

IER Worker Hotline

800-255-7688

M-F | 9am-5pm ET

Free help available in many languages

Calls can be anonymous



www.justice.gov/ier

800-237-2515 TTY

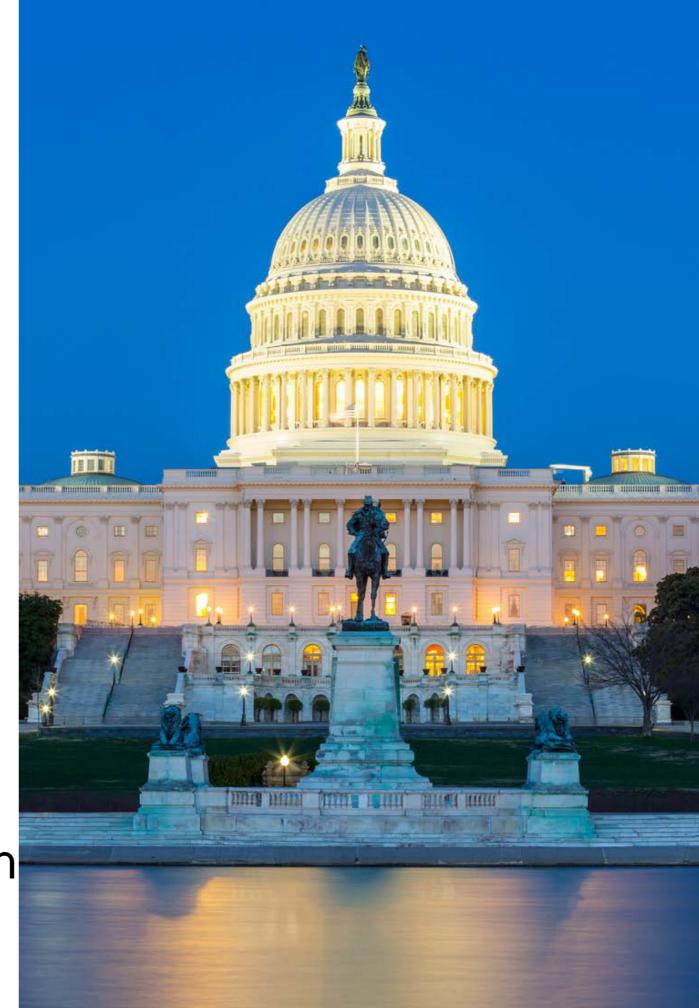


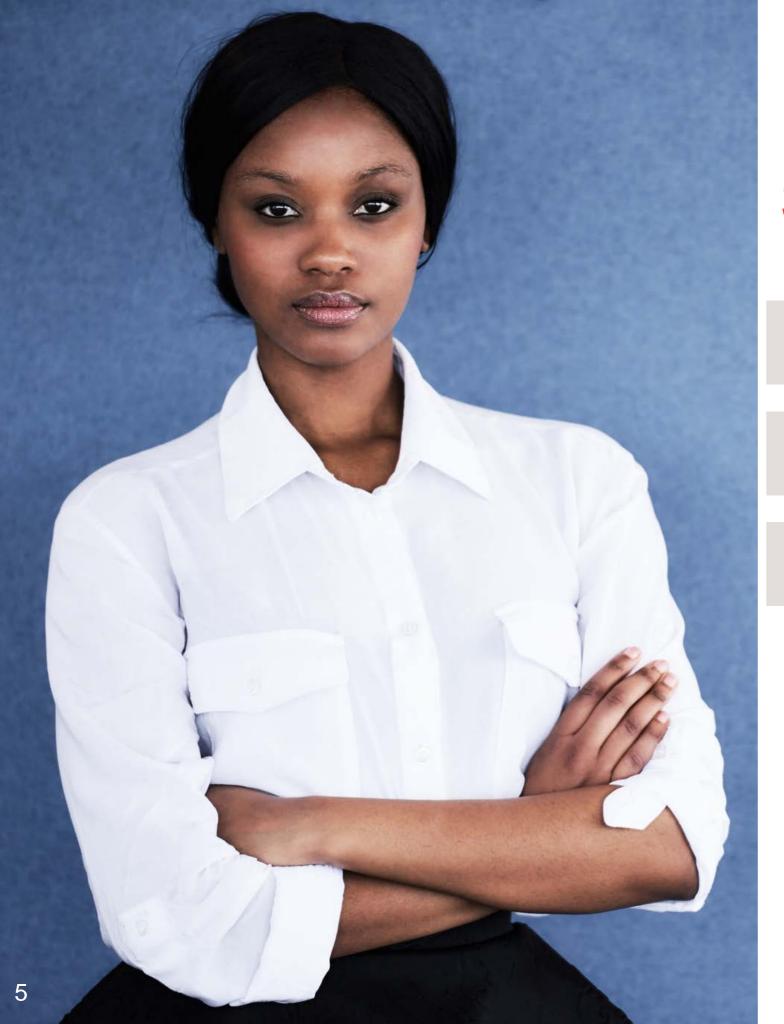
Overview

- 1. IER history
- 2. Scope of IER's work
- 3. Employee protections
- 4. IER enforcement
- 5. Resources

History of IER

- Immigration Reform and Control Act of 1986 (IRCA)
- Initiated employer sanctions for knowingly hiring undocumented workers
- Form I-9 process
- Created IER to enforce anti-discrimination provision





Scope of IER's Work

Enforcement

Policy

Outreach



IER Worker Protections

Citizenship, Immigration
 Status Discrimination

2. National Origin Discrimination

3. Unfair Documentary Practices

4. Retaliation





1. Citizenship, Immigration Status Discrimination

- -HIRING
- -RECRUITMENT
- -FIRING



Omar has a Special Immigrant Visa, and interviews for a job as an engineer. The manager decides not to hire Omar when she finds out that he is not a U.S. citizen.



Is preference in hiring based on citizenship status ever permissible?

