

TRAINING AND EMPLOYMENT NOTICE	NO. 7-05
	DATE September 13, 2005

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE INVESTMENT BOARD CHAIRS
STATE AND LOCAL WORKFORCE STAFF

FROM: EMILY STOVER DeROCCO
Assistant Secretary



SUBJECT: Assisting Employers and Job Seekers with Employee Identification Needs

1. **Purpose:** To provide information to the workforce investment system on the requirements for employee identification at the point of hire for Hurricane Katrina impacted individuals.
2. **Background:** As a result of Hurricane Katrina, the workforce investment system is working with individuals who may not have the necessary identification documents that are presented to employers for completion of the Department of Homeland Security (DHS) Form I-9. Employers and job seekers may not understand their options for getting new valid documents, as well as recent DHS guidance and flexibility.
3. **Department of Homeland Security Response:** The Department of Homeland Security announced on September 6, 2005, that it will not sanction employers for hiring individuals affected by Hurricane Katrina who, at this time, are unable to provide documentation normally required under Section 274A of the Immigration and Nationality Act. DHS will not bring sanction actions against employers for hiring individuals evacuated or displaced as a result of Hurricane Katrina who are otherwise eligible for employment but currently lack personal documents.

U.S. employers are responsible for completing and retaining Employment Eligibility Verification (I-9) Forms for individuals they hire for employment. This form requires employers to verify employment eligibility and establish identity through original documents presented by the employee. Hurricane Katrina impacted

individuals lack these documents as a result of being evacuated from their homes, loss or damage to personal items and records, and ongoing displacement in shelters and temporary housing. Additionally, as a result of the widespread damage and destruction to government facilities in the area affected by the hurricane, many people may be unable to apply for and receive new documents in the period of time required by the employment verification rules.

Therefore, the Department of Homeland Security will refrain from initiating employer sanction enforcement actions for the next 45 days for civil violations, under Section 274A of the Immigration and Nationality Act, with regard to individuals who are currently unable to provide identity and eligibility documents as a result of the hurricane. Employers will still need to complete the Employment Eligibility Verification (I-9) Form as much as possible but should note when documentation normally required is not available due to Hurricane Katrina. At the end of 45 days, the Department of Homeland Security will review this policy and make further recommendations.

Updates will be posted on their Web site when available at:

<http://uscis.gov/graphics/index.htm>. For questions or more information, please call the toll-free Employer Business Investor and School Services Hotline (EBISS) at 1-800-357-2099 (TDD: (800) 767-1833), or fax them at (202) 272-1865.

Overview of Requirements: In ordinary times, the requirements for the types of documentation new employees must produce at the point of hire and information for employers about options for dealing with unavailable information are contained on the Form I-9 itself, which is attached, and can also be found at the following Web address: <http://uscis.gov/graphics/formsfee/forms/i-9.htm>.*

At the point of hire, all employees must be provided with Form I-9 for completion. This may also be done through an agent, if the employee is in a remote location. The form contains information provided by the employee as well as the employer's certification in Section 2 of the form that they have verified the appropriate documents from the employee.

There are a variety of options for producing identification documents. If the employee has a primary document from List A, which is on the back of Form I-9, such as a U.S. Passport or a Permanent Resident Card, then the employee must only produce one document. If one of the List A documents is not available, the employee must produce two pieces of documentation. Lists B and C on the back of Form I-9 describe the options. Common examples in List B include a valid U.S. or Canadian driver's license, a state issued identification card, a voter registration card,

or a U.S. Military card. Common examples in List C include an original Social Security card or an original or certified copy of a birth certificate issued by a state. There are other options on all three lists.

Employers have three (3) business days from the date employment begins to examine a new employee's documentation. If the employee is unable to produce the documentation, as in the case of Katrina impacted individuals, the employer may present a receipt for the application to replace the document(s) within three (3) business days and the actual documents within ninety (90) days.

