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March 10, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

REPORT ON COUNTY'S USE OF E-VERIFY SYSTEM (NOVEMBER 24, 2009 BOARD AGENDA, ITEM NO. 12)

On November 24, 2009, upon review of the October 26, 2009 E-Verify System Report prepared by the Chief Executive Office in coordination with County Counsel and Internal Services Department, on motion of Supervisor Molina, your Board directed the Chief Executive Officer, Acting Director of Personnel, and County Counsel to prepare a comprehensive review of the County's own E-Verify system, including how the process works and functions, and the potential liability from contractors, employees, or other entities for requiring County contractors to implement E-Verify.

The attached report describes the County's experience in using the E-Verify system, operated by the Federal Department of Homeland Security and the United States Citizenship and Immigration Services. It should be noted that all pending court cases relating to E-Verify indicated in the October 26, 2009 report are still unresolved, and County Counsel will continue to monitor pending or future litigation, and report on any potential risk or liability issues with E-Verify.

Please note that on February 2, 2010, the 10th Circuit Court of Appeals rendered a decision in Chamber of Commerce of the United States v. Edmonson (formerly known as Chamber of Commerce of the United States v. Brad Henry), which, among other things, reversed the temporary injunction against the State of Oklahoma from requiring government contractors to use the E-Verify system. However, a petition for rehearing of this case has been filed, and County Counsel advises that no conclusion should be drawn until this case, as well as the United States Supreme Court's decision on the judgment of the 9th Circuit Court of Appeals for the Arizona case, Chamber of Commerce of the United States v. Candelaria, are finally resolved.

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Also, according to a United States Citizenship and Immigration Services (USCIS) commissioned report prepared by Westat and released on January 28, 2010, 6.2 percent of all workers screened through the E-Verify system were found to be ineligible to work in the United States, and more than half of those workers were able to gain "work authorized" system status, primarily through identify fraud. The report urged that E-Verify be strengthened to better detect and deter identify fraud, by adding more photographs to the system, as well as other initiatives to prevent stolen identities from being used in the system.

If you have any questions or require additional information, please have your staff contact Ellen Sandt at (213) 974-1186 or esandt@ceo.lacounty.gov or Martin Zimmerman at (213) 974-1326 or mzimmerman@ceo.lacounty.gov.

WTF:ES:MKZ
FC:pg

Attachment

c: All Department Heads

REPORT ON COUNTY OF LOS ANGELES USE OF E-VERIFY

This report provides the following information regarding the County of Los Angeles' use of the E-Verify system:

- Background;
- E-Verify Procedures;
- Penalties for Prohibited Practices;
- County Statistics for E-Verify;
- County Staffing for E-Verify;
- Equipment and Training;
- Maintenance, Tracking, and Oversight of the E-Verify System;
- E-Verify Audit Status;
- Status of Pending E-Verify Court Cases; and
- County's Adoption of E-Verify Program – Legal Risks.

Background

In order to comply with Federal regulations, all County departments are required to establish both the identity and employment eligibility of every new employee hired after November 6, 1986. On September 8, 1998, the Board of Supervisors (Board) instructed the Director of Personnel to approve and sign a Memorandum of Understanding (MOU) with the Immigration and Naturalization Services (INS) and the Social Security Administration (SSA) and to participate in the I-9 Basic Pilot/Employment Eligibility Verification Program (I-9 Basic Pilot Program), the pilot program established by the Federal government. The I-9 Basic Pilot Program provided County departmental Personnel Offices an electronic means of verifying a new employee's work authorization using information completed on the Employment Eligibility Verification Form (Form I-9; attached as an Exhibit). By submitting an automated query to SSA, County departmental Personnel staff, also known as Departmental I-9 Coordinators, were able to confirm a new employee's eligibility to work through a dedicated modem or telephone line.

In June 2005, the I-9 Basic Pilot Program transitioned from the previous dial-up functionality into a Web-based system that was eventually renamed the Electronic Employment Eligibility Verification System (E-Verify) in 2007.

E-Verify Procedures

1. Each Departmental I-9 Coordinator must ensure that the new employee completes Section 1 of Form I-9 within three business days of the employee's start date. The County may not use the E-Verify system to pre-screen applicants for employment or go back to check employment eligibility for employees hired before the County's participation in the system. If the employee cannot complete Section 1 without assistance, or if he or she needs the Form I-9 translated, a Departmental I-9 Coordinator may assist the employee in completing the form, in which case the preparer or translator must then complete the Preparer/Translator Certification block in Section 1.
2. In order for a Departmental I-9 Coordinator to complete Section 2 of Form I-9, the new employee must present to the hiring County department an original document or combination of documents identified in the List of Acceptable Documents to establish both

the employee's identity and employment eligibility. No County department may specify which document(s) an employee can present during the verification process or reject document(s) that reasonably appear to be genuine and belonging to the new employee, as these practices are prohibited because they are considered unlawful discrimination.

