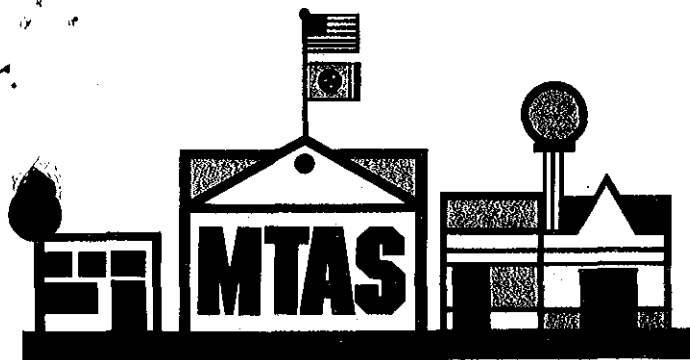




TECHNICAL BULLETIN



MUNICIPAL TECHNICAL ADVISORY SERVICE
THE UNIVERSITY OF TENNESSEE

IN COOPERATION WITH THE TENNESSEE MUNICIPAL LEAGUE

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IMMIGRATION REFORM UPDATE

By Richard L. Stokes

In November 1986, the Immigration Reform and Control Act of 1986 became a law. The act was intended to further control the influx of illegal aliens into the U.S. through increased border enforcement. The act also prohibits employment of illegal aliens and aliens, such as tourists, who legally enter the country, but are not authorized to be employed here.

The Immigration Reform Control Act of 1986 is intended to make more jobs available to American citizens and aliens authorized for work in the U. S. Enforcement of the act will help reduce unemployment rates, unemployment compensation and welfare spending.

The law originally established timetables for employer verification requirements. September 1, 1987 through May 31, 1988 is the law's citation period. This one-year period is for public education, voluntary compliance and initial enforcement. Penalties will not be imposed for first-offense violations during this time. Instead a warning citation will be issued which explains the nature of the violation. For subsequent or repeated violations, civil or criminal penalties can be imposed.

The effective date for full enforcement is June 1, 1988. At that time, citations will no longer be issued for first violations. Employers who violate the law may face penalties.

Requirements Of The Law

The law requires employers to do five things:

1. Have your employees fill out their part of the Form I-9 when they start to work;
2. Check documents establishing employees' identity and eligibility to work;
3. Properly complete the Form I-9;

4. Retain the Form for at least three (3) years (if you employ the person for more than three years, you must retain the Form until one year after the person leaves your employment); and
5. Present the Form I-9 for inspection to an Immigration and Naturalization Service or Department of Labor (DOL) officer upon request. You will be given at least three days advance notice.

Who Needs To Complete The Form I-9, And When

If you employ persons to perform labor or services in return for wages or other pay, you must complete Form I-9. The Form must have been completed by September 1, 1987 for persons hired between November 7, 1986 and May 31, 1987. The Form must be completed within three business days for employees hired after May 31, 1987. If you employ a person for less than three days, you must complete the Form I-9 before the end of the employee's first working day.

You do not need to complete Form I-9 for:

1. Persons hired before November 7, 1986;
2. Persons hired after November 6, 1986, who left your employment before June 1, 1987;
3. Persons you employ for domestic work in a private home on an intermittent or sporadic basis;
4. Persons who provide labor to you who are employed by a contractor providing contract services (ie. employee leasing); and
5. Persons who are independent contractors.

Persons who are self-employed do not need to complete Form I-9.

Acceptable Documents For Verifying Employment Eligibility

Documents that establish identity and employment eligibility are:

1. United States Passport;
2. Certificate of United States Citizenship (INS Form N-560 or N-561);
3. Certificate of Naturalization (INS Form N-550 or N-570);

4. Unexpired foreign passport which:
 - a. contains an unexpired stamp which reads "Processed for I-551" or
 - b. has attached thereto a Form I-94 bearing the same name as the passport and contains an employment authorization stamp.
5. Alien Registration Receipt Card (INS Form I-151) or Resident Alien Card (INS Form I-551), provided that it contains a photograph of the bearer;
6. Temporary Resident Card (INS Form I-688);
7. Employment Authorization Card (INS Form I-688A).

