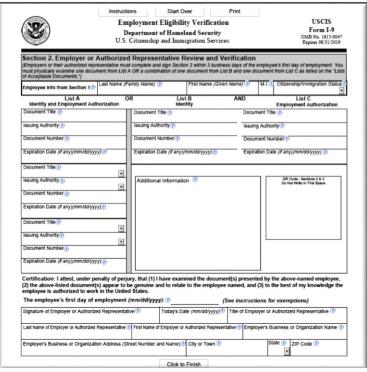
1 List A selection

- 1 List B + 1 List C selection
  - For E-Verify employers, List B document must include photo





### Section 2





- Employers complete
- You present original document(s)
  - by the 3rd business day, after starting work for pay
  - before working, if job offer accepted
- Some receipts acceptable





### DOJ IER Mission

The Department of Justice Immigrant and Employee Rights Section (IER) investigates and prosecutes discrimination claims based on citizenship/immigration status and national origin

- Hiring / Firing
- Recruitment / Referral for a Fee
- Employment Eligibility Verification (Form I-9 and E-Verify)
- Retaliation / Intimidation





### DOJ IER Investigations

IER investigates discriminatory treatment during the Form I-9 and E-Verify processes. Employers may not, based on citizenship status or national origin

- Request more or different documents;
- Reject reasonably genuine-looking documents; or
- Specify certain documents





### DOJ IER Investigations – Example 1

**Example 1**: Marcel, a refugee started a new job. On the 3rd day, the employer asked him to show his documents to complete the Form I-9. He showed his driver's license and Social Security card (unrestricted). The employer saw that he checked the box for "alien authorized to work" on the Form I-9 and asked him to show his Employment Authorization Document (work permit).



A request for more or different documents (based on citizenship status)

Employers must not require more documents than required or a

specific document





### DOJ IER Investigations – Example 2

**Example 2**: Maria, who has a foreign accent, shows her Social Security card (unrestricted) and school I.D. card to her employer for the Form I-9. The documents reasonably appear to be genuine and to relate to Maria, but the employer rejects her documents because of her accent.



A rejection of documents (based on national origin)

Employer must not reject reasonably genuine looking documents based on national origin





### DOJ IER Investigations – Example 3

**Example 3**: Robert, a lawful permanent resident, completed the Form I-9 and checked the "lawful permanent resident" box. The employer requested that he show his Permanent Resident Card, even though he could have selected other documents to show from the list.



A request for a specific document (based on citizenship status)

Employers must not request documents proving the selected status



### Form I-9 Reverification







### Reverification

- What is it?
- To whom does it apply?
- When does it occur?







### Reverification - Documents





Employment authorization must be reverified when certain documents expire. Some examples

- Employment Authorization Documents (EADs)
- Temporary I-551 stamps / notations





### Section 3

Employee Name from Section 1:	Last Name (Family Name) 🕙	First N	lame (Given Name) 🕐	Middle Initial ③
Section 3. Reverification and Re	ehires (To be completed and	signed by employer o	or authorized representative.	)
A. New Name (if applicable)			B. Date of Rehire (if applicable	e)
Last Name (Family Name) ③	First Name (Given Name) 🕖	Middle Initial ③	Date (mm/dd/yyyy) ③	
C. If the employee's previous grant of emploontinuing employment authorization in the		provide the information	for the document or receipt that	establishes
Document Title ③	Docume	nt Number®	Expiration Date (if a	ny) (mm/dd/yyyy) 🕐
I attest, under penalty of perjury, that the employee presented document(s),				
Signature of Employer or Authorized Repre	rsentative ③ Today's Date (mm/de	d/yyyy) 🕙 Name of Er	mployer or Authorized Represen	stative 🕙

Employers complete Section 3





### Reverification Tips

#### Employers should never reverify

- U.S. citizens' or nationals' documents
- Permanent Resident Cards (I-551)
- List B documents