3. After Sections 1 and 2 of Form I-9 are completed, the Departmental I-9 Coordinator must submit an electronic employment verification query for the newly hired employee through the Web-based E-Verify system.
4. E-Verify compares the employee's information on Form I-9 against more than 449 million records in the SSA database and more than 60 million records stored in the Federal Department of Homeland Security (FDHS) database. After the Departmental I-9 Coordinator submits the initial employment verification query, E-Verify returns a system response regarding the employment authorization of the employee. In most cases, E-Verify queries entered are confirmed within seconds as "Employment Authorized." This E-Verify system response indicates that the employee is eligible to work in the United States.
5. In some cases, E-Verify will provide an initial system response of "SSA Tentative Nonconfirmation" (SSA TNC), indicating the Social Security information provided by the employee could not be verified. SSA TNC does not necessarily mean that the employee is not authorized to work or that the information provided by the employee is incorrect. A system response of SSA TNC could be due to the following reasons:
 - Name, Social Security Number, or date of birth is incorrect in SSA records;
 - Name change was not reported to SSA;
 - Citizenship or immigration status was not updated with SSA; or
 - SSA record contains another type of error.

When an employee receives a SSA TNC, the County department must immediately notify the employee of such status. If the employee wishes to contest the SSA TNC status, the County department must provide the employee with an SSA Referral Letter generated by the E-Verify system, and allow the employee at least eight Federal work days to visit a local SSA office per the E-Verify User Manual for Employers (Manual), to resolve the issue. During this resolution period, the employee must remain employed with the County and cannot be terminated while resolving his or her issue. It is at the department's discretion to allow employees to resolve discrepancies during business hours with pay. The County may not take any adverse action against the employee based on an E-Verify system SSA TNC, unless the employee wishes to self-terminate and not contest the SSA TNC status.

It should be noted that while the Manual instructs that the employee has eight Federal work days to visit an SSA field office, the Manual also indicates that the SSA has 15 Federal work days to update the case result in E-Verify. This means the Departmental I-9 Coordinators need to continually check for employee's status and not terminate the employee automatically after eight Federal work days with an SSA TNC status.

6. "SSA Final Nonconfirmation" (SSA FNC) is a final E-Verify system response that indicates SSA could not confirm the employee's work eligibility. According to the Manual, when a newly hired employee receives an SSA FNC, the verification process should end and the employee may be terminated without penalizing the County. FDHS may impose penalties if an investigation reveals that the County knowingly hired or knowingly continued to employ

an unauthorized alien, or if it failed to comply with the employment eligibility verification requirements.

While SSA FNC allows the County to terminate the employee, if the employee produces valid documentation from an SSA office that confirms his or her eligibility to work, the paperwork will be accepted by the County and no termination shall occur. Termination procedures shall only occur after a good faith effort has been made by the County. This includes issuing a termination letter which grants the employee an additional 10 business days to appeal to the Director of Personnel and to provide valid work authorization. If the employee obtains work authorization following termination, he or she would need to re-apply for employment as a new applicant.

It should also be noted that, in past practice, after some employees received an SSA FNC, the E-Verify system would revert back to SSA TNC or indicate Employment Authorized on rare occasions. This had led some departments to process multiple E-Verify checks on an SSA FNC before terminating the employee.

7. In addition to the above-mentioned SSA TNC and SSA FNC status, E-Verify could also return similar responses from FDHS, showing DHS TNC as initial status and DHS FNC as final status.

Penalties for Prohibited Practices

If FDHS determines that the County knowingly hired unauthorized aliens, it may order the County to cease and desist from such activity and pay a civil monetary penalty as follows:

1. First Offense: No less than \$375 and no more than \$3,200 for each unauthorized alien;
2. Second Offense: No less than \$3,200 and no more than \$6,500 for each unauthorized alien; and
3. Subsequent Offenses: No less than \$4,300 and no more than \$16,000 for each unauthorized alien.