 Law, regulation, executive order, government contract

 Unprotected individuals, such as those without work authorization and those requiring sponsorship



2. National Origin Discrimination

- -HIRING
- -RECRUITMENT
- -FIRING





Reem, who speaks English with an accent, applies for a job at a coffee shop. The manager tells Reem that he will only hire native English speakers because the job involves interacting with customers.



3. Unfair Documentary Practices

Unfair Documentary Practices



Employers should not request more or different documents



Employers should not reject reasonably genuine-looking documents



Employers should not specify certain documents

BASED ON

CITIZENSHIP STATUS

OR

NATIONAL ORIGIN



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

Section 1. Employee				xpiration date Employees mu					USCIS	
than the first day of emplo Last Name (Family Name)	oyment, but not be		ing a job (offer.)	Middle Initial	,		Used (if any)	Form I-9 OMB No. 1615-0047 Expires 08/31/2019	
									Expires 00/31/2019	
Address (Street Number and	Name)	Apt. N	lumber	City or Town			State	ZIP Code	lay of employment. You	
Date of Birth (mm/dd/yyyy)	U.S. Social Securi	ity Number	Employe	l ee's E-mail Add	ress	E	mployee's	Telephone Number	t C as listed on the "Lists ship/Immigration Status	
I am aware that federal la connection with the com I attest, under penalty of	pletion of this for perjury, that I am	rm.				or use of	f false do	cuments in	List C ment Authorization	
		0	-1							
2. A noncitizen national o										
3. A lawful permanent res 4. An alien authorized to	work until (expiration	on date, if appl	licable, mr	m/dd/yyyy):					(mm/dd/yyyy)	LIST C
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Alien Registration Number OR Form I-94 Admission Num OR					_					curity Account Num the card includes of restrictions:
3. Foreign Passport Numbe	r:				_					OR WORK ONLY W
Country of Issuance:					_					HORIZATION
Signature of Employee					Today's Da	to (mana/da	(Anna)			OR WORK ONLY W
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Form I-9 11/14/2016 N

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.

Page 3 of 3



Employment Eligibility Verification Department of Homeland Security

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

USCIS

U.S. Citizenship and Immigration Services

▶ 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.

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Last Name (Family Name)	First Name (Given Na	me)		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 Secu	loyee's E	-mail Addre	SS	E	Employee's	Telephone Number	
am aware that federal law provides for connection with the completion of this fo	•	or fines	for false	statements o	ruse o	f false doo	cuments in
attest, under penalty of perjury, that I a	m (check one of the	e follow	ing boxes	i):			
1. A citizen of the United States							
2. A noncitizen national of the United States	(See instructions)						
3. A lawful permanent resident (Alien Reg	istration Number/USCI	IS Numb	er):				
4. An alien authorized to work until (expira					$_{-}$ \top		
Some aliens may write "N/A" in the expira Aliens authorized to work must provide only on							QR Code - Section 1
Alien Registration Number/USCIS Number: OR Form I-94 Admission Number: OR Foreign Passport Number: Country of Issuance: Signature of Employee				Today's Date	e (mm/do	d/yyyy)	
Preparer and/or Translator Certifi I did not use a preparer or translator. (Fields below must be completed and signe) I attest, under penalty of perjury, that I he knowledge the information is true and co	A preparer(s) and/or tr ed when preparers a ave assisted in the	ranslator(nd/or tra	anslators as	ssist an emplo	yee in (completing	Section 1.)
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Last Name (Family Name)			First Name	(Given Name)			
Address (Street Number and Name)		City or	Town			State	ZIP Code
	Sio Employer C	Complete	es Next Pag	ge STC 1			

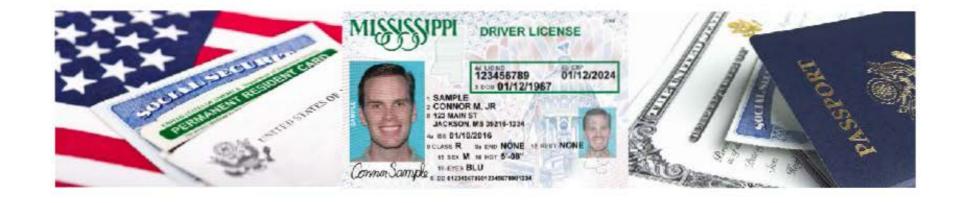
Employee completes
Section 1 <u>after</u>
accepting a job offer
and by the first day of
work.