#### **Special Situations:**

Automatically-extended EADs





### DOJ IER Reverification Tips

#### 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

	or a combination	1 0	fon	e selection from List B and one selec	tion	from List C.
	LIST A Documents that Establish Both Identity and Employment Authorization	OR		LIST B Documents that Establish Identity	(D	LIST C Documents that Establish Employment Authorization
3.	U.S. Passport or U.S. Passport Card Permanent Resident Card or Alien Registration Receipt Card (Form I-551) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine- readable immigrant visa Employment Authorization Document		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 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,		A Social Security Account Number card, unless the card includes one the following restrictions:  (1) NOT VALID FOR EMPLOYMEN (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION  (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION  Certification of report of birth issue.
5.	that contains a photograph (Form 1-768)  For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and		4.	gender, height, eye color, and address School ID card with a photograph Voter's registration card U.S. Military card or draft record	3.	by the Department of State (Forms DS-1350, FS-545, FS-240) Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States
	b. Form I-94 or Form I-94A that has the following:     (1) The same name as the passport; and		Ľ	Military dependent's ID card  U.S. Coast Guard Merchant Mariner Card  Native American tribal document	<del>-</del>	bearing an official seal Native American tribal document U.S. Citizen ID Card (Form I-197)
	(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		9.	Driver's license issued by a Canadian government authority		Identification Card for Use of Resident Citizen in the United States (Form I-179)
6.	conflict with any restrictions or limitations identified on the form. Passport from the Federated States of Micronesia (FSM) or the Republic of		10.	unable to present a document listed above:		document issued by the Department of Homeland Security
	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		⊢	Clinic, doctor, or hospital record     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.

- Choose any List A or List C
- Call IER if employer:
  - Rejects document
  - Specifies document
  - Reverifies when not allowed

Form I-9 07/17/17 N Page 4 of 4



## E-Verify.







### What is E-Verify?









### Using E-Verify

Enrolled employers must use E-Verify

- For newly hired employees
- After Form I-9 completed
  - SSN exception
- For employees assigned to work on a qualifying federal contract (existing or newly hired)
- Special situations

Employers must not use E-Verify before you accept job offer



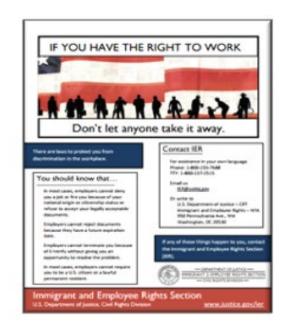


### Does My Employer Use E-Verify?

#### Employers must post the below posters

- in English and Spanish
- in areas visible to prospective and existing employees









### What is a TNC?

#### A Tentative Nonconfirmation (TNC)

- Is an initial result
- Does NOT mean you are not work authorized
- Means Form I-9 data doesn't match government records

#### Common reasons for TNCs:

- Information was not entered correctly
- Document could not be verified
- Name / immigration status change not reported
- Social Security number (SSN) does not match





### What If I Get A TNC?

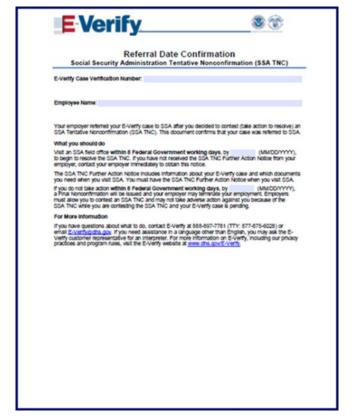






### TNC Documents

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\*TNC FAN & Referral Date Confirmation are available in 21 Foreign Languages





### **Prohibited Actions**

- An employer must not, for example:
  - Fire or suspend you
  - Delay start/training date
  - Cut your hours
  - Refuse to pay you for work completed
  - Refuse to assign you to a federal contract/assignment

