

## LIST OF ACCEPTABLE DOCUMENTS

LIST A Documents that Establish Both Identity and Employment Eligibility	OR	LIST B Eligibility Documents that Establish Identity	AND	LIST C Documents that Establish Employment Eligibility
1. U.S. Passport (unexpired or expired)		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, sex, height, eye color, and address		1. U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment)
2. Certificate of U.S. Citizenship (INS Form N-560 or N-561)		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, sex, height, eye color, and address		2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
3. Certificate of Naturalization (INS Form N-550 or N-570)		3. School ID card with a photograph		3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization		4. Voter's registration card		4. Native American tribal document
5. Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)		5. U.S. Military card or draft record		5. U.S. Citizen ID Card (INS Form I-197)
6. Unexpired Temporary Resident Card (INS Form I-688)		6. Military dependent's ID card		6. ID Card for use of Resident Citizen in the United States (INS Form I-179)
7. Unexpired Employment Authorization Card (INS Form I-688A)		7. U.S. Coast Guard Merchant Mariner Card		7. Unexpired employment authorization document issued by the INS (other than those listed under List A)
8. Unexpired Reentry Permit (INS Form I-327)		8. Native American tribal document		
9. Unexpired Refugee Travel Document (INS Form I-571)		9. Driver's license issued by a Canadian government authority		
10. Unexpired Employment Authorization Document issued		<b>For persons under age 18 who are unable to present a document listed above:</b>		
Authorization Document issued photograph (INS Form I-688B)		10. School record or report card		
		11. Clinic, doctor, or hospital record		
		12. Day-care or nursery school record		

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

# U.S. Government Hiring Guidelines



## Your Guide To Fair Employment

This document was created by USDOJ and is being distributed by NCDOL pursuant to N.C. Gen. Stat. § 95-226(a).

1,200 copies of this public document were printed at a cost of \$43.45, or \$0.4 per copy.

## Foreword

The N.C. General Assembly in 2007 passed legislation that required the distribution of U.S. Government hiring requirements information during the pre-occupancy inspection process. This brochure is part of the efforts to help North Carolina employers with regulations governing appropriate hiring procedures under the U.S. Immigration and Nationality Act.

*U.S. Government Hiring Guidelines—Your Guide to Fair Employment* is a publication designed to help employers understand and comply with the Immigration and Nationality Act (INA). This guide provides you with the steps you should follow to verify workers' eligibility and to ensure that your workers are treated fairly and equitably.

This guide is put together by the U.S. Department of Justice—Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices. It is being distributed by the N.C. Department of Labor in order to comply with state law (N.C. Gen. Stat. § 95-226(a)). If you have any questions about its contents, you can contact them as follows:

### Mailing Address:

U.S. Department of Justice  
Civil Rights Division  
Office of Special Counsel for Immigration-Related Unfair  
Employment Practices  
P.O. Box 27728  
Washington, DC 20038-7728  
or call 1-800-255-8155  
1-800-362-2735 (TDD for hearing impaired)

You can obtain the latest version of Form I-9 at the U.S. Citizenship and Immigration Services Web site: [www.uscis.gov](http://www.uscis.gov).

If you have questions about any other matters, please feel free to contact our Agricultural Safety and Health Bureau at 1-800-625-2267 or [919-707-7820](tel:919-707-7820). Website: [www.labor.nc.gov](http://www.labor.nc.gov)

Cherie Berry  
Commissioner of Labor

September 2007

## Introduction

This guide is designed to help you, the employer, understand and comply with the Immigration and Nationality Act (INA). In short, INA requires you to hire and/or retain only those persons authorized to work in the United States. It also requires you to protect workers against discrimination on the basis of immigration status, nationality, accent, or appearance. This guide provides the steps for both verifying employees' work eligibility and for ensuring that their civil rights are not violated when you are making hiring decisions.

First, the guide defines INA fully. It describes how the law affects you and explains how to avoid immigration-related employment discrimination. It outlines easy-to-follow procedures for hiring employees and explains the "Employment Eligibility Verification Process" (Form I-9). The guide includes a list of documents that are acceptable in determining

employment eligibility. Finally, it provides you with questions and answers to "tricky" hypothetical situations.

If you have further questions about how to comply with INA, please contact the Office of Special Counsel (OSC) for Immigration-Related Unfair Employment Practices of the U.S. Department of Justice. Another excellent source of information on this topic is The Handbook for Employers published by the Immigration and Naturalization Service (INS). To obtain a copy of the Handbook, please contact the INS.

Staying in compliance with INA's antidiscrimination provisions—and avoiding costly penalties and fines—is a simple matter. Just "look at the facts, not at the faces" when making hiring decisions, and follow these three basic rules:

- Fill out an "Employment Eligibility Verification" form (INS Form I-9) for **every** new employee, including U.S. citizens.
- Allow your employees to show you documents of their choice—as long as the documents prove identity and work eligibility and appear on INS' list of acceptable documents. You may not ask for specific documents.
- Do not ask for more documents than required.