4. **Workforce System Response:** Though DHS will not sanction employers for hiring Hurricane Katrina-affected individuals without the required documents at this time, the workforce investment system should assist these individuals in obtaining or replacing the documents for long-term employment and other purposes. This may involve:
 - a. Training front line staff who are working with both employers and hurricane families, regarding these requirements.
 - b. Developing the capacity to support hurricane-affected individuals in applying for new documentation, both with staff assistance and on-line. This may include obtaining copies of appropriate forms, having them available and assisting with completing them. It may also require developing a list of key Web sites designed for applying for new documents. Attached is a list of contact information for nationally-driven identification documents. We encourage states and local areas to develop similar lists for state documents to support staff-assisted services.
5. **Action:** States and One-Stop Career Centers are requested to 1) share the protocol within their respective organizations, and 2) consider employing the above mentioned strategies to assist employers and job seekers with missing identification documents.
6. **Inquiries:** Questions concerning this TEN may be directed to Sherri Spencer at (202) 693-2772.
7. **Attachments:**
 - A. OMB I-9 Form (No. 1615-0047)
 - B. Contact Information for Federal Identification Replacement

OMB Form I-94

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 03/31/07

Employment Eligibility Verification

INSTRUCTIONS

PLEASE 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 U.S.) 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 eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1 - Employee. All employees, citizens and noncitizens, hired after November 6, 1986, must complete Section 1 of this form at the time of hire, which is the actual beginning of employment. **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

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/her own. However, the employee must still sign Section 1 personally.

Section 2 - Employer. For the purpose of completing this form, the term "employer" includes 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 eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, Section 2 must be completed at the time employment begins. **Employers must record: 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. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the I-9. **However, employers are still responsible for completing the I-9.**

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

- If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- If an employee is rehired within three (3) 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:

- examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C),
- record the document title, document number and expiration date (if any) in Block C, and
- complete the signature block.

Photocopying and Retaining Form I-9. A blank 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 I-9s for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

For more detailed information, you may refer to the Department of Homeland Security (DHS) Handbook for Employers, (Form M-274). You may obtain the handbook at your local U.S. Citizenship and Immigration Services (USCIS) office.

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 officials of the U.S. Immigration and Customs Enforcement, 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.

Reporting Burden. We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: 1) learning about this form, 5 minutes; 2) completing the form, 5 minutes; and 3) assembling and filing (recordkeeping) the form, 5 minutes, for an average of 15 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, DC 20529. OMB No. 1615-0047.

NOTE: This is the 1991 edition of the Form I-9 that has been rebranded with a current printing date to reflect the recent transition from the INS to DHS and its components.

**EMPLOYERS MUST RETAIN COMPLETED FORM I-9
PLEASE DO NOT MAIL COMPLETED FORM I-9 TO ICE OR USCIS**

Form I-9 (Rev. 05/31/05)Y

EMPLOYMENT AND TRAINING ADMINISTRATION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210

LISTS OF ACCEPTABLE DOCUMENTS

LIST A	LIST B	LIST C
Documents that Establish Both Identity and Employment Eligibility	Documents that Establish Identity	Documents that Establish Employment Eligibility
<ol style="list-style-type: none"> 1. U.S. Passport (unexpired or expired) 2. Certificate of U.S. Citizenship (<i>Form N-560 or N-561</i>) 3. Certificate of Naturalization (<i>Form N-550 or N-570</i>) 4. Unexpired foreign passport, with <i>I-551</i> stamp or attached <i>Form I-94</i> indicating unexpired employment authorization 5. Permanent Resident Card or Alien Registration Receipt Card with photograph (<i>Form I-151 or I-551</i>) 6. Unexpired Temporary Resident Card (<i>Form I-688</i>) 7. Unexpired Employment Authorization Card (<i>Form I-688A</i>) 8. Unexpired Reentry Permit (<i>Form I-327</i>) 9. Unexpired Refugee Travel Document (<i>Form I-571</i>) 10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (<i>Form I-688B</i>) 	OR	<ol style="list-style-type: none"> 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 Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p style="text-align: center; font-weight: bold; font-size: 0.9em;">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor or hospital record 12. Day-care or nursery school record
	AND	<ol style="list-style-type: none"> 1. U.S. social security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>) 2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>) 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. Native American tribal document 5. U.S. Citizen ID Card (<i>Form I-197</i>) 6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>) 7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>)

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

Employment Eligibility Verification

Please 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 eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of 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 (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
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): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____	
		Employee's Signature	
			Date (month/day/year)

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 (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

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: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

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 eligible 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		Date (month/day/year)
Address (Street Name and Number, City, State, Zip Code)		

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

A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. Document Title: _____ Document #: _____ Expiration Date (if any): _____	

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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 (month/day/year)
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Attachment B
Contact Information for Federal Identification Replacement