Documents that establish identity are:

1. State-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photo, identifying information such as name, date of birth, sex, height, color of eyes and address should be included;
2. School identification card with photograph;
3. Voters registration card;
4. United States Military card or draft record;
5. Identification card issued by federal, state or local government agencies;
6. Military dependent identification card;
7. Native American tribal documents;
8. United States Coast Guard Merchant Mariner Card;
9. Driver's license issued by a Canadian government authority.

For individuals under age 16 who are unable to produce one of the documents listed above:

1. School record or report card;
2. Clinic doctor or hospital record;
3. Daycare or nursery school record.

Documents that establish employment eligibility are:

1. Social Security number card, other than one which has printed on its face "not valid for employment purposes."

Note: This must be a card issued by the Social Security Administration; a facsimile (such as a metal or plastic reproduction that people can buy) is not acceptable.

2. An original or certified copy of a birth certificate issued by a state, county, or municipal authority bearing an official seal;
3. Unexpired INS employment authorization;
4. Unexpired re-entry permit (INS Form I-327);
5. Unexpired Refugee Travel Document (INS Form I-571);
6. Certificate of Birth Abroad issued by the Department of State (Form FS-545);
7. Certification of Birth Abroad issued by the Department of State (Form DS-1350);
8. United States Citizen Identification Card (INS Form I-197);
9. Native American tribal document;
10. Identification Card for use of Resident Citizen in the United States (INS Form I-179).

Penalties For Prohibited Practices

If an investigation by INS or DOL reveals employer violations of the Immigration Reform and Control Act, INS may take legal action. When they intend to impose penalties, the service will issue a "Notice of Intent to Fine". Fines up to \$10,000 and imprisonment may be imposed for any of the following reasons:

1. Hiring or continuing to employ unauthorized employees;
2. Failing to comply with record-keeping requirements;
3. Requiring a bond or indemnity from an individual against liability under the new law;
4. Recruiting unauthorized seasonal agricultural workers outside the United States;
5. Engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized employees;

6. Engaging in fraud or false statements, or otherwise misusing visas, immigration permits, and identity documents.

Where To Get The Form I-9

You may obtain a limited number of copies of the form from INS or you may order them in bulk from the Superintendent of Documents at the following address:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
Tel. (202) 783-3238

Additionally, MTAS has available and will send to you a copy of the INS document, *Handbook for Employers: Instruction for Completing Form I-9* (Employment Eligibility Verification Form).

If you have questions regarding any matter relating to the Form I-9, please contact your MTAS Management Consultant or Richard L. Stokes, MTAS Personnel Management Consultant, at (615) 256-8141.

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Address: Street Name and Number	City	State	ZIP Code
Date of Birth (Month/Day/Year)		Social Security Number	

I attest, under penalty of perjury, that I am (check a box):

- ☐ 1. A citizen or national of the United States.
- ☐ 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
- ☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____, or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month Day/Year)
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PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)
Address (Street Name and Number)	City State Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:

Examine one document from List A and check the appropriate box, OR examine one document from List B and one from List C and check the appropriate box. Provide the **Document Identification Number** and **Expiration Date** for the document checked.

List A Documents that Establish Identity and Employment Eligibility	List B Documents that Establish Identity	List C Documents that Establish Employment Eligibility
☐ 1. United States Passport ☐ 2. Certificate of United States Citizenship ☐ 3. Certificate of Naturalization ☐ 4. Unexpired foreign passport with attached Employment Authorization ☐ 5. Alien Registration Card with photograph Document Identification # _____ Expiration Date (if any) _____	☐ 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____ ☐ 2. U.S. Military Card ☐ 3. Other: (Specify document and issuing authority) _____ Document Identification # _____ Expiration Date (if any) _____	☐ 1. Original Social Security Number Card (other than a card stating it is not valid for employment) ☐ 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification ☐ 3. Unexpired INS Employment Authorization Specify form # _____ Document Identification # _____ Expiration Date (if any) _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
Employer Name	Address	Date

Employment Eligibility Verification

NOTICE: Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

Section 1. Instructions to Employee/Preparer for completing this form

Instructions for the employee.

All employees, upon being hired, must complete Section I of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number *or* Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section I. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

Instructions for the preparer of the form, if not the employee.

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A *or* boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

NOTE: Employers are responsible for re-verifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

RETENTION OF RECORDS.

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

The Municipal Technical Advisory Service (MTAS) is a statewide agency of The University of Tennessee's Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League in providing technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and wastewater management.

Municipal Technical Advisory Service
The University of Tennessee
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