

**All Personnel**

BP 4111.2

4211.2

**LEGAL STATUS REQUIREMENT**

4311.2

In accordance with law, the district shall ask all new employees to provide documentation of employment eligibility. The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. District employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 4111/4211 - Recruitment and Selection)

Because the documents required to determine employment eligibility may contain confidential information which could affect decisions regarding hiring and/or advancement, administrative regulations shall provide procedures to protect the full confidentiality of any copies of such documents made by the district.

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Legal Reference:

IMMIGRATION REFORM AND CONTROL ACT OF 1986

**All Personnel**

AR 4111.2 (a)

4211.2

**LEGAL STATUS REQUIREMENT**

4311.2

When being hired by the district for any kind of work, prospective employees shall be informed that they will be asked, within three days of employment, to show documents which certify their work eligibility and identity. Persons employed for three days or less must provide such documentation on their first day. This documentation may consist of one item in group A below, or two items, one from group B and one from group C below.

**Group A - Documents which establish both work authorization and identity**

1. A United States passport.
2. A Certificate of U.S. Citizenship (INS Form N-560 or N-561).
3. A Certificate of Naturalization (INS Form N-550 or N-570).
4. An unexpired foreign passport with unexpired authorization to work in the United States.
5. An Alien Registration Receipt Card (INS Form I-151) or Resident Alien INS Form I-551, with photograph.
6. A Temporary Resident Card (INS Form I-688).
7. An Employment Authorization Card (INS Form I-688A).

**Group B - Documents which establish work eligibility**

1. A Social Security card, other than one specified as "not valid for employment purposes."
2. An original or certified copy of a birth certificate from any state, county or city, bearing an official seal.
3. An unexpired Immigration and Naturalization Service (INS) employment authorization.
4. An unexpired reentry permit (INS Form I-327).
5. An unexpired Refugee Travel Document (INS Form I-571)
6. A Certification of Birth or Certification of Birth Abroad issued by the Department of State (Form FS-545 or DS-1350). Both of these documents are issued to persons born abroad.

**LEGAL STATUS REQUIREMENT (continued)**

7. A United States Citizen Identification Card (INS Form I-197).
8. A Native American tribal document.
9. An Identification Card for use of Resident Citizen in the United States (INS Form I-179).

**Group C - Documents which establish identity**

1. A state driver's license or state identification card if it includes a photograph or other identifying information such as name, birth date, sex, height, color of eyes and address.
2. A school identification card with a photograph.
3. A voter's registration card.
4. A U.S. military card or draft record.
5. An identification card issued by federal, state, or local government agencies or entities.
6. A military dependent's identification card.
7. Native American tribal documents.
8. A U.S. Coast Guard Merchant Mariner Card.
9. A Canadian driver's license.

If a minor has a work authorization document but does not have any of the above identity documents, he/she may establish identity by means of a school record or report card, clinic doctor or hospital record, or a day care or nursery school record. Lacking any of these, he/she still may work without an identity document provided that a parent/guardian completes Section 1 of Form I-9 for the minor. In the space for the minor's signature, the parent/guardian must write "minor under age 16."

The parent/guardian also must complete the "Preparer/Translator Certification" section. In Section 2 under List B after the words "Document Identification #," the personnel officer should write "minor under age 16."

If unable to provide satisfactory documentation, the employee shall furnish a receipt indicating that the needed document has been requested. This receipt must be presented within three days of the hire, and the document itself must be provided within 21 days of the hire.

**LEGAL STATUS REQUIREMENT (continued)**

The Superintendent or designee shall examine the documents presented and record the expiration date as it appears on all work authorization permits. This expiration information shall be subsequently flagged so as to remind the Superintendent or designee to verify that the permit has been renewed and that the employee is still eligible to work.

Should an employee present two documents on which the individual's name is not the same, the Superintendent or designee shall ask to see documentation of name change, such as would be provided by a marriage license, divorce papers, court order or other legal document verifying the name change.

The Superintendent or designee shall ask the employee to complete and sign Immigration and Naturalization Form I-9.

The Superintendent or designee shall assure that the I-9 form is kept at least three years from the hiring date and employee leaves the job.

I-9 forms shall be available for inspection upon request by officers of the Immigration and Naturalization Service or the Department of Labor. Other personnel documents shall not be made available to government agents unless they present a warrant or subpoena.

In order to avoid the loss of any employer rights, all communications received from the Immigration and Naturalization Service shall be answered within 30 days.