

SUFFOLK COUNTY COMMUNITY COLLEGE

RULES AND PROCEDURES TO COMPLY WITH THE
IMMIGRATION REFORM AND CONTROL ACT OF 1986Background

On November 6, 1986, the Federal Government passed the Immigration Reform and Control Act. This legislation makes it unlawful to employ "unauthorized aliens"*, thereby requiring the College (and all other employers in the United States) to institute verification and record-keeping procedures to prevent the employment of unauthorized aliens. The Act makes it unlawful to "hire, recruit or refer for a fee unauthorized aliens" for employment in the United States." It requires that we verify retroactively those hired on or after November 7, 1986 and provides that sanctions and penalties can be imposed on individuals and institutions for failure to comply with the law.

Who Needs to be Verified?

- 1) All students, faculty and staff employed part-time or full-time with a starting date on or after November 7, 1986, who are employed after May 31, 1987
- 2) All persons paid for services on a Check Request. (Independent contractors or companies contracted by the College through the issuance of a Purchase Order do not require verification by the College; this verification must be done by the "home" company or entity.)

When Does Verification Need to be Done?

Verification must take place within three business days of the time the individual is hired and performs services for the College, or within one day if the employment period is three days or less.

*The Act defines an "unauthorized alien" as an alien (i.e., non-citizen) who is not lawfully admitted for permanent residence or not authorized by the Immigration and Naturalization Service to be employed.

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Rules Governing Verification

Individuals may present either an original document which establishes both employment authorization and identity, or an original document which establishes employment authorization and a separate original document which establishes identity. Documents must be in the same name as the person applying for employment. If an employee candidate has legally changed his/her name, the legal name must appear on the document.

1) The following documents are acceptable as evidence of both identity and employment eligibility:

- a) United States passport.
- b) Certificate of U.S. Citizenship. INS Form N-560 and N-561.
- c) Certificate of Naturalization, INS Form N-550 and N-570.
- d) An unexpired foreign passport which:
 - 1. Contains an unexpired stamp which reads "processed for I-551...." or
 - 2. Has attached a Form I-94 (Arrival-Departure Record) that bears the appointee's name, bears an unexpired date of endorsement (for students, "D/S" is appropriate), and one of the designations on Attachment A.
- e) 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.
- f) Temporary Resident Card, INS Form I-688, or Employment Authorization Card, INS Form I-688A, provided it contains a photograph of the bearer.

2) The following documents are acceptable to establish identity only:

- a) State issued driver's license, Student Identification Card or identification card containing a photograph. If the document does not contain a photograph, identifying information should be included such as: name, date of birth, sex, height, color of eyes and address.
- b) An original photo identity card issued by any school for the purpose of identification.

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- c) Notice of discharge from U.S. Armed Forces.
- d) Document evidencing active or reserve status in U.S. Armed Forces.
- e) Voter's Registration card
- f) U.S. military card or draft record
- g) Identification card issued by federal, state or local government agencies or entities.
- h) Military dependent's identification card
- i) Native American tribal documents
- j) United States Coast Guard Merchant Mariner card
- k) Driver's license issued by a Canadian government authority.

3) The following are acceptable documents to establish employment authorization only:

- a) Social Security Card except one stating that it is not valid for employment purposes. (Note: Social Security cards of students on F-1 visas may be stamped "not valid for Employment", which refers to off-campus employment. Students with F-1 visas may be employed on campus, and passports should be used for verification of employment eligibility of these students).
- b) An unexpired reentry permit, INS Form I-327.
- c) An unexpired Refugee Travel document, INS Form I-571.
- d) A Certification of Birth, issued by the Department of State, Form FS-545.
- e) A Certification of Birth Abroad issued by the Department of State, Form DS-1350.
- f) An original or certified copy of a birth certificate issued by a State or recognized subdivision thereof establishing birth in a State and bearing a seal.
- g) An employment authorization document issued by the INS.
- h) Native American tribal document.
- i) United States Citizen Identification card (INS Form I-197).
- j) Identification card for use of resident citizen in the United States (INS Form I-179).

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How Does Verification Take Place?

- 1) Within three days of employment or start of services, the appropriate personnel charged with such responsibilities shall have the employee candidate complete section 1 of the INS Form I-9. (See attached Employment Eligibility Verification Form I-9.)
- 2) The appropriate College personnel shall complete Section 2 of INS Form I-9.
- 3) College personnel shall attach to the I-9 a copy(ies) of the document(s) examined.
- 4) College personnel shall forward the original of Form I-9 with copy(ies) of documents examined to the Central Personnel Office to be filed.

Please Note:

The I-9 form does not replace other forms required by the Payroll Department to determine tax liability as instructed by Federal and State agencies.

Special Instructions for Those Employed Between November 7, 1986 and the Beginning of This Form Verification Program

The Immigration Reform and Control Act of 1986 requires that we verify the status of all persons hired since November 7, 1986 who continue to be employed after May 31, 1987. A notice has been sent to such individuals, and verification should begin immediately. The I-9 forms for these persons should be sent directly to the Central Personnel Office.

We are not required to verify employment eligibility for employees hired prior to November 6, 1986. The verification procedures described above apply, however, to individuals rehired on or after November 7, when there has been a break in service, other than for an approved paid or unpaid leave.