County Statistics for E-Verify

In 2008, based on the raw data from the E-Verify User Audit Report for Los Angeles County, 2.6 percent (254 out of 9,958 E-Verify system responses) returned as SSA TNC. In 2009, 1.8 percent (79 out of 4,397 E-Verify system responses) returned as SSA TNC.

In 2008, out of the 254 SSA TNC cases, 27 resulted in SSA FNC, representing a 0.27 percent SSA FNC rate for the County (27 out of 9,958 E-Verify system responses). Of the 27 cases, 20 employees were re-verified as Employment Authorized, six employees were terminated, and one employee received a SSA TNC upon re-verification. This employee is still in the process of resolving the discrepancy with SSA.

In 2009, out of the 79 SSA TNC cases, seven resulted in SSA FNC, representing a 0.16 percent SSA FNC rate for the County (seven out of 4,397 E-Verify system responses). Of the seven cases, six employees were re-verified as Employment Authorized and one employee was terminated.

County Staffing for E-Verify

Currently, all 37 County departments, which include 187 users, have access to the E-Verify system. This comprises the following:

- 2 Corporate Administrators;
- 65 Program Administrators; and
- 120 General Users.

The Department of Human Resources (DHR) is responsible for the County's use of the E-Verify system. DHR assigns two of its employees as Corporate Administrators. Corporate Administrators are responsible for monitoring all County departmental E-Verify usage, but cannot perform employment verification queries. Program Administrators and General Users, also known as Departmental I-9 Coordinators, have the ability to perform employment verification queries on the E-Verify system for their designated department.

Each department is responsible for performing their own employment verifications using E-Verify within three business days after hiring a new employee, either through their Personnel Office or via Auditor-Controller's Shared Services.

Equipment and Training

E-Verify is a free Internet-based system that does not require any additional software installation. The E-Verify Website is located at <https://www.vis-hds.com/WebBp>. In order to perform employment verifications using E-Verify, employers must have access to the Internet.

All new E-Verify users must complete an online FDHS mandatory tutorial and successfully pass the Mastery Test before performing employment verification queries. The length of time required to complete this E-Verify tutorial is approximately two hours. The system allows users to save their information and resume the tutorial or Mastery Test at a later time.

In addition to the mandatory E-Verify tutorial, DHR provides a four-hour workshop to update and train new Departmental I-9 Coordinators. Basic and advanced training on the E-Verify system was provided to County departments in May 2005 and January 2008. Beginning in 2010, DHR will conduct mandatory annual workshops for new Departmental I-9 Coordinators. To provide ongoing assistance to County departments, DHR is also in the process of coordinating the basic and advanced E-Verify workshops, to be conducted in early 2010. The workshops will include updates on current immigration issues, information on new system enhancements, training on the I-9 verification process, instructions on how to register and use the tutorial, and a question and answer session.

DHR conducted a survey of County departments regarding additional E-Verify training provided to new users. Approximately 67 percent of County departments that responded to the survey indicated they did not provide additional training to their E-Verify users. All County departments rely on the mandatory tutorial for system training. Some County departments provide new users with manuals, handbooks, and reference guides found on the E-Verify Website; DHR will advise all departments to do this.

Maintenance, Tracking, and Oversight of E-Verify System

E-Verify is operated as a partnership between FDHS and SSA, with the United States Citizenship and Immigration Services (USCIS, formerly known as INS) overseeing and maintaining the program.

As noted above, each County department is responsible for processing and verifying employment authorizations for all newly hired employees. Employment eligibility issues regarding new hires in the County that cannot be resolved through proper research from handbooks, reference guides, or the FDHS Website are directed to DHR.

As the Corporate Administrator, DHR serves as the liaison between the County, FDHS, and SSA. DHR is responsible for providing consultation, training, and monitoring the County's overall activity on the E-Verify system. Tracking and oversight of the County's overall E-Verify activity is completed by DHR through reports offered by the system.

E-Verify Audit Status

In September 2009, DHR began auditing County department E-Verify records for the period of January 1, 2008 to December 31, 2008. The audits include verifying that all new County employees hired in 2008 were entered and confirmed as Employment Authorized in the E-Verify system. The audits also include ensuring that all departments are in compliance with Federal regulations (i.e., verifying employment authorization is completed within three business days of a newly hired employee's start date).

To date, DHR has completed E-Verify audits for 12 departments. Audit results revealed that 37 employees in the 12 departments were not processed through the E-Verify system. In those cases, DHR notified the department of its failure to comply with Federal employment verification regulations and instructed the department to complete the E-Verify verifications. All 37 employees have subsequently been confirmed as Employment Authorized.