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*For more information on INA's antidiscrimination provisions, please contact OSC at the Civil Rights Division, U.S. Department of Justice, P.O. Box 27728, Washington, DC 20038-7728 or call 1-800-255-8155. The TDD number for the hearing impaired is 1-800-362-2735.*

*For a copy of the Handbook for Employers, please contact the U.S. Immigration and Naturalization Service at 425 Eye Street, Washington, DC 20536.*

## What is INA?

The Immigration and Nationality Act (INA) as amended by the Immigration Reform and Control Act of 1986 (IRCA) was the first Federal law making it illegal for employers to knowingly hire persons who are not authorized to work in the United States. The law was an attempt to reduce the stream of undocumented workers entering this country in search of jobs.

INA requires that you, as an employer, check documents to confirm the identity and work eligibility of **all** persons hired after November 1986. To remain in compliance, you must—

- Hire only those persons authorized to work in the United States.
- Ask **all** new employees to show documents that establish both identity and work authorization.
- Complete the INS Employment Eligibility Verification Form I-9 for every new employee—U.S. citizens and noncitizens.

Noncompliance with the Form I-9 requirements may result in sanctions against employers. Congress also recognized that these employer sanctions might discourage you from hiring certain eligible workers if they looked or sounded foreign. Therefore, the law also prohibits discrimination in hiring and

firing on the basis of citizenship status or national origin. Employers who discriminate may be required to pay fines and penalties, to hire or rehire the employee, and to pay back wages.

## How Does INA Affect You?

### As an employer:

- INA makes it unlawful for an employer to knowingly hire, recruit, or refer for a fee any individual who is not authorized to work in the United States. It is also unlawful to continue to employ an undocumented worker or one who loses authorization to work. (Those hired before November 6, 1986, do not fall within this category.)
- You may hire anyone whose documents prove identity and work authorization in accordance with the I-9 requirements. There are many documents and combinations of documents that are acceptable, as long as they appear to be reasonably genuine. (For a list of acceptable documents, see the back of the I-9 form.)
- You must treat all job applicants and employees equally—whether they are U.S. citizens or noncitizens. This means you may not discriminate in hiring, firing, recruiting, or referring for a fee, nor are you permitted to retaliate against an employee who has filed a discrimination charge or participated in an investigation.

## Types of Immigration-Related Employment Discrimination:

- **Citizenship status discrimination** refers to unequal treatment because of citizenship or immigration status.
- **National origin discrimination** refers to unequal treatment because of nationality, which includes place of birth, appearance, accent, and can include language.
- The Office of Special Counsel (OSC) enforces the provisions against discrimination. OSC covers all cases of discrimination based on citizenship status by employers of four or more employees. It covers national origin discrimination with employers of four to fourteen employees. The Equal Employment Opportunity Commission has jurisdiction over employers of 15 or more.

## What Are INA's I-9 Requirements?

"I-9" is short for Form I-9, the "Employment Eligibility Verification" form developed by INS as a way for employers to document the fact that they are hiring only persons who are authorized to work in the United States. Over time, the term "I-9 requirements" has come to describe the entire process of verifying worker eligibility outlined out in INA.

**As an employer**, to comply with INA's I-9 requirements, you must—

- Complete the I-9 form and keep it on file for at least 3 years from the date of employment or for 1 year after the employee

leaves the job, whichever is later. You must also make the forms available for government inspection upon request.

- Verify, on the I-9 form, that you have seen documents establishing identity and work authorization for all your new employees—U.S. citizens and noncitizens alike—hired after November 6, 1986.
- Accept any valid documents presented to you by your employee. You may not ask for more documents than those required and may not demand to see specific documents, such as a "green card."
- Remember that work authorization documents must be renewed on or before their expiration date and the I-9 form must be updated—this is also called "reverification." At this time, you must accept any valid documents your employee chooses to present, whether or not they are the same documents provided initially. (Note: You don't need to see an identity document when the I-9 is updated.)

Remember, you are free to hire anyone who can show documents establishing his or her identity and authorization to work. Any of the documents (or combination of documents) listed on the back of Form I-9 are acceptable as long as they appear to be reasonably genuine.

## How Can You Avoid Immigration-Related Employment Discrimination?

**As an employer**, to comply with INA's antidiscrimination provisions, you should—

- Let the employee **choose** which documents to present, as long as they prove identity and work authorization and are included in the acceptable list on the back of the I-9 form.
- Accept documents that appear to be genuine.

**As an employer**, to avoid employment discrimination based on nationality or citizenship status, you must—

- Treat all people the same in announcing the job, taking applications, interviewing, offering the job, verifying eligibility to work, hiring, and firing.
- Remember that U.S. citizenship, or nationality, belongs to all individuals born of a U.S. citizen and all persons born in Puerto Rico, Guam, the Virgin Islands, Northern Mariana Islands, American Samoa, and Swains Island. Citizenship is granted to legal immigrants after they complete the naturalization process.
- Avoid "citizens only" hiring policies or requiring that applicants have a particular immigration status. In most cases, these practices are illegal.
- Give out the same job information over the telephone, and use the same application form for all applicants.
- Base all decisions about firing on job performance and/or behavior, not on appearance, accent, name, or citizenship status of your employees.