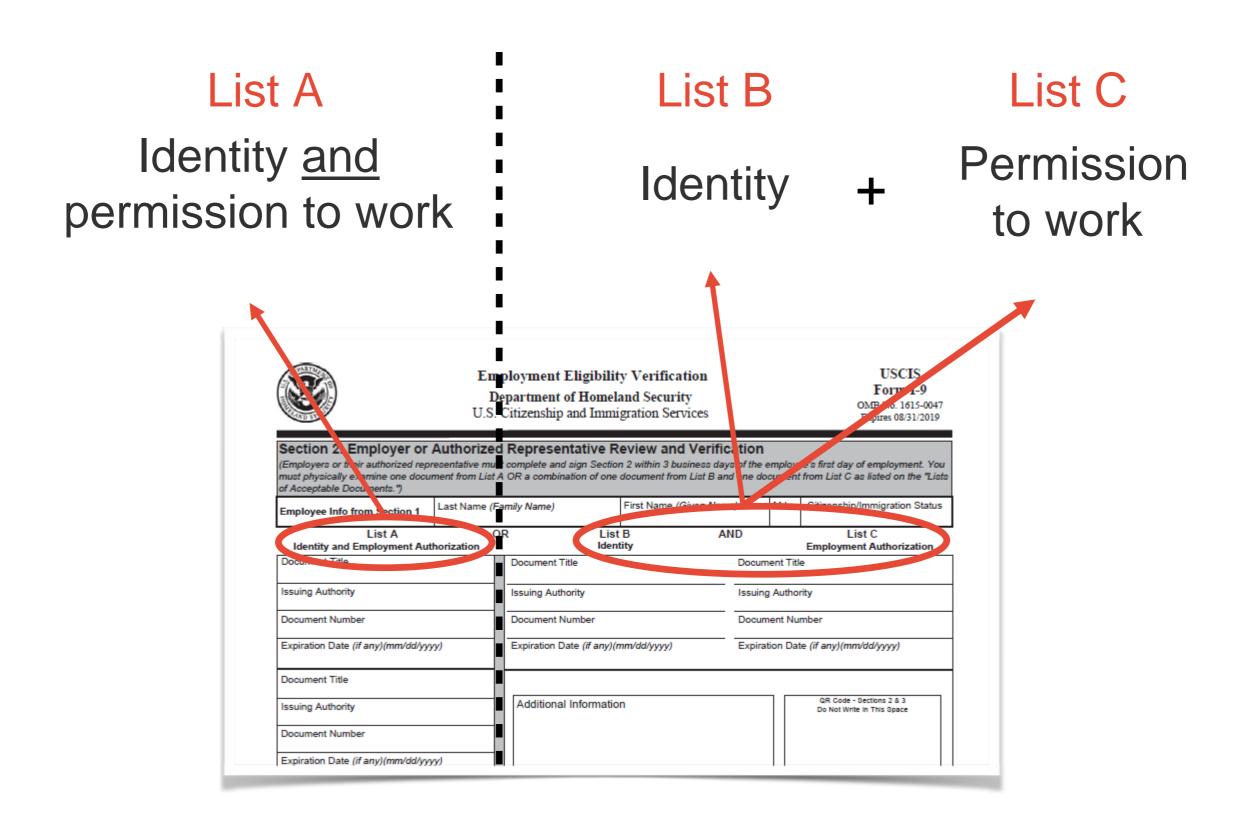
Form I-9 Attestation Boxes

1. A citizen of the United	States
2. A noncitizen national	of the United States (See instructions)
3. A lawful permanent re	esident (Alien Registration Number/USCIS Number):
	work until (expiration date, if applicable, mm/dd/yyyy):
Some aliens may write	e "N/A" in the expiration date field. (See instructions)
Aliens authorized to work n	e "N/A" in the expiration date field. (See instructions) nust provide only one of the following document numbers to complete Form I-9: ber/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Numb
Aliens authorized to work n	nust provide only one of the following document numbers to complete Form I-9: ber/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Numb
Aliens authorized to work n An Alien Registration Numb 1. Alien Registration Numb	nust provide only one of the following document numbers to complete Form I-9: ber/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Numb

Refugeees, asylees & COFA may write, "N/A" in the Section 1 expiration date field.

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 C LIST B LIST A **Documents that Establish** Documents that Establish **Documents that Establish Employment Authorization** Both Identity and Identity **Employment Authorizati** AND A Social Security Account Number 1. U.S. Passport or U.S. Passport Card Driver's license or ID card issued by a State or outlying possession of the card, unless the card includes 2. Permanent Resident Card or Alien the following restrictions United States provided it contains a Registration Receipt Card (Form I-551) photograph or information such as (1) NOT VALID B name, date of birth, gender, height, eye 3. Foreign passport that contains a color, and address temporary I-551 stamp or temporary I-551 printed notation on a machine-ID card issued by federal, state or local readable immigrant visa government agencies or entities, provided it contains a photogra 4. Employment Authorization Document and issued information such as name that contains a photograph (Form of State (Form gender, height, ea 1-766) 3. Schoold rufication of Report of Birth 5. For a nonimmigrant alien authorized issued by the Department of State to work for a specific employer (Form DS-1350) because of his or her status: 4. Original or certified copy of birth a. Foreign passport, and certificate issued by a State, b. Form I-94 or Form county, municipal authority, or the following: ard Merchant Mariner territory of the United States bearing an official seal Native American tribal document 5. Native American tribal document 9. Driver's license issued by a Canadian 6. U.S. Citizen ID Card (Form I-197) government authority nd the 7. Identification Card for Use of For persons under age 18 who are imployment is not in Resident Citizen in the United ct with any restrictions or unable to present a document States (Form I-179) limitations identified on the form. listed above: 8. Employment authorization Passport from the Federated States of document issued by the ■ 10. School record or report card Micronesia (FSM) or the Republic of Department of Homeland Security the Marshall Islands (RMI) with Form 11. Clinic, doctor, or hospital record I-94 or Form I-94A indicating 12. Day-care or nursery school record nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

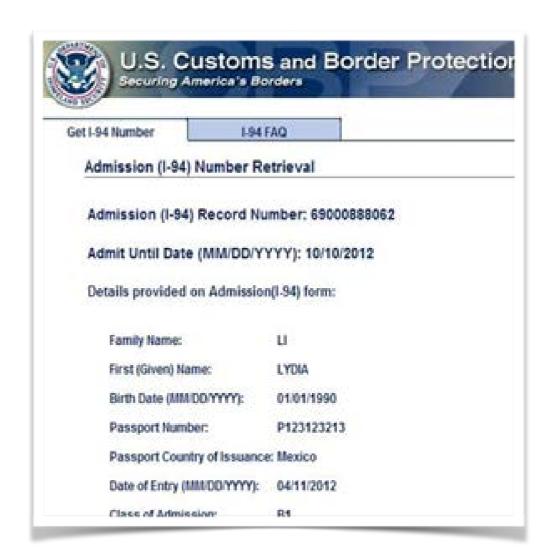




Employer completes Section 2 within three business days of the first day of work.

