

DOCUMENT ABUSE

ANDRE, WHO IS FROM HAITI, AND MELISSA, A U.S. CITIZEN, APPLIED for a job packing fruit. The employer, Jack, asked to see Andre's and Melissa's work authorization papers.

Andre and Melissa each showed Jack their driver's license and social security card. Andre and Melissa both knew that these papers were on the I-9 Employment Eligibility Verification Form's list of acceptable identity and work papers. But Jack refused to accept Andre's work papers and only accepted Melissa's. Jack didn't trust Haitians so he asked Andre to show him a "green card" too. Andre told Jack that all he had to show was his driver's license and social security card. But Jack told Andre that he would not hire him without seeing a green card.

The next day, Andre called the Office of Special Counsel for Immigration-Related Unfair Employment Practices for help. (This office, also known as OSC, is a government agency that looks into charges of immigration-related job discrimination. It has a toll-free telephone number you can call: 1-800-255-7688.)

An OSC staff person called Jack and explained the correct way to complete the I-9 form. She answered all of Jack's questions. Jack learned that he should conduct the I-9 process after hiring an employee. He also learned that it is illegal for an employer to ask to see a worker's "green card" with the intent of discriminating against the worker because of his or her national origin or citizenship status. He also learned that the worker must be allowed to choose which documents to show from the I-9's list of acceptable work papers.

Then Jack called Andre and offered him the job and properly completed an I-9 form with him. Based on what he learned from OSC, Jack decided to pay Andre the wages he lost for not having been hired at the same time Melissa was.

Workers Have the Right to Choose Which Papers to Show

A LAW SAYS THAT EMPLOYERS must make sure that the workers they hire have permission to work in the U.S. But the same law also says that employers may not discriminate against workers with authorization to work.

To obey this law, employers must fill out a special form for each worker. The form is called the I-9 Employment Eligibility Verification Form. To fill out this form, an employer will need to see papers that prove your identity and eligibility to work (legal work papers).

The I-9 form has a list of acceptable documents on the back. You're allowed to choose which of these documents you want to show your employer. This means that the employer can't require you to show a specific document that the employer wants you to show. The employer must accept any document or combination of documents from the list that proves your identity and your eligibility to work. But the employer does not have to accept a paper if it appears to be false or someone else's document.

The list on this page gives the most common legal work authorization documents. It is a list of the documents you are allowed to show your employer to prove your identity and eligibility to work in the U.S. (The federal government changed this list on April 3, 2009, and may update it from time to time in the future.)

GROUP A - IDENTITY & WORK AUTHORIZATION

YOU CAN CHOOSE ONE DOCUMENT from Group A because it shows both your identity and your eligibility to work.

- Unexpired U.S. passport or U.S. passport card

- Unexpired Permanent Resident Card or Alien Registration Receipt Card (I-551)
- Unexpired Employment Authorization Document, commonly referred to as a work permit, with a photograph (I-766)
- Unexpired foreign passport with temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
- Unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94 that has the same name as the passport and contains the person's nonimmigrant status, if that status authorizes you to work for the employer.
- Unexpired passport from the Federal States of Micronesia or the Republic of the Marshall Islands with an unexpired Form I-94 or I-94A

OR YOU CAN CHOOSE *TWO DOCUMENTS*: one from Group B that shows your identity and one from Group C that shows your eligibility to work.

GROUP B - IDENTITY*

- Driver's license or state I.D. with photo or description
- School I.D. with photo
- U.S. military I.D. or draft card
- Federal, state, or local government I.D. with photo
- Native American Tribal I.D.
- Canadian driver's license
- Voter's registration card
- Military dependent's I.D. card
- U.S. Coast Guard Merchant Mariner Card
- Native American Tribal document

GROUP C - WORK AUTHORIZATION*

- Social security card (unless stamped "Valid for Work Only with DHS Authorization")

- Certification of Birth Abroad of U.S. Citizen (FS-545 or DS-1350)
 - Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the U.S.
 - U.S. Citizen I.D. (I-197)
 - Native American Tribal I.D.
 - Use of Resident Citizen in the U.S. ID card (I-179)
 - Unexpired employment authorization document issued by DHS (other than the one listed under List A.)
- * All documents must be unexpired; if no expiration date they are considered unexpired

What should I do if I think an employer discriminated against me?

If you think an employer discriminated against you, get help right away. The deadline for filing this type of discrimination complaint against employers is 180 days from the day that the discrimination occurred. Try to find a local legal aid office or community agency that will help you.

A government agency in Washington, D.C., also helps workers who think they have been discriminated against. It is called the Office of Special Counsel for Immigration-Related Unfair Employment Practices, or OSC for short. The OSC will help you free of charge.

THE OSC HAS A FREE PHONE NUMBER YOU CAN CALL

The OSC's free worker hotline is 1-800-255-7688. (The TDD number for the hearing-impaired is 1-800-237-2515.)

You also can write the OSC at:

U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for
Immigration-Related Unfair
Employment Practices
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