Because you contested a TNC





### E-Verify E-mail Notices

#### Courtesy e-mails from E-Verify:

- TNC
- Referral
- Reminder
- Update SSA Records





### E-Verify Final Results

- Employment Authorized
- SSA or DHS Final Nonconfirmation
- DHS No Show
- Error





### E-Verify Discrimination Examples

Discrimination based on national origin or citizenship status (real or perceived) could occur if:

- E-Verify used for
  - Some, not all employees
  - Certain applicants before hire
- Adverse action taken against certain workers
- Certain workers not informed about TNC

Call IER if you believe an employer is discriminating in its use of E-Verify





### Detecting E-Verify Discrimination

- Not permitted to work and:
  - Told your documents are invalid?
  - Requested to fix your documents?
- E-Verify used before offering you a job?
- Pressured not to contest your E-Verify results?







### DOJ IER Points to Remember

- Request for more, different, or specific Form I-9 documents prohibited
- Employees decide whether to contest TNC
  - Employers must not influence decision
- If TNC, obtain FAN and Referral Date Confirmation
- Follow Referral Date Confirmation instructions
- No adverse action because contest TNC
- If think FNC is an error
  - call E-Verify or IER hotlines for assistance



### Tools for Employees







### How Can I Prepare for E-Verify?

- Update name and immigration status with SSA and DHS
- Enter your information correctly on the Form I-9
- Take advantage of myE-Verify





### What is myE-Verify?



NEW, free, web-based service for you to participate in the E-Verify process

- www.uscis.gov/myE-Verify
- Create a myE-Verify account
- Self Check confirm your work eligibility or detect / correct discrepancies before hired
- Self Lock protect your identity
- Resource Center learn about your rights
- Case History
- Case Tracker





### myE-Verify Services

#### **WEB BASED SERVICES**



myE-Verify



YOUR WORK ELIGIBILITY
Self Check



Self Lock



Resource Center

USEFUL INFORMATION



MONITOR YOUR INFORMATION





TRACK YOUR CASE STATUS

Case Tracker





### Points About Self Check

- Need credit history, which recent immigrants may lack
- Self Check optional
- If employer requests Self Check printout, call IER





### What Starts An IER Investigation?

- E-mails or calls to IER reporting discrimination
  - IER may be able to informally intervene to resolve issues raised on calls
- Discrimination charges filed with IER by injured parties or their representatives
- IER-initiated independent investigations





### Remedies



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



### Additional Resources







### E-Verify & Form I-9 Resources

#### Form I-9

www.uscis.gov/i-9central

#### E-Verify

- 888-897-7781
- www.E-Verify.gov
- E-VerifyOutreachSupport@uscis.dhs.gov
- www.Twitter.com/EVerify
- Employee Rights Toolkit
- <u>E-Verify Connection</u>
- Webinars

#### Self Check

- www.uscis.gov/selfcheck
- www.uscis.gov/selfcheck/espanol
- everifyselfcheck@dhs.gov

#### myE-Verify

- www.uscis.gov/myE-Verify
- myEVerify@uscis.dhs.gov
- **855-804-0296**



### DOJ IER Resources

- IER's Free Worker Hotline
  - **800-255-7688**
  - 800-237-2515 (TTY)
  - Interpretation services available in manlanguages
- Complete and submit an IER charge form of in Arabic, Chinese, English, French, Haitian Creole, Korean, Portuguese, Russian, Spa Tagalog, or Vietnamese at www.justice.gov/crt/filing-charge
- IER Website at <u>www.justice.gov/ier</u>
- Additional webinars at <u>https://www.justice.gov/crt/webinars</u>
- Informational Materials at <a href="https://www.justice.gov/crt/worker-information">https://www.justice.gov/crt/worker-information</a>
- E-mail IER at <a href="IER@usdoj.gov">IER@usdoj.gov</a>







### Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please visit:

www.e-verify.gov and
www.justice.gov/ier

Visit <a href="http://www.uscis.gov/avoid-scams">http://www.uscis.gov/avoid-scams</a> to learn more about how to avoid immigration services scams.



# Questions