813106636 11	
Department of Homeland Security	L1
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	09/17/2007 00 Class
Family Name SAMPLE	Class Unai
First (Given) Name AHMET	Birth Date (Day Mo Yr) 22 , 12 , 50
Country of Citizenship PAKISTAN	
20041122 US-VISIT 2005020	7 MULTIPLE

I-94



I-94 Printout



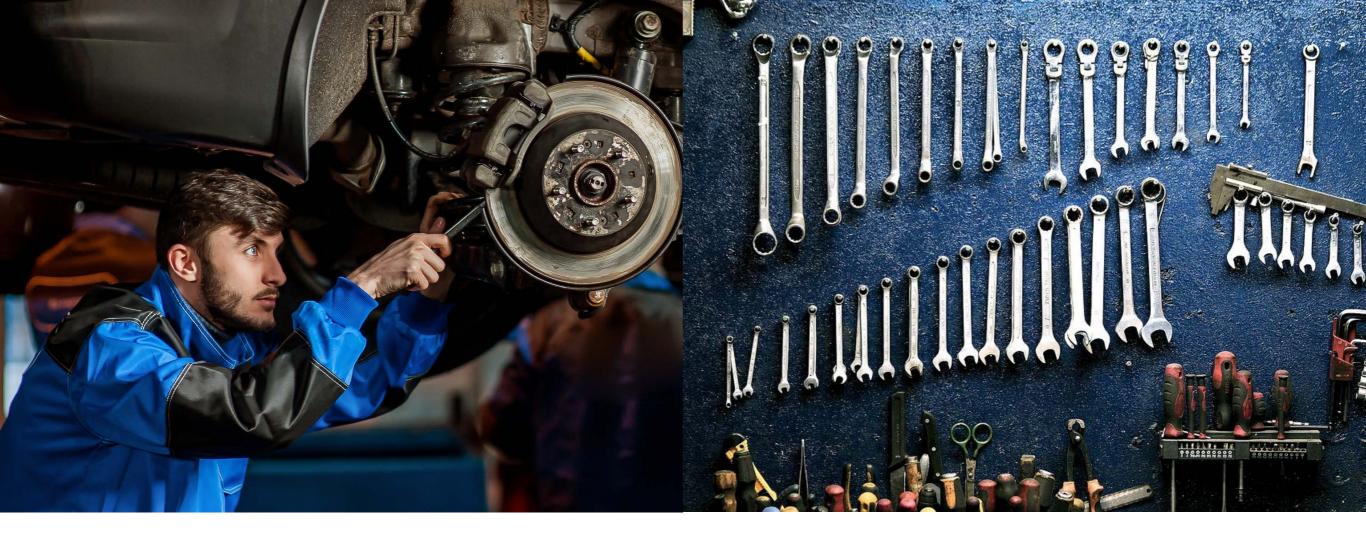
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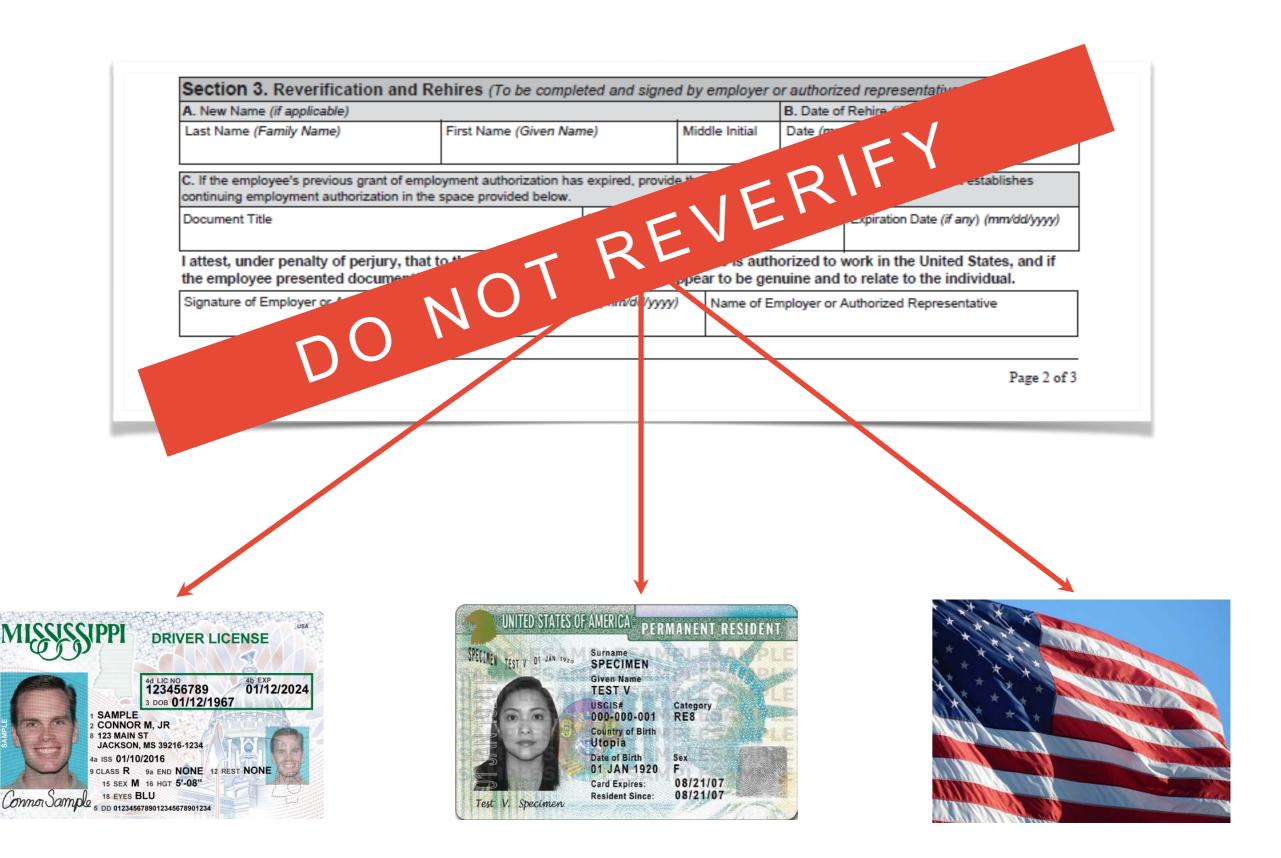




Raisa is a lawful permanent resident. She accepts a receptionist position at a veterinary clinic. On her first day of work, she brings her ID and unrestricted Social Security card. Raisa's supervisor tells her to bring in her "green card" by the end of the week to prove she is a permanent resident.



Samir recently arrived to the United States. Samir gets a job as an auto mechanic, but his boss will not accept his refugee I-94.



