

North Orange County Regional Occupational Program
LEGAL STATUS REQUIREMENT
ROP AR 4111.2
4211.2
4311.2

AR 4111.2 (a)
AR 4211.2 (a)
AR 4311.2 (a)

Administrative Regulation

All Personnel

When being hired by the ROP for any kind of work, prospective employees shall be informed that they will be asked, within three days of employment, to show documents that 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 Establishing Both Work Authorization and Identity

1. A United States passport, unexpired or expired.
2. A Certificate of U.S. Citizenship (INS Form N-560 or N-561).
3. An unexpired foreign passport with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization.
4. A Certificate of Naturalization (INS Form N-550 or N-570).
5. An Alien Registration Receipt Card with photograph (INS Form I-151 or I-551).
6. An unexpired Temporary Resident Card (INS Form I-688).
7. An unexpired Employment Authorization Card (INS Form I-688A).
8. An unexpired Reentry Permit (INS Form I-327).
9. An unexpired Refugee Travel Document (INS Form I-571).
10. An unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B).

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Group B – Documents Establishing Identity

1. A driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address.
2. An ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address.
3. A school ID card with a photograph.
4. A voter's registration card.
5. A U.S. military card or draft record.
6. A military dependent's ID card.
7. A U.S. Coast Guard Merchant Mariner Card.
8. Native American tribal documents.
9. A driver's license issued by a Canadian government authority.

Group C – Documents Establishing Work Eligibility

1. A U.S. Social Security card issued by the Social Security Administration, other than one stating it is not valid for employment.
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350).
3. An original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States, being an official seal.
4. A Native American tribal document.
5. A U.S. Citizen ID Card (INS Form I-197).

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6. An ID card for use of Resident Citizen in the United States (INS Form I-179).
7. An unexpired employment authorization document issued by the INS, other than those listed in Group A.

If a minor has a work authorization document, but does not have any of the identity documents in Group B, he/she may establish identity by means of a school record or report card; clinic, doctor or hospital record; or a daycare or nursery school record. Lacking any of these, he/she still may work, 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 18." The parent/guardian also must complete the "Preparer and/or Translator Certification" section. In Section 2, under List B after the words "Document" the personnel officer should write "minor under age 18."

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 90 days of the hire.

The personnel officer 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 personnel officer 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 personnel officer 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 personnel officer shall ask the employee to complete and sign INS Form I-9.

The personnel officer shall complete and sign the I-9 form and shall assure that it is kept until a full year after the employee leaves the job.

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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.