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

U.S. Citizenship and Immigration Services

U.S. Department of Justice
Immigrant and Employee Rights Section
Civil Rights Division
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

Employee completes

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

Employee provides
- Full legal name
- Address
- Date of birth
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

- 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

1. List A selection
   - For E-Verify employers, List B document must include photo

   Or

2. 1 List B + 1 List C selection

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.
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
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
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.
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
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**
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.
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

Employers complete Section 3

<table>
<thead>
<tr>
<th>Employee Name from Section 1:</th>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
</tr>
</thead>
</table>

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable) | B. Date of Rehire (if applicable)

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>Date (mm/dd/yyyy)</th>
</tr>
</thead>
</table>

C. If the employee’s previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Document Number</th>
<th>Expiration Date (if any) (mm/dd/yyyy)</th>
</tr>
</thead>
</table>

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

<table>
<thead>
<tr>
<th>Signature of Employer or Authorized Representative</th>
<th>Today’s Date (mm/dd/yyyy)</th>
<th>Name of Employer or Authorized Representative</th>
</tr>
</thead>
</table>
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**

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

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**LISTS OF ACCEPTABLE DOCUMENTS**

All documents must be UNEXPIRED

Employees must present one selection from List A or a combination of one selection from List B and one selection from List C.

<table>
<thead>
<tr>
<th>LIST A</th>
<th>LIST B</th>
<th>LIST C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents that establish both identity and employment authorization</td>
<td>Documents that establish identity</td>
<td>Documents that establish employment authorization</td>
</tr>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<td>1. Driver's license or ID card issued by a state or territory of the United States, or by a political subdivision thereof, and containing a photograph, signature, date of birth, and expiration date.</td>
<td>1. Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) ONLY VALID FOR WORK UPON AUTHORIZATION (3) VALID FOR WORK ONLY UPON AUTHORIZATION</td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>2. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>2. Certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, or any other document issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 imprintation on a machine-readable immigrant visa</td>
<td>3. A passport issued by a U.S. state, county, city, or city, or by a foreign government, that contains a photograph, date of birth, and expiration date.</td>
<td>3. Original or certified copy of birth certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>4. Employment Authorization Document that contains a photograph (Form I-766)</td>
<td>4. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>4. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status.</td>
<td>5. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>5. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>a. Foreign passport;</td>
<td>6. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>6. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>b. Form I-864 or Form I-484 that has the following:</td>
<td>7. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>7. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>(1) The same name as the passport.</td>
<td>8. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>8. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</td>
<td>9. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>9. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
</tr>
<tr>
<td>9. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-154 or Form I-484, indicating nonimmigrant admission under the Compact of Free Association between the United States and the FSM or RMI.</td>
<td>10. A government-issued photograph identification card that contains a photograph, date of birth, and expiration date.</td>
<td>10. A certification of birth or death certificate issued by a U.S. state, county, city, or city, or by a foreign government, that establishes identity and age.</td>
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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.
What is E-Verify?

The employee and employer fill out Form I-9 for Employment Eligibility Verification.

The employer uses E-Verify to confirm Form I-9 information.

E-Verify displays an initial case result within a few seconds, though some cases may require additional action.
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?

**RECEIVE TNC NOTIFICATION**
Employer reviews the Further Action Notice with the employee.

**DECIDE WHETHER TO CONTEST**
If the employee decides to contest the TNC, the Further Action Notice will explain the next steps.

**CONTACT DHS OR SSA**
The employee has eight federal working days to contact SSA or DHS.
*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
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](http://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

LEARN MORE
myE-Verify

YOUR WORK ELIGIBILITY
Self Check

PROTECT YOUR SSN
Self Lock

USEFUL INFORMATION
Resource Center

MONITOR YOUR INFORMATION
Case History

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
- E-Verify Connection
- 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
IER’s Free Worker Hotline
- 800-255-7688
- 800-237-2515 (TTY)
- Interpretation services available in many languages

Complete and submit an IER charge form online in Arabic, Chinese, English, French, Haitian Creole, Korean, Portuguese, Russian, Spanish, Tagalog, or Vietnamese at [www.justice.gov/crt/filing-charge](http://www.justice.gov/crt/filing-charge)

IER Website at [www.justice.gov/ier](http://www.justice.gov/ier)

Additional webinars at [https://www.justice.gov/crt/webinars](https://www.justice.gov/crt/webinars)

Informational Materials at [https://www.justice.gov/crt/worker-information](https://www.justice.gov/crt/worker-information)

E-mail IER at [IER@usdoj.gov](mailto:IER@usdoj.gov)
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 http://www.uscis.gov/avoid-scams to learn more about how to avoid immigration services scams.
Questions