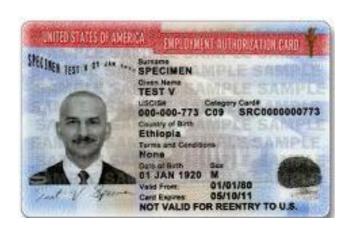
List B Documents

Permanent Resident Cards U.S. citizens or nationals

Examples of documents that require Section 3 reverification

A. New Name (if applicable)					B. Date of	f Rehire (if applicable)
Last Name (Family Name)	First Name	(Given Nan	ne)	Middle Initial	Date (mn	n/dd/yyyy)
C. If the employee's previous grant continuing employment authorization			expired, provide	e the information	for the doc	ument or receipt that establishes
Document Title			Document Num	ber	Expiration Date (if any) (mm/dd/yyyy)	
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the employee presented docum	nent(s), the docum	nent(s) I ha	ve examined a	ppear to be ge	nuine and	to relate to the individual.







Temporary visas

EADs

Temporary I-551 stamps

Either

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

ate tha stablish Docum. Both Identity and Employment Authorization

LIST B

Documents that Establish Identity

LIST C

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 I-766)
- 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

- 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. 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
- 8. Native American tribal document
- 9. 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

1. A Social Security Account Number card, unless the card includes one of the following restrictions:

AND

- (1) NOT VALID FOR EMPLOYMENT
- (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION
- (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
- 2. Certification of Birth Abroad issued by the Department of State (Form
- 3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
- 4. Original or certified copy of birth certificate issued by a State. county, municipal authority, or territory of the United States bearing an official seal
- 5. Native American tribal document
- 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. Employment authorization document issued by the Department of Homeland Security

Employers must accept a List A or List C selection for reverification.



Ofunne, an asylee, has been working as a commuter train operator for several months. Ofunne's EAD expired, and her boss will not accept an unrestricted Social Security card.





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

data

Page 1 of 3

▶ 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 ille document(s) an employee may present to an individual because the documentation p	establish employment a	uthorization ar	nd identity. The	refusal	to hire or o	continue to employ		
Section 1. Employee Information than the first day of employment, but not			st complete and	l sign S	ection 1 of	Form I-9 no later		
Last Name (Family Name)	First Name (Given Name)	Name (Given Name) Middle Initial			Last Names	Used (if any)		
Address (Street Number and Name)	Apt. Number	Apt. Number City or Town			State	ZIP Code		
Date of Birth (mm/dd/yyyy) U.S. Social Sec	y) U.S. Social Security Number Employee's E-mail Address Employee's Telephone Number							
I am aware that federal law provides for connection with the completion of this I attest, under penalty of perjury, that I a	form.			use of	false doo	cuments in		
1. A citizen of the United States	am (check one of the fo	ollowing boxe	:5):					
2. A noncitizen national of the U	- \ /	•						1 - 1 -
3. A lawful permanent resident 4. An alien authorized to work	E-Veri	ty c	com	p	are	es I-	.9 C	lata
Some aliens may write "N/A" Aliens authorized to work must pro An Alien Registration Number/USC	with	aov	ern/	m	er	nt re	COI	rds
OR	,	9 .			. • .			
2. Form I-94 Admission Number: OR			_				\top	
3. Foreign Passport Number:			_					

3. Foreign Passport Number.					1		
Country of Issuance:							
Signature of Employee			Today's Dat	e (mm/dd/	yyyy)		
Preparer and/or Translator Certification (check of	ne):						
I did not use a preparer or translator. A preparer(s) and/or tra	•	assisted the	employee in	completing	Section 1		
Fields below must be completed and signed when preparers an							
attest, under penalty of perjury, that I have assisted in the nowledge the information is true and correct.	completi	ion of Sect	tion 1 of th	is form a	nd that to	o the best of my	
Signature of Preparer or Translator				Today's D	ate (mm/de	d/yyyy)	
ast Name (Family Name)	F	First Name (0	Given Name)				
Address (Street Number and Name)	City or To	own			State	ZIP Code	
Sic Employer Co	ompletes	Next Page	STOP				





Form I-9 11/14/2016 N

TNC Process

Step #1 Employer informs worker of TNC with Further Action Notice.

Step #2 Worker marks either "Contest" or "Not contest" on Further Action Notice.

Step #3 If worker contests TNC, employer makes referral and gives Referral Date Confirmation to worker.

Step #4 Worker follows Referral Date Confirmation instructions to contact DHS or SSA and works during this process.





Further Action Notice

U.S Department of Homeland Security Tentative Nonconfirmation (DHS TNC)

Employee'

Employee's

Date of DH Reason for

EMPLO

- 1. Review IMPOR ability to of this f section informa
- Check incorre
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For Photo

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Attn: Statu Employer

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Employer's

Date

Page 1 of 3 | F

E-Verify





EMPLOYEE INSTRUCTIONS:

Why you received this Further Action Notice

Your employer participates in E-Verify, a program managed by the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA). E-Verify compares the information you provided on Form I-9, Employment Eligibility Verification, with records available to DHS to verify that you are authorized to work in the United States.

You received this Further Action Notice from your employer because E-Verify provided a result of DHS Tentative Nonconfirmation (DHS TNC). A DHS TNC means that the information entered into E-Verify by your employer does not match records available to DHS. A DHS TNC does not necessarily mean that you gave incorrect information to your employer or that you are not authorized to work in the United States. Visit the For Employees pages at www.dhs.gov/E-Verify to learn the reasons you may have received a DHS TNC.

What you should do:

- 1. Check that the information on Page 1 of this Further Action Notice is correct. If it is not correct, provide the correct information to your employer. Your employer should close this E-Verify case and use the corrected information to create a new case.
- 2. Decide if you will contest (take action to resolve) the DHS TNC and inform your employer of your decision
 - IMPORTANT: If you decide not to contest the DHS TNC, your case will become a Final Nonconfirmation, which means that your employer may terminate your employment.
- 3. Select your decision to contest or not contest and sign and date this Further Action Notice below. If you decide to take action to contest the DHS TNC, to begin to resolve the DHS TNC, you must contact DHS within 8 Federal Government working days from the date your employer refers your case in

IMPORTANT: Review Page 3 of this notice for important information about employer responsibilities and your rights.

