

HR Instructions Manual

THE IMMIGRATION CONTROL ACT

1.0 Purpose - The Immigration Control Act requires employers to verify employment eligibility for all new employees hired after November 6, 1986. To comply with this Federal legislation, **all new employees must submit an I-9 form, an Employment Eligibility Certification, before the employee begins to work.**

2.0 Procedure

2.1 Required Form - As part of the District employment packet, an employee must submit an I-9, a form provided to the District by the United States Immigration and Naturalization Service. When the employee brings this form in to the work site for submission, a District employee must examine the documents which the new employee is presenting and attest on the I-9 form to the validity of the documents presented. Acceptable documents are referenced below and on the attached form.

If the new employee brings in a document from List A below, this certifies identity and employment eligibility, and no further documents are required. If the new employee submits a document from List B which evidences identity only, an additional document from List C must be presented to show employment eligibility.

2.2 Acceptable Documents - Documents evidencing identity and employment eligibility are shown below as List A.

- a. United States Passport
- b. Certificate of U.S. Citizenship
- c. Certificate of Naturalization
- d. Unexpired Foreign Passport
- e. Alien Registration Card With Photograph

Documents which show identity only are noted below as List B.

- a. State-Issued Driver's License **Or** I.D. Card With A Photograph
- b. U.S. Military Card
- c. Other (Although no other acceptable documents exist at this time, the INS may allow additional documents as new guidelines are developed.)

Documents of employment eligibility are shown below as List C.

- a. Original Social Security Card
- b. Birth Certificate
- c. Unexpired INS Employment Authorization

NOTE: New employees must submit one document from List A OR one document from List B AND one document from List C above.

Challenges to the authenticity of documents presented by new employees should be referred to Human Resources.

2.3 Amnesty Applicants - Individuals who came to the United States prior to July 1, 1982 can be granted amnesty by the Federal Government to gain citizenship. Any individuals who feel they qualify for amnesty may be employed without signing the I-9 form by submitting a signed, written statement which says, "I am going to apply for amnesty, and I think I qualify". This statement should be followed by the new employee's printed name, signature, and date.

This statement will allow our District to employ the individual until September 1987. Employment will not be allowed beyond that date unless the individual can produce documents from the INS indicating citizenship has been gained, or the individual has been granted an employment extension until citizenship paperwork processing can be completed by the Federal Government.

2.4 Record keeping - Once completed, the I-9 form should be submitted along with other required employment paperwork to Human Resources. This form will be filed in the individual's personnel file and kept for at least three years from the date of hire, or one year from the date of termination, whichever is later.

3.0 Anti-Discrimination Clause - Concern that the new Immigration Control Act would inadvertently create discrimination, an anti-discrimination clause was enacted as part of this legislation. Congress expressly prohibits employment decisions to be based on national origin or U.S. citizenship. To avoid any appearance of discrimination, the following Guidelines should be followed:

- a. The I-9 form should be completed by all new employees regardless of salary level or position.
- b. Don't demand more proof of employment eligibility from one group of employees or individuals than others.
- c. Do not discharge or refuse to hire new employees based on foreign appearance or language.
- d. Challenges to the authenticity of eligibility documents should be handled carefully and uniformly to avoid conflicts. Potential problem situations should be referred to Human Resources, Recruitment Office, for handling.

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