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| TRAINING AND EMPLOYMENT NOTICE | NO. 7-05 |
| | DATE September 13, 2005 |

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE INVESTMENT BOARD CHAIRS
STATE AND LOCAL WORKFORCE STAFF

FROM: EMILY STOVER DeROCCO
Assistant Secretary



SUBJECT: Assisting Employers and Job Seekers with Employee Identification Needs

1. **Purpose:** To provide information to the workforce investment system on the requirements for employee identification at the point of hire for Hurricane Katrina impacted individuals.
2. **Background:** As a result of Hurricane Katrina, the workforce investment system is working with individuals who may not have the necessary identification documents that are presented to employers for completion of the Department of Homeland Security (DHS) Form I-9. Employers and job seekers may not understand their options for getting new valid documents, as well as recent DHS guidance and flexibility.
3. **Department of Homeland Security Response:** The Department of Homeland Security announced on September 6, 2005, that it will not sanction employers for hiring individuals affected by Hurricane Katrina who, at this time, are unable to provide documentation normally required under Section 274A of the Immigration and Nationality Act. DHS will not bring sanction actions against employers for hiring individuals evacuated or displaced as a result of Hurricane Katrina who are otherwise eligible for employment but currently lack personal documents.

U.S. employers are responsible for completing and retaining Employment Eligibility Verification (I-9) Forms for individuals they hire for employment. This form requires employers to verify employment eligibility and establish identity through original documents presented by the employee. Hurricane Katrina impacted

individuals lack these documents as a result of being evacuated from their homes, loss or damage to personal items and records, and ongoing displacement in shelters and temporary housing. Additionally, as a result of the widespread damage and destruction to government facilities in the area affected by the hurricane, many people may be unable to apply for and receive new documents in the period of time required by the employment verification rules.

Therefore, the Department of Homeland Security will refrain from initiating employer sanction enforcement actions for the next 45 days for civil violations, under Section 274A of the Immigration and Nationality Act, with regard to individuals who are currently unable to provide identity and eligibility documents as a result of the hurricane. Employers will still need to complete the Employment Eligibility Verification (I-9) Form as much as possible but should note when documentation normally required is not available due to Hurricane Katrina. At the end of 45 days, the Department of Homeland Security will review this policy and make further recommendations.

Updates will be posted on their Web site when available at:

<http://uscis.gov/graphics/index.htm>. For questions or more information, please call the toll-free Employer Business Investor and School Services Hotline (EBISS) at 1-800-357-2099 (TDD: (800) 767-1833), or fax them at (202) 272-1865.

Overview of Requirements: In ordinary times, the requirements for the types of documentation new employees must produce at the point of hire and information for employers about options for dealing with unavailable information are contained on the Form I-9 itself, which is attached, and can also be found at the following Web address: <http://uscis.gov/graphics/formsfee/forms/i-9.htm>.*

At the point of hire, all employees must be provided with Form I-9 for completion. This may also be done through an agent, if the employee is in a remote location. The form contains information provided by the employee as well as the employer's certification in Section 2 of the form that they have verified the appropriate documents from the employee.

There are a variety of options for producing identification documents. If the employee has a primary document from List A, which is on the back of Form I-9, such as a U.S. Passport or a Permanent Resident Card, then the employee must only produce one document. If one of the List A documents is not available, the employee must produce two pieces of documentation. Lists B and C on the back of Form I-9 describe the options. Common examples in List B include a valid U.S. or Canadian driver's license, a state issued identification card, a voter registration card,

or a U.S. Military card. Common examples in List C include an original Social Security card or an original or certified copy of a birth certificate issued by a state. There are other options on all three lists.

Employers have three (3) business days from the date employment begins to examine a new employee's documentation. If the employee is unable to produce the documentation, as in the case of Katrina impacted individuals, the employer may present a receipt for the application to replace the document(s) within three (3) business days and the actual documents within ninety (90) days.

4. **Workforce System Response:** Though DHS will not sanction employers for hiring Hurricane Katrina-affected individuals without the required documents at this time, the workforce investment system should assist these individuals in obtaining or replacing the documents for long-term employment and other purposes. This may involve:
 - a. Training front line staff who are working with both employers and hurricane families, regarding these requirements.
 - b. Developing the capacity to support hurricane-affected individuals in applying for new documentation, both with staff assistance and on-line. This may include obtaining copies of appropriate forms, having them available and assisting with completing them. It may also require developing a list of key Web sites designed for applying for new documents. Attached is a list of contact information for nationally-driven identification documents. We encourage states and local areas to develop similar lists for state documents to support staff-assisted services.
5. **Action:** States and One-Stop Career Centers are requested to 1) share the protocol within their respective organizations, and 2) consider employing the above mentioned strategies to assist employers and job seekers with missing identification documents.
6. **Inquiries:** Questions concerning this TEN may be directed to Sherri Spencer at (202) 693-2772.
7. **Attachments:**
 - A. OMB I-9 Form (No. 1615-0047)
 - B. Contact Information for Federal Identification Replacement