Select box, sign and date below:

I choose to: (check one)

Further Action Notice

Select box, sign and date below:

I ch	I choose to: (check one)					
	CONTEST (take action to resolve the DHS TNC)					
	NOT CONTEST (not take action to resolve the DHS TNC)					
Emp	oloyee's Signature		Date			

To check the status of your case visit myE-Verify at https://selfcheck.uscis.gov/SelfCheckUI/CaseTracker.

Page 2 of 3 | Further Action Notice - DHS TNC | Revision Date 07/14/15

www.dhs.gov/E-Verify





Referral Date Confirmation

U.S Department of Homeland Security Tentative Nonconfirmation (DHS TNC)

E-Verify Case Verification Number:
L-verily Case verilication Number.
Employee Name:
Your employer referred your E-Verify case to DHS after you decided to contest (take action to resolve) a DHS Tentative Nonconfirmation (DHS TNC). This document confirms that your case was referred to DHS.
What you should do
Call DHS within 8 Federal Government working days, by (MM/DD/YYYY) to begin to resolve the DHS TNC. If you have not received the DHS TNC Further Action Notice from your employer,

resolve the DHS TNC. If you have not received the DHS TNC Further Action Notice from your employer, contact your employer immediately to obtain this notice.

The DHS TNC Further Action Notice includes information about your F-Verify case and which documents.

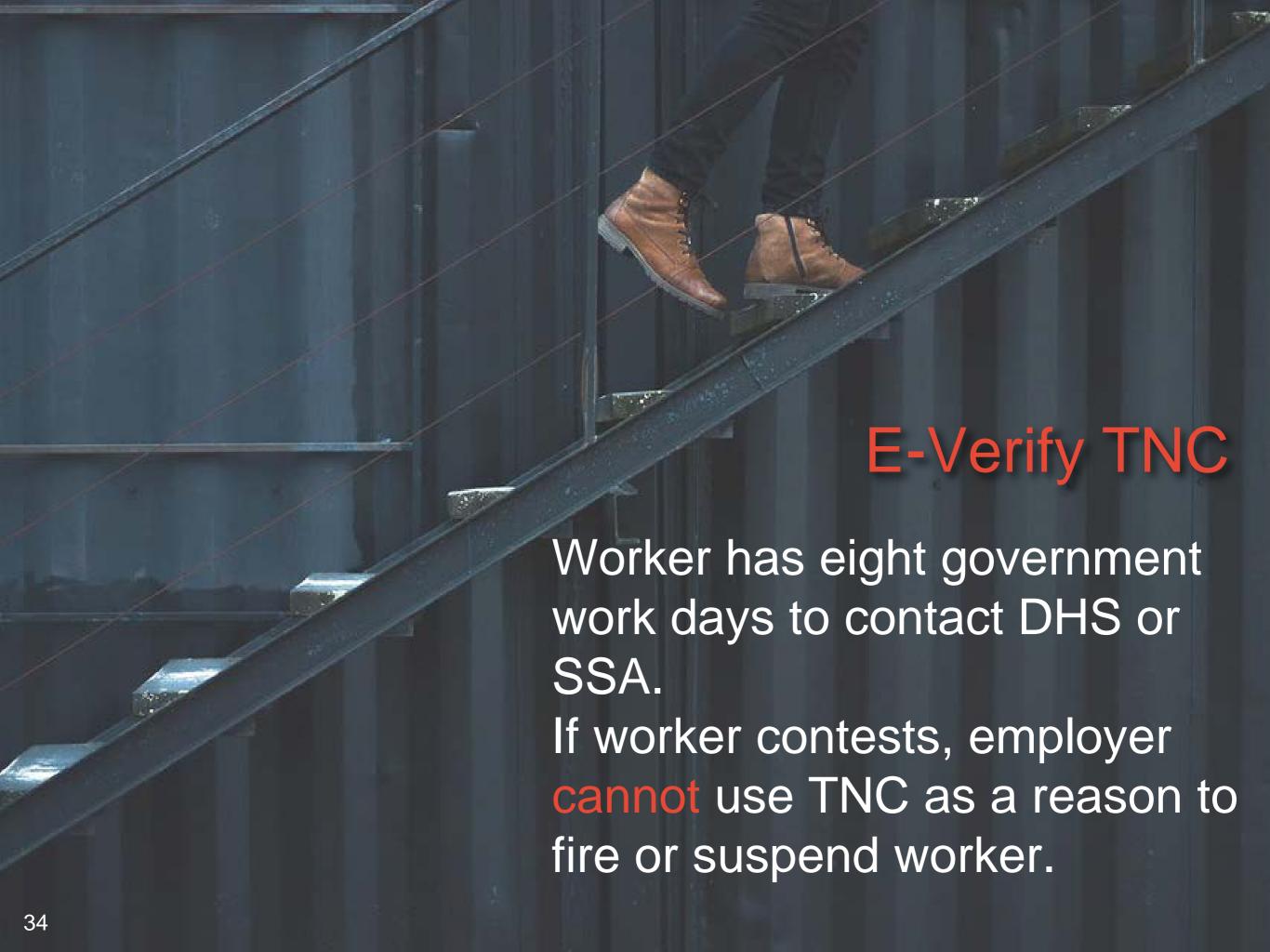
The DHS TNC Further Action Notice includes information about your E-Verify case and which documents you need when you contact DHS. You must have the DHS TNC Further Action Notice when you contact DHS.