Office of Record for I-9 Forms

Central Personnel will be the official office of record for the original I-9 forms. Individual Departments may keep a copy of the I-9 form, but such forms should not be filed in the employee's personnel file.

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Miscellaneous Information

- 1) Certain special classes of aliens are authorized to work in the United States (e.g., an alien granted asylum under Section 208 of the Act for the period of time in that status). See Attachment B.
- 2) The Act makes it unlawful for anyone to continue to employ any individual hired on or after November 7, 1986 knowing that the alien is, or has become, unauthorized for employment. If there are individual cases that come to the attention of Department/Area personnel, please contact the Central Personnel Office.
- 3) Regardless of other laws to the contrary, photocopying of documents that verify status is permitted.
- 4) The College is not expected to request any documents other than those on the checklist. If the documents scrutinized "reasonably appear to be genuine," the employer's obligation is fulfilled.
- 5) The Act prohibits discrimination on the basis of citizenship or national origin. Selection of candidates shall be in compliance with the College's affirmative action and personnel requirements.
- 6) It is recommended that the following statement be included in all application forms and offer letters:

"In compliance with the Immigration Reform and Control Act of 1986, individuals offered employment by Suffolk County Community College will be required to show documentation to prove identity and authorization to work in the United States before hiring can occur."
- 7) Prospective student employees must be informed of the requirements of this Act.
- 8) Students on tourist visas (B-2) cannot be hired under any circumstances.
- 9) All rehires who were not previously verified must be verified upon re-employment (the 3 day rule, with the 21 day exception for lost or not yet obtained documents, applies). With respect to individuals who were previously verified, if the rehire is within 3 years of the date of execution of the original I-9 Form, and nothing on the I-9 Form indicates an expiration date for employment eligibility, you need not re-verify. If the original I-9 Form indicates that the individual is no longer eligible to work, or the rehire is more than 3 years after the date on the original I-9 Form, you must re-verify.

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- 10) The INS regulations allow an exception to the 3 day rule in cases where the individual has lost or has not yet obtained a document necessary to establish either identity or work authorization. In such cases, the individual must present you with a receipt for the application to secure the document in question within 3 days, and must present the actual document within 21 days. You can continue to employ them during this period.
- 11) In the event you hire someone whose employment eligibility documentation contains an expiration date, when that date arrives you must update the I-9 form. To do this, you must examine a document establishing that the individual is still authorized to work.

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ATTACHMENT B

ACCEPTABLE EVIDENCE OF NON-IMMIGRANT
EMPLOYMENT AUTHORIZATION

I. The following designations on a Form I-94, Arrival-Departure Record, indicate that employment is automatically authorized:

A-1, 2, 3

B-1, Visitor for Business. Caution: only allowed per diem or expense reimbursement.

D-1

E-1, 2

F-1, Student. Must be currently enrolled at Suffolk County Community College as a full time student. For this category, the designation "D/S" will appear on the I-94 rather than any expiration date. (If not currently enrolled, refer to F-1 designation under Section II below).

G-1, 2, 3, 4, 5

H-1, 2, 3, Temporary Worker or Trainee. Caution: H-4 is not permitted to work.

I

J-1, Exchange Visitor

K-1

L-1

Refugee

Asylum Grantee

Blanket Extended Voluntary Departee

II. The following categories must be accompanied by the specific INS designation "Employment Authorized" (usually a stamp):

J-2, Exchange Visitor Dependent.

Dependents of A-1, 2 and G-4

F-1, Student not enrolled at SCCC must present yellow I-20 ID card with "Employment Authorized" designation.

Asylum Applicants

Adjustment of Status Applicants

Voluntary Departure Grantees

Suspension of Deportation Applicants

Parolees

Deferred Action Grantees

NOTE: The following categories indicated on a Form I-94 are never eligible to work under any circumstances:

B-2, Visitor for Pleasure; commonly called "Tourist Visa".

F-2, Dependent of F-1.

H-4, Dependent of H-1.

Individuals from Mexico or Canada might obtain border crossing cards from the INS rather than passports with I-94's attached. They are not permitted employment under any circumstances. If these individuals have border crossing cards and an I-94 clearly specifying B-1, Visitor for Business status, then reimbursement for per diem or travel expenses only is permitted.

If you have questions or problems interpreting a Form I-94, contact the Director of Faculty Relations and Planning at 451-4114.

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 boxes. 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
<input type="checkbox"/> 1. United States Passport <input type="checkbox"/> 2. Certificate of United States Citizenship <input type="checkbox"/> 3. Certificate of Naturalization <input type="checkbox"/> 4. Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> 5. Alien Registration Card with photograph <i>Document Identification</i> # _____ <i>Expiration Date (if any)</i> _____	<input type="checkbox"/> 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) _____ <input type="checkbox"/> 2. U.S. Military Card <input type="checkbox"/> 3. Other (Specify document and issuing authority) _____ <i>Document Identification</i> # _____ <i>Expiration Date (if any)</i> _____	<input type="checkbox"/> 1. Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> 3. Unexpired INS Employment Authorization Specify form # _____ <i>Document Identification</i> # _____ <i>Expiration Date (if any)</i> _____

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