



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

THE CATHOLIC UNIVERSITY OF AMERICA

Office of the General Counsel

Immigration Compliance at CUA

Employment Eligibility Verification Form I-9

A. Acceptable Documents

The I-9 form contains a list of acceptable documents that may be used to establish identity and employment eligibility. Documents identified under "List A" establish both employment eligibility and identity; "List B" documents establish identity only; and "List C" documents establish employment eligibility only. **A new employee has a choice of presenting one document from List A, or two documents, one each from List B and List C.** Please note that the employer cannot ask for more or different documents than indicated on the I-9 form. A copy of the current I-9 form is available online at <http://www.ins.usdoj.gov/graphics/formsfee/forms/i-9.htm>.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended existing law by eliminating certain documents used in the employment verification process. The Department of Justice was to have revised the I-9 form and the list of acceptable documents by September 30, 1997. At this point certain documents have been eliminated from "List A" by interim rule.¹ The final rule and new I-9 form have not yet been issued. The I-9 form currently in use, and its list of acceptable documents, does not reflect changes in the law. In light of the fact that the form has yet to be revised, the Immigration and Naturalization Service (INS) has stated that it will not prosecute employers at the present time for using documents that were eliminated by the interim rule.

¹ The following documents are currently listed in the regulations as documents that may be used to establish both identify and employment eligibility: 1) a U.S. passport; 2) permanent resident or alien registration receipt card (only Form I-551; Form I-151 has been phased out); 3) an unexpired foreign passport that contains a temporary I-551 stamp; 4) an unexpired employment authorization document issued by the INS which contains a photo (Form I-766, Form I-688, Form I-688A, or Form I-688B); and 5) Form I-94 indicating an unexpired work authorization. See 8 C.F.R. 274a.2(b)(1)(v)(A). This material is protected by copyright. Copyright © 2000 various authors and the American Corporate Counsel Association (ACCA).