



Immigrant Labor: Make Sure Worker's Papers Comply

By Curt Olson

The federal government on Sept. 14 issued new immigration compliance regulations, but a court challenge is delaying implementation. Still, violating current regulation can result in substantial fines for employers.

"Many people may think they are exempt. They are not," says Allie Devine, vice president and general counsel for the Kansas Livestock Association. "Most agricultural operations employing persons do not meet an exception."

Employers must have a completed I-9 form for anyone hired after Nov. 7, 1986. The Social Security Administration determines if the social security number and the employee match. If they don't, the employer will receive a no-match letter, or Immigration and Customs

Enforcement may send a "notice of suspect documents."

The new regulations will protect

To verify a social security number, call 1-800-772-6270 weekdays from 7 a.m. to 7 p.m. or go to www.ssa.gov/employer/ssnadditional.htm.

employers from legal action, provided they investigate and respond to the issues raised in the letter within 30 days of receiving it. If the employee insists that the employer's records are correct, the employer should ask the employee to fix the problem. The agency won't consider the matter closed until the employee's name

matches its data.

If the issue isn't resolved within 90 days of the first notice, the employer should request the employee complete a new I-9 using documents that were not the subject of the no-match letter. If identification documents are offered, they should include a current photo ID. This must happen within 93 days of receipt of the first letter.

If the employee's work eligibility can't be determined, the employer should terminate the employee or run the risk of legal action. Under the new regulations, if an employer fails to respond to the no-match letter and has received such letters before, it may be determined he has "constructive knowledge" that the employee isn't authorized to work.

Questions? Call a lawyer.

Acceptable Documents

List A - establishes identity and employment eligibility.

If you have one of these, that is all that is required.

1. U.S. passport (expired or unexpired)
2. Unexpired foreign passport if accompanied by form I-94, alien authorized to work for specific employer, and employment documentation document is acceptable though not on list
3. Permanent resident card or alien registration receipt card with photograph
4. Unexpired temporary resident card
5. Unexpired employment authorization card
6. Unexpired employment authorization document issued by Homeland Security that contains a photograph

List B - establishes identity (also need item from List C)

1. Driver's license or ID card issued by a state or U.S. outlying possession; must contain photo, name, date of birth, gender, height, eye color and address
2. ID card issued by federal, state or local government agencies with photo and name, date of birth, etc.
3. School ID card with a photo
4. Voter registration card
5. U.S. military card or draft record
6. Military dependent's card

7. U.S. Coast Guard Merchant Mariner card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority (for people under 18 who don't have one of first eight documents)
10. School record or report card
11. Clinic, doctor or hospital record
12. Day-care or nursery school record

List C - establishes employment eligibility (also need an item from List B)

1. U.S. social security card
2. Certification of birth abroad
3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or possession of the United States bearing an official seal
4. Native American tribal document
5. U.S. citizen ID card
6. ID card for use of Resident Citizen in the United States
7. Unexpired employment authorization document issued by Homeland Security

Editor's Note: Certain documents on this list may no longer be acceptable. To view the I-9 form and acceptable document list, go to www.uscis.gov/files/form/i-9.pdf