In addition, several departments failed to complete employment verifications within the timeframe required by Federal regulations. These departments were reminded of the Federal regulation that all newly hired employee's work authorization must be verified within three business days of the date employment begins.

During the audit it was also noted that one department, as a matter of practice, re-verified work authorization when employees were promoted. According to E-Verify regulations, the County may not use the system to re-verify employment authorization, unless an employee's current work authorization has expired, at which time the department must re-verify the employee's employment eligibility. An example of expired work authorization is the Employment Authorization Document (EAD card) issued by USCIS is beyond the valid date. DHR notified the department of its violation and instructed the department to cease this practice. In order to prevent further violations of this kind, DHR will update the County's Policies, Procedures, and Guidelines for Employment Eligibility I-9 Verification.

DHR continues to conduct E-Verify audits. By March 30, 2010, an additional five departmental audits are expected to be completed.

Status of Pending E-Verify Court Cases

Since the October 26, 2009 status report on the E-Verify system, which included a brief summary of the decided and pending state and Federal court cases involving E-Verify, there has been a limited amount of action, and the following summarizes the most recent status of the three outstanding Federal court cases.

1. Lozano v. City of Hazelton (Third Circuit Court of Appeals, Case No. 07-3531): Oral arguments were heard on October 30, 2008, and supplemental filings were submitted by the parties from November 10, 2008 through May 5, 2009. The court has still not issued its opinion.
2. Chamber of Commerce v. Edmondson (Tenth Circuit Court of Appeals, Case Nos. 08-6127 and 08-6128, formerly known as Chamber of Commerce v. Brad Henry): On February 2, 2010, the Tenth Circuit Court of Appeals issued its opinion, which, among other things, reversed a temporary injunction against the State of Oklahoma from requiring government contractors to use the E-Verify system. However, a petition for rehearing of this case has been filed by the parties. The court has not yet ruled on the petition.
3. Chamber of Commerce v. Candelaria (Ninth Circuit Court of Appeals, Case Nos. 07-17272, 07-17274, 08-15357 and 08-15360): A Petition for Certiorari was filed with the U.S. Supreme Court on July 24, 2009 with briefs filed on September 28, 2009 and October 13, 2009. The Supreme Court invited the Solicitor General to file a brief expressing the views of the United States government on November 2, 2009, but no such brief has yet been filed, and the Supreme Court has not yet ruled on the petition.

Given the current unsettled nature of the law surrounding the E-Verify system (particularly pending the Tenth Circuit's decision on whether to grant the parties' Petition for Rehearing filed in Chamber of Commerce v. Edmondson and the Supreme Court's decision on whether or not to reconsider the opinion issued by the Ninth Circuit in Chamber of Commerce v. Candelaria), County Counsel believes that it would be more prudent to defer the preparation of its review of the potential liability which may arise from contractors, employees, or other entities for requiring County contractors to implement the E-Verify system until after court opinions are issued in the foregoing Federal cases, which could very likely impact the substance of County Counsel's review.

County's Adoption of E-Verify Program – Legal Risks

As current case law stands (pending the Supreme Court's decision on whether to accept review of the Ninth Circuit's decision in the Arizona litigation, and the Tenth Circuit's decision on the parties' petition for rehearing in the Oklahoma litigation, both discussed above), the courts have upheld the legality of the E-Verify program and the state laws requiring its use by government contractors with respect to their employees. However, while these cases validated the program in concept and theory, there is still the potential for individual employees to raise challenges as to a specific implementation of the program. Therefore, in order to reduce the risk of a successful legal challenge to any ordinance or policy, the County may adopt requiring County contractors' participation in the E-Verify program, it would be important for the County to follow the policies and practices of the Federal government in its implementation and administration of E-Verify in order to ensure that the Program is not administered in a discriminatory fashion and that any employees who are identified by the E-Verify system as not having proper authorization to work are afforded their due process rights to challenge and rectify the outcome if they believe it is incorrect.

Of course, if a contractor decides to take legal action against the County on the basis that it is contractually required by the County to participate in the E-Verify program, the actual legal risks faced by the County could only be properly assessed after consideration of the particular allegations being made by the contractor, and the specific terms and conditions of the contract between the County and the contractor. However, in light of the thus far unsuccessful outcomes of the legal challenges to E-Verify discussed hereinabove, it appears that the risk that such an action would be successful would be relatively low.

