

Chapter 7 - Human Resources

AP 7125 Verification of Eligibility for Employment – Immigration Status

Reference:

8 U.S.C Section 1324a; Immigration Reform and Control Act (IRCA, Public Law 99-603); United States Citizenship and Immigration Service Form I-9

In accordance with Federal law, The College District will not hire any person for employment that is not authorized to be employed in the United States (U.S.). In addition, The College the District will not sponsor any individual for employment. However, the District, at its own discretion, may work with an individual's attorney to facilitate the process required to maintain employment eligibility. The District will not pay any of individual's legal fees.

The District will not discriminate against any work-authorized individual in hiring, discharge, recruitment or referral for a fee, or in the employment eligibility verification (Form I-9) process based on that individual's citizenship status, immigration status or national origin. Screening and Selection Committee members are prohibited from asking questions regarding a job applicant's citizenship/authorization to work in the U.S. Any concerns regarding an applicant's possible non-citizenship status are to be referred to Human Resources.

Employment Eligibility Verification Form (I-9) is required for employment from all persons employed by the District. Section 1, "Employee Information and Attestation", must be completed and signed by the employee no later than the first day of employment. Section 2, "Employer or Authorized Representative Review of Verification", must be completed within three business days of hire. All documents used to establish identify employment authorization must be unexpired. Failure to comply with these requirements carries monetary penalties and the possibility of criminal prosecution and imprisonment for each impropriety. For employees who provide an employment authorization expiration date in Section 1, the District must re-verify employment authorization on or before the date provided. Section 3, "Reverification and Rehires" is provided for this purpose. Any questions or concerns regarding future expiration dates, and/or documentation of identify and/or employment authorization must be directed to Human Resources. The refusal to hire an individual because documentation presented has a future expiration date may constitute illegal discrimination.

~~“Reliable documentation”~~ **Evidence of identity and employment authorization**, as set out in federal law includes documents from the following List of Acceptable Documents:

~~List A – Documents that Establish Both Identity and Employment Eligibility (one document):~~

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|---|---|
| 1. U.S. Passport (unexpired or expired) | 6. Unexpired Temporary Resident Card (Form I-688) |
| 2. Certificate of U.S. Citizenship (Form N-560 or N-561) | 7. Unexpired Employment Authorization Card (Form I-688A) |
| 3. Certificate of Naturalization (Form N-550 or N-570) | 8. Unexpired Reentry Permit (Form I-327) |
| 4. Unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating un-expired employment authorization | 9. Unexpired Refugee Travel Document (Form I-571) |
| 5. Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-151 or I-551) | 10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (Form I-688B) |

OR

~~List B – Documents that Establish Identity (one 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. | 3. School ID card with a photograph |
| 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 | 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 |
| | 9. Driver's license issued by a Canadian government authority |
| | 10. School record or report card |
| | 11. Clinic, doctor or hospital record |
| | 12. Day care or nursery school record |

AND

~~List C – Documents that Establish Employment Eligibility (one document):~~

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|---|--|
| 1. U.S. social security card
issued by the Social Security Administration (other than a card stating it is not valid for employment) | 4. Native American tribal document |
| 2. Certificate of Birth Abroad
Issued by the Department of State (Form Fs545 or Form DC 1350) | 5. U.S. Citizen ID Card (Form I-197) |
| 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 | 6. D Card for use of Resident Citizen in the United States (Form I-179) |
| | 7. Unexpired employment authorization document issued by DHS (other than those listed under List A) |

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.

<u>LIST A</u> <u>Documents that Establish</u> <u>Both Identity and</u> <u>Employment Authorization</u>	<u>OR</u>	<u>LIST B</u> <u>Documents that Establish</u> <u>that Establish Identity</u> <u>Authorization</u>	<u>LIST C</u> <u>Documents</u> <u>Employment</u>
		<u>AND</u>	
1. <u>U.S. Passport or U.S. Passport Card</u>		1. <u>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</u>	A <u>Social Security Account Number card</u> , unless the card includes one of the following restrictions: <u>NOT VALID FOR EMPLOYMENT</u>
2. <u>Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</u>		2. <u>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</u>	<u>VALID FOR WORK ONLY WITH INS AUTHORIZATION</u>
3. <u>Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine- readable immigrant visa</u>		3. <u>School ID card with a photograph</u>	<u>VALID FOR WORK ONLY WITH DHS AUTHORIZATION</u>
4. <u>Employment Authorization Document that contains a photograph (Form I-766)</u>		4. <u>Voter's registration card</u>	2. <u>Certification of Birth Abroad issued by the Department of State (Form FS-545)</u>
For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <u>Foreign passport; and</u> <u>Form I-94 or Form I-94A that has the following:</u> <u>The same name as the passport; and</u> <u>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.</u>		5. <u>U.S. Military card or draft record</u>	3. <u>Certification of Report of Birth issued by the Department of State (Form DS-1350)</u>
		6. <u>Military dependent's ID card</u>	4. <u>Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</u>
		7. <u>U.S. Coast Guard Merchant Mariner Card</u>	5. <u>Native American tribal document</u>
		8. <u>Native American tribal document</u>	6. <u>U.S. Citizen ID Card (Form I-197)</u>
		9. <u>Driver's license issued by a Canadian government authority</u>	

	<p><u>For persons under age 18 who are unable to present a document listed above:</u></p>	<p><u>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</u></p>
<p><u>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</u></p>	<p><u>10. School record or report card</u></p> <p><u>11. Clinic, doctor, or hospital record</u></p> <p><u>12. Day-care or nursery school record</u></p>	<p><u>8. Employment authorization document issued by the Department of Homeland Security</u></p>

~~The College will complete for each new employee the verification form required by the United States government. The College will retain completed I-9 forms for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.~~

In accordance with Federal law, the District CANNOT specify which documents(s) it will accept from an employee.

The District will retain completed I-9 forms for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

Additional information regarding the processes described in this administrative procedure are available through Human Resources and is available through the United States Citizenship and Immigration Service at <http://www.uscis.gov/i-9-central>

The College **District** will protect the privacy of the information it collects pursuant to this procedure.

I-9 Form

~~In accordance with federal law, all employees hired subsequent to November, 1986 must complete an I-9 form.~~