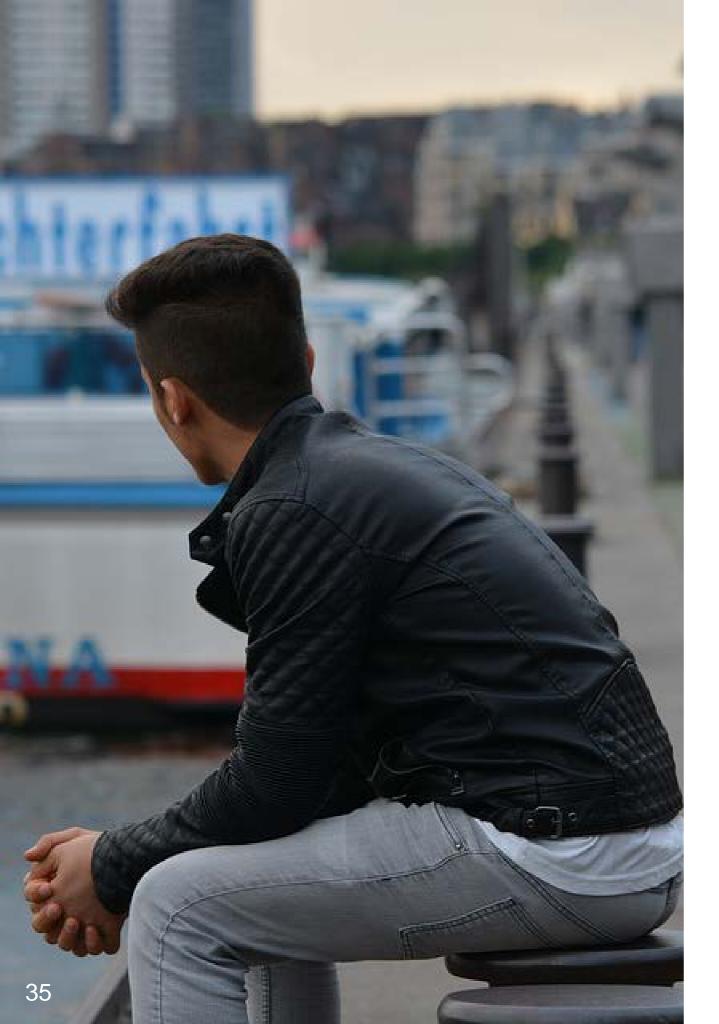
If you do not take action within 8 Federal Government working days, by (MM/DD/YYYY), a Final Nonconfirmation will be issued and your employer may terminate your employment. Employers must allow you to contest a DHS TNC and may not take adverse action against you because of the DHS TNC while you are contesting the DHS TNC and your E-Verify case is pending.

For More Information

If you have questions about what to do, contact E-Verify at 888-897-7781 (TTY: 877-875-6028) or email E-Verify@dhs.gov. If you need assistance in a language other than English, you may ask the E-Verify customer representative for an interpreter. For more information on E-Verify, including our privacy practices and program rules, visit the E-Verify website at www.dhs.gov/E-Verify.

Referral Date Confirmation





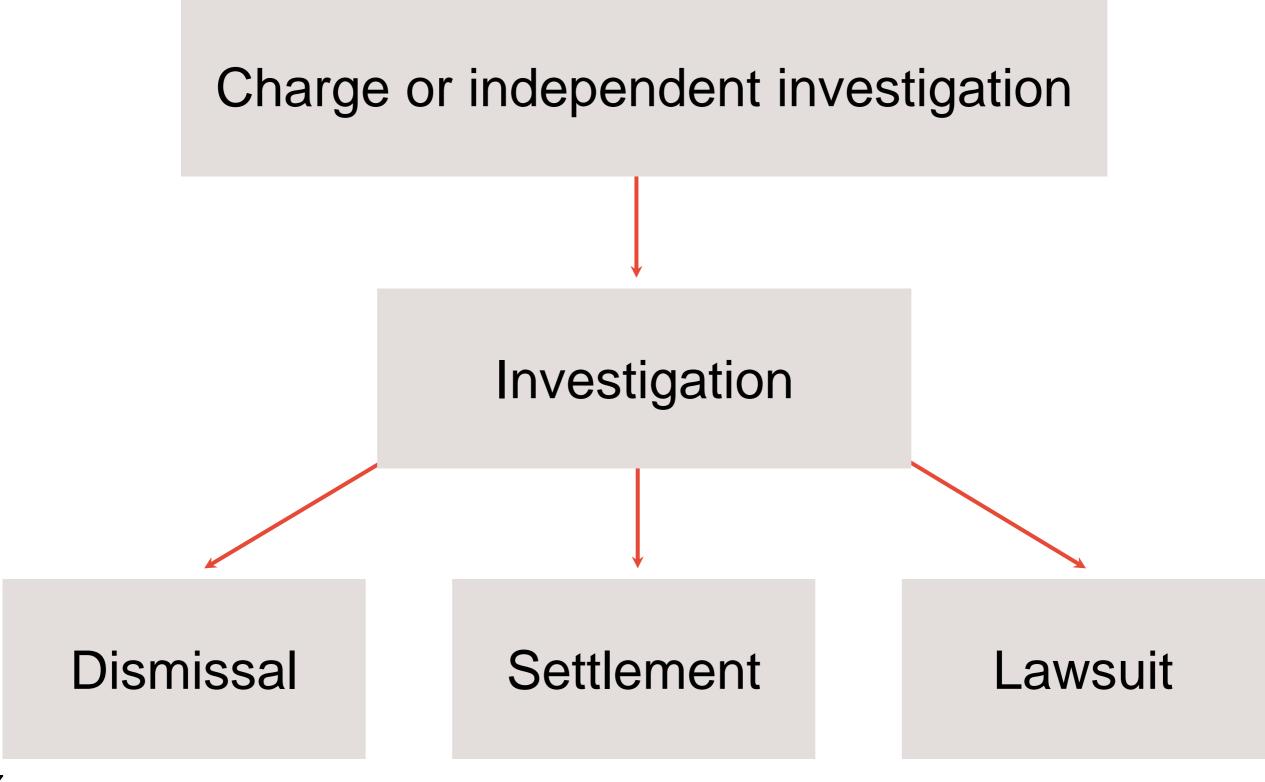
4. Retaliation

- -THREATS
- -INTIMIDATION
- -COERCION



IER is investigating a shipbuilding company. IER speaks to Roberto about his experiences when he was hired. The company was going to promote Roberto, but doesn't when it learns he spoke with IER.