Federal Documents on I-94 List (Document number same as those on I-94, <i>List of Acceptable Documents</i>)		Replacement Information
A	1. U.S. Passport (unexpired or expired)	http://travel.state.gov/passport/lost/us/us_848.html
	2. Certificate of U.S. Citizenship (<i>Form N-560 or N-561</i>)	http://uscis.gov/graphics/howdoi/replace_cert.htm
	3. Certificate of Naturalization (<i>Form N-550 or N-570</i>)	
	4. I-551 stamp*; or 5. Form I-96* * To attach to an unexpired foreign passport	http://uscis.gov/graphics/howdoi/replace.htm ; or http://uscis.gov/graphics/formsfee/forms/e-i-90.htm
	6. Permanent Resident Card (<i>Form I-151</i>); or Alien Registration Receipt Card with photograph (<i>Form I-551</i>)	
	7. Temporary Resident Card (<i>Form I-688</i>)	http://uscis.gov/graphics/formsfee/forms/i-695.htm
	8. Employment Authorization Card (<i>Form I-688A</i>)	
	9. Reentry Permit (<i>Form I-327</i>)	http://uscis.gov/graphics/howdoi/replace.htm ; or http://uscis.gov/graphics/formsfee/forms/e-i-90.htm
	10. Refugee Travel Document (<i>Form I-571</i>)	http://uscis.gov/graphics/howdoi/travdoc.htm - faq
	11. Employment Authorization Card issued by DHS that contains a photograph (<i>Form I-688B</i>)	http://uscis.gov/graphics/howdoi/ead.htm
	B	5. U.S. Military Card; or Draft Record 6. Military dependents ID card 7. U.S. Coast Guard Merchant Mariner Card

C	1. U.S. Social Security Card issued by the Social Security Administration (other than a card stating it is not valid for employment)	http://www.ssa.gov/replace_sscard.html
	2. Certificate of Birth Abroad (Form issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>))	http://travel.state.gov/passport/get/first/first_825.html
	5. U.S. Citizen ID Card (<i>Form I-197</i>)	This card is not longer issued. Please call the toll-free Employer Business Investor and School Services Hotline (EBISS) at 1-800-357-2099 (TDD: (800) 767-1833), or fax them at (202) 272-1865 for information.
	6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>)	http://uscis.gov/graphics/index.htm
	7. Unexpired employment authorization document issued by DHS (other than those listed under List A)	http://www.dhs.gov/dhspublic/index.jsp

Attachment B
Contact Information for Federal Identification Replacement

Federal Documents on I-94 List (Document number same as those on I-94, <i>List of Acceptable Documents</i>)		Replacement Information
A	1. U.S. Passport (unexpired or expired)	http://travel.state.gov/passport/lost/us/us_848.html
	2. Certificate of U.S. Citizenship (<i>Form N-560 or N-561</i>)	http://uscis.gov/graphics/howdoi/replace_cert.htm
	3. Certificate of Naturalization (<i>Form N-550 or N-570</i>)	
	4. I-551 stamp*; or 5. Form I-96* * To attach to an unexpired foreign passport	http://uscis.gov/graphics/howdoi/replace.htm ; or http://uscis.gov/graphics/formsfee/forms/e-i-90.htm
	6. Permanent Resident Card (<i>Form I-151</i>); or Alien Registration Receipt Card with photograph (<i>Form I-551</i>)	
	7. Temporary Resident Card (<i>Form I-688</i>)	http://uscis.gov/graphics/formsfee/forms/i-695.htm
	8. Employment Authorization Card (<i>Form I-688A</i>)	
	9. Reentry Permit (<i>Form I-327</i>)	http://uscis.gov/graphics/howdoi/replace.htm ; or http://uscis.gov/graphics/formsfee/forms/e-i-90.htm
	10. Refugee Travel Document (<i>Form I-571</i>)	http://uscis.gov/graphics/howdoi/travdoc.htm - faq
	11. Employment Authorization Card issued by DHS that contains a photograph (<i>Form I-688B</i>)	http://uscis.gov/graphics/howdoi/ead.htm
	B	5. U.S. Military Card; or Draft Record 6. Military dependents ID card 7. U.S. Coast Guard Merchant Mariner Card

C	1. U.S. Social Security Card issued by the Social Security Administration (other than a card stating it is not valid for employment)	http://www.ssa.gov/replace_sscard.html
	2. Certificate of Birth Abroad (Form issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>))	http://travel.state.gov/passport/get/first/first_825.html
	5. U.S. Citizen ID Card (<i>Form I-197</i>)	This card is not longer issued. Please call the toll-free Employer Business Investor and School Services Hotline (EBISS) at 1-800-357-2099 (TDD: (800) 767-1833), or fax them at (202) 272-1865 for information.
	6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>)	http://uscis.gov/graphics/index.htm
	7. Unexpired employment authorization document issued by DHS (other than those listed under List A)	http://www.dhs.gov/dhspublic/index.jsp