

# NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES VOCATIONAL REHABILITATION

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<b>Section:</b>	<b>I</b>
<b>Title:</b>	<b>Identification and Verification</b>
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## Identification and Verification

The Immigration Reform and Control Act of 1986 (IRCA) was passed to control unauthorized immigration to the United States. The Immigration Reform and Control Act made all U.S. employers responsible to verify the employment eligibility and identity of all employees hired to work in the United States after November 6, 1986. To implement the law, employers are required to complete Employment Eligibility Verification forms (Form I-9) for all employees, including U.S. citizens. Citizens of the U.S. include persons born in Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands. Nationals of the U.S. include persons born in American Samoa, including Swains Island.

The Act affects consumers receiving Vocational Rehabilitation services that are entering employment since they will have to verify identity and employment eligibility to employers. DSB Vocational Rehabilitation Counselors are encouraged to verify identity and employment eligibility during the application process whenever possible. Verification of documentation to establish identity and employment eligibility is required prior to the development of a plan of services.

### **The verification of identity and employment eligibility must be documented in the following manner:**

As of July 1, 2014, The BEAM Intake Form "Special Categories" includes questions regarding employment eligibility. These questions must be completed either at intake, or later in the process prior to eligibility and plan development when appropriate verification is obtained. As of October 1, 2015, in addition to this, the **Identity and Employment Eligibility Verification Form** must be completed after reviewing the client's identity and employment eligibility documents. This form must be signed electronically by the DSB VR representative. It is not necessary to print this form.

Documents which are acceptable are listed on Immigration and Naturalization Service Form I-9; however, amendments to the regulations have resulted in an expansion of acceptable documents/procedures as follows:

- A.** Identity and Employment Eligibility - The following are acceptable documents to establish both identity and employment eligibility:
1. United States Passport (expired or unexpired);
  2. Alien Registration Receipt Card or Permanent Resident Card, Form I-551.
  3. An unexpired foreign passport that contains a temporary I-551 stamp.
  4. An unexpired Employment Authorization Document that contains a photograph, Form I-766, Form I-688, Form I-688A, or Form I-688B.
  5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, an unexpired foreign passport with an Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant

status, so 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 I-94.

**B. Identity** - The following are acceptable documents to establish identity only for individuals 16 years of age or older:

1. A state-issued driver's license or identification card containing a photograph, or identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address;
2. School identification card with a photograph;
3. Voter's registration card;
4. U. S. military card or draft record;
5. Identification card issued by Federal, state, or local government agencies or entities;
6. Military dependent's identification card;
7. Native American tribal documents;
8. Driver's license issued by a Canadian government authority; or
9. United States Coast Guard Merchant Mariner Card.

For individuals, under age 16 who are unable to produce one of the above listed documents, the following documents are acceptable to establish identity only:

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

Minors under the age of 18 who are unable to produce any of the above listed documents are exempt from producing one of the enumerated identity documents if the following procedures are followed:

1. The minor's parent or legal guardian completes, on Form I-9, Section 1 "Employee Information and Verification" and in the space for the minor's signature, the parent or legal guardian writes the words, "minor under age 18."
2. The minor's parent or legal guardian completes, on Form I-9 the "Preparer/Translator certification."
3. The employer or the recruiter writes in Section 2 "Employer review and Verification" under List B in the space after the words "Document Identification #" the words, "minor under age 18."

Individuals with a disability, who are unable to produce one of the aforementioned documents, who are being placed into employment by a nonprofit organization, association, or as part of a rehabilitation program, may follow the procedures for establishing identity provided in this section for minors under the age of 18, substituting where appropriate, the term "special placement" for "minor under age 18," and permitting in addition to a parent or legal guardian, a representative from the nonprofit organization, association, or rehabilitation program placing the individual into a position of employment, to fill out and sign in the appropriate section, the Form I-9. For purposes of this section the term "individual with a disability" means any person who:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities.

2. Has a record of such impairment.
3. Is regarded as having such impairment.

**C. Employment Eligibility** - The following are acceptable documents to establish employment eligibility only:

1. A social security number card other than one which has printed on its face "not valid for employment purposes".
2. A Certification of Birth Abroad issued by the Department of State, Form FS-545.
3. A Certification of Birth Abroad issued by the Department of State, Form DS-1350.
4. An 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.
5. Native American tribal document.
6. United States Citizen Identification Card, INS Form I-197.
7. Identification card for use of resident citizen in the United States, INS Form I-179.
8. An unexpired employment authorization document issued by the Immigration and Naturalization Service.

Special rules for receipts. Except in cases where the employment is for less than three business days, unless the individual indicates or the employer has knowledge that the individual is not authorized to work; an employer must accept any of the three documents indicated below in the following circumstances:

Application for a replacement document. The individual:

1. Is unable to provide the required document within the time specified in this section because the document was lost, stolen, or damaged;
2. Presents a receipt for the application for the replacement document within the time specified in this section; AND
3. Presents the replacement document within 90 days of the hire or, in the case of re-verification, the date employment authorization expires; or

Form I-94 indicating temporary evidence of permanent resident status. The individual indicates in section 1 of the Form I-9 that he or she is a lawful permanent resident and the individual:

1. Presents the arrival portion of Form I-94 containing an unexpired "Temporary I-551" stamp and photograph of the individual, which is designated for purposes of this section as a receipt for Form I-551; AND
2. Presents the Form I-551 within 180 days of the hire or, in the case of re-verification, the date employment authorization expires; OR

Form I-94 indicating refugee status. The individual indicates in section 1 of the Form I-9 that he or she is an alien authorized to work and the individual:

1. Presents the departure portion of Form I-94 containing an unexpired refugee admission stamp, which is designated for purposes of this section as a receipt for either the Form I-766 or a social security account number card that contains no employment restrictions; AND

2. Presents, within 90 days of the hire or, in the case of re-verification, the date employment authorization expires, either an unexpired Form I-766; or a social security account number card that contains no employment restrictions together with a document described under paragraph (b)(1)(v)(B) of this section.

It occasionally happens that an employer learns that an employee whose documentation appeared to be in order for Form I-9 purposes is not actually authorized to work. In such case, the employer should question the employee and provide another opportunity for review of proper Form I-9 documentation. If the employee is unable under such circumstances to provide satisfactory documentation, employment should be discontinued (alien employees who question the employer's determination may be referred to an immigration field office for assistance).

For additional information, go to the website for the U. S. Department of Agriculture – Office of Chief Economist (Agricultural Labor Affairs) – Immigration Reform and Control Act.

<http://www.usda.gov>

Frequently Asked Questions About Employment Eligibility

<http://uscis.gov/graphics/howdoi/EEV.htm>