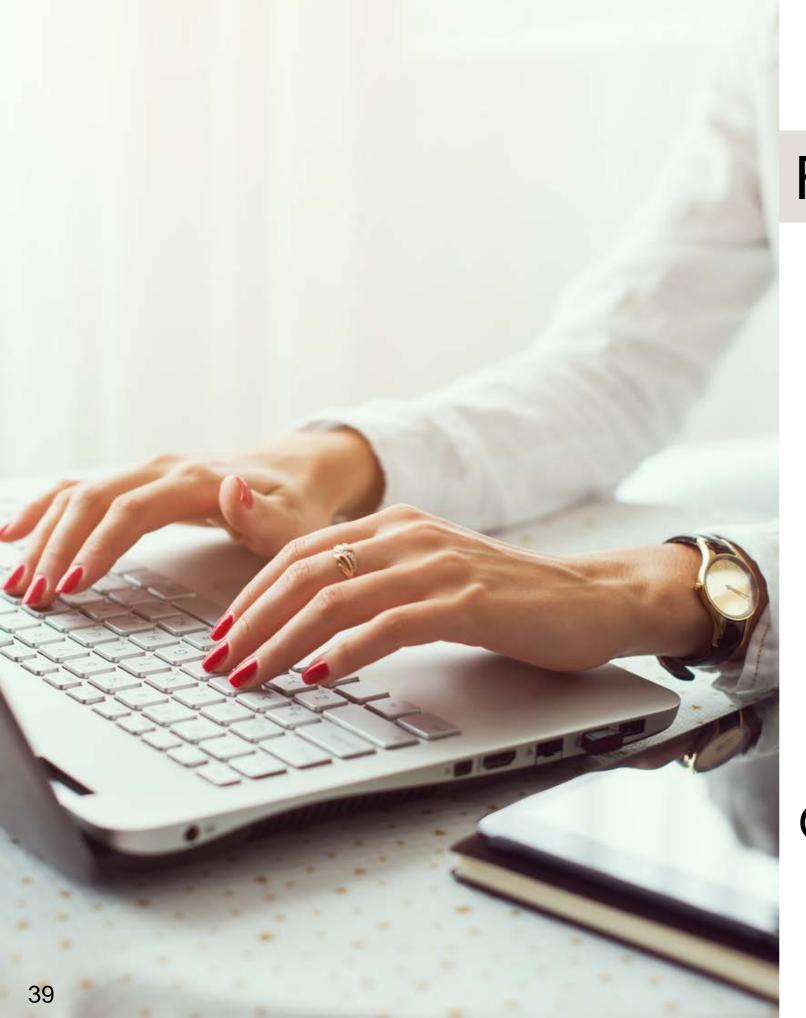
IER Enforcement Process





Possible Remedies

Hire or rehire
Backpay
Fines
Training
Monitoring
Policy changes



Filing an IER Charge

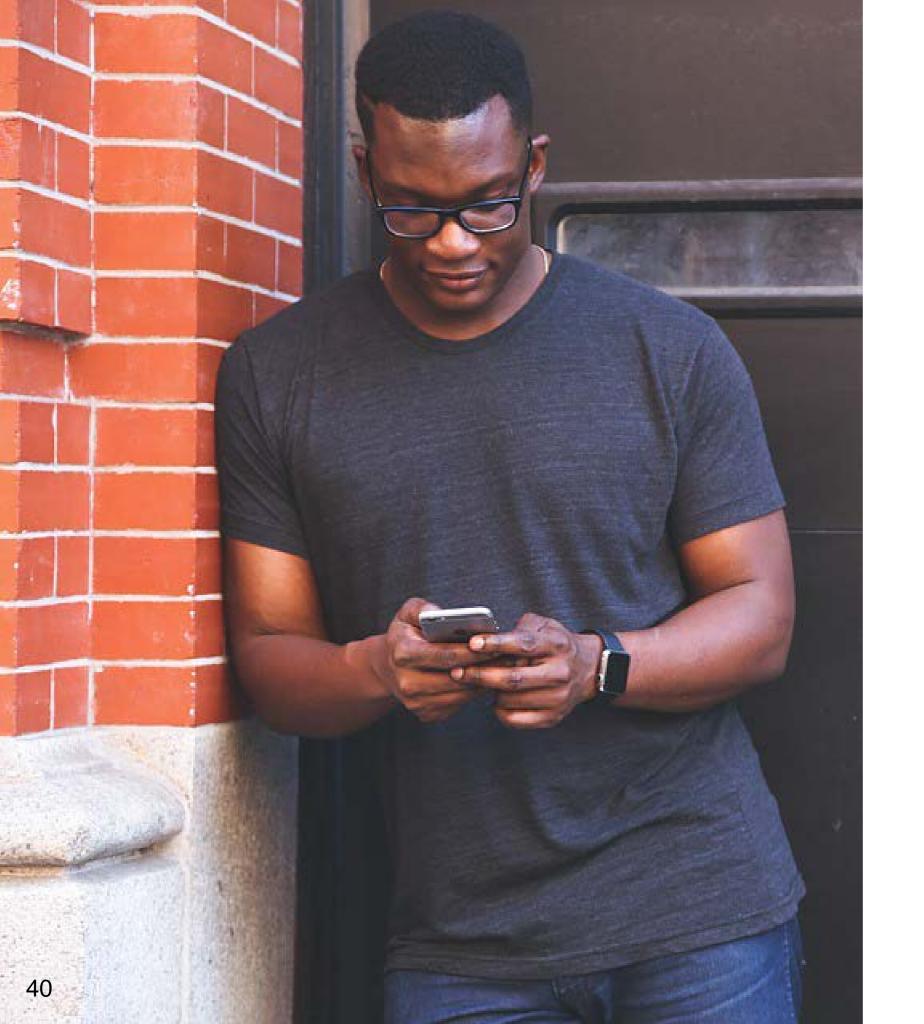
Charge form available in many languages.

File in any language.



Online | E-mail | Fax | Mail

Within 180 days



IER hotline interventions save hundreds of jobs each year.





IER Worker Hotline

800-255-7688

IER Employer Hotline

800-255-8155



IER@usdoj.gov

www.justice.gov/ier

800-237-2515 TTY