In addition, if a contractor is required under a County contract to participate in the E-Verify program, and, as a result, one of the contractor's legally-authorized employees is wrongfully terminated due to a mistake in the E-Verify system, there is a risk that the employee would seek to take legal action against the County. However, since the County would not be in a contractual relationship with such employee, the suit would not be a contractual claim, but rather would be a general tort claim based upon the case at hand, and an assessment of the legal risks faced by the County would require consideration of the particular facts and circumstances (which would vary on a case-by-case basis).

Instructions**Read all instructions carefully before completing this form.**

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

When Should Form I-9 Be Used?

All employees (citizens and noncitizens) hired after November 6, 1986, and working in the United States must complete Form I-9.

Filling Out Form I-9**Section 1, Employee**

This part of the form must be completed no later than the time of hire, which is the actual beginning of employment. Providing the Social Security Number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

Employers should note the work authorization expiration date (if any) shown in **Section 1**. For employees who indicate an employment authorization expiration date in **Section 1**, employers are required to reverify employment authorization for employment on or before the date shown. Note that some employees may leave the expiration date blank if they are aliens whose work authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia or the Republic of the Marshall Islands). For such employees, reverification does not apply unless they choose to present

in Section 2 evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

Preparer/Translator Certification

The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his or her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer

For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, **Section 2** must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document **OR** a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

Employers must record in Section 2:

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification in **Section 2**. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. **Employers are still responsible for completing and retaining Form I-9.**

For more detailed information, you may refer to the *USCIS Handbook for Employers (Form M-274)*. You may obtain the handbook using the contact information found under the header "USCIS Forms and Information."

Section 3, Updating and Reverification

Employers must complete **Section 3** when updating and/or reverifying Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in **Section 1** (if any). Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B; and:
 1. Examine any document that reflects the employee is authorized to work in the United States (see List A or C);
 2. Record the document title, document number, and expiration date (if any) in Block C; and
 3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing **Section 3**.

What Is the Filing Fee?

There is no associated filing fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, you can download them from our website at www.uscis.gov/forms or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at www.uscis.gov or by calling 1-888-464-4218.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from our website at www.uscis.gov/e-verify or by calling 1-888-464-4218.

General information on immigration laws, regulations, and procedures can be obtained by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our Internet website at www.uscis.gov.

Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Form I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**

Form I-9, Employment Eligibility Verification

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification *(To be completed and signed by employee at the time employment begins.)*

Print Name: Last	First	Middle Initial	Maiden Name
Address <i>(Street Name and Number)</i>		Apt. #	Date of Birth <i>(month/day/year)</i>
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen of the United States
- A noncitizen national of the United States (see instructions)
- A lawful permanent resident (Alien #) _____
- An alien authorized to work (Alien # or Admission #) _____ until (expiration date, if applicable - month/day/year)

Employee's Signature	Date <i>(month/day/year)</i>
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Preparer and/or Translator Certification *(To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.*

Preparer's/Translator's Signature	Print Name	
Address <i>(Street Name and Number, City, State, Zip Code)</i>		Date <i>(month/day/year)</i>

Section 2. Employer Review and Verification *(To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)*

List A	OR	List B	AND	List C
Document title: _____	OR	_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date <i>(if any)</i> : _____		_____		_____
Document #: _____		_____		_____
Expiration Date <i>(if any)</i> : _____				

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address <i>(Street Name and Number, City, State, Zip Code)</i>		Date <i>(month/day/year)</i>

Section 3. Updating and Reverification *(To be completed and signed by employer.)*

A. New Name <i>(if applicable)</i>	B. Date of Rehire <i>(month/day/year)</i> <i>(if applicable)</i>
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C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title: _____ Document #: _____ Expiration Date *(if any)*: _____

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.

Signature of Employer or Authorized Representative	Date <i>(month/day/year)</i>
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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

LIST A

Documents that Establish Both
Identity and Employment
Authorization

LIST B

Documents that Establish
Identity

LIST C

Documents that Establish
Employment Authorization

OR

AND

1. U.S. Passport or U.S. Passport Card	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	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
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 machine-readable immigrant visa	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	2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	4. Voter's registration card	
	5. U.S. Military card or draft record	
	6. Military dependent's ID card	5. Native American tribal document
	7. U.S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	6. U.S. Citizen ID Card (Form I-197)
	9. Driver's license issued by a Canadian government authority	
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	For persons under age 18 who are unable to present a document listed above:	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
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	10. School record or report card	8. Employment authorization document issued by the Department of Homeland Security
	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)