

Walter F. George School of Law

“Immigration Issues Facing Georgia
Agribusiness”

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GEORGIA
2000 Labor Force Data for Affirmative Action Plan

Proportions based on 2000 Census

	Number of People			Percentages		
	Total	Male	Female	Total	Male	Female
Total Civilian Labor Force	4,062,810	2,159,184	1,903,640	100.0%	53.1%	46.9%
Non-Hispanic						
White	2,674,990	1,457,390	1,217,600	65.8%	35.9%	30.0%
Black or African American	1,037,415	479,770	557,645	25.5%	11.8%	13.7%
American Indian/Alaska Native	10,445	5,460	4,985	0.3%	0.1%	0.1%
Asian	86,535	47,435	39,100	2.1%	1.2%	1.0%
Native Hawaiian/Pacific Islander	1,707	999	708	0.0%	0.0%	0.0%
Black and White	3,023	1,340	1,683	0.1%	0.0%	0.0%
American Indian/Alaska Native and White	11,610	6,615	4,995	0.3%	0.2%	0.1%
American Indian/Alaska Native and Black	2,869	1,190	1,679	0.1%	0.0%	0.0%
Asian and White	5,425	2,790	2,635	0.1%	0.1%	0.1%
Balance 2+ Races	22,025	12,050	9,975	0.5%	0.3%	0.2%
Hispanic	206,780	144,145	62,635	5.1%	3.5%	1.5%
Total Civilian Labor Force	4,062,810	2,159,184	1,903,640	100.0%	53.1%	46.9%
White, Non-Hispanic	2,674,990	1,457,390	1,217,600	65.8%	35.9%	30.0%
All Others, including Hispanics	1,387,820	701,794	686,040	34.1%	17.2%	16.9%

Note: Estimates and percentages may not add due to rounding. For information on confidentiality protection, sampling error, nonsampling error, and accuracy of the data, see <http://www.census.gov/prod/cen2000/doc/sf3chap8.pdf>

Source: US Census Bureau, Census 2000 EEO Special Tabulations

GEORGIA
Summary of Occupations by Sex and Minority Status
By EEO-1 Job Category Titles

EEO-1 Job Codes	EEO-1 Job Category Titles	Total	Male	Female	White	Minority	Percent of Total Occupation Group			
							Male	Female	White	Minority
00	Total Civilian Labor Force	4,062,810	2,159,184	1,903,640	2,674,990	1,387,820	53.1%	46.9%	65.8%	34.2%
01	Officials and Managers	473,020	288,785	184,235	374,885	98,135	61.1%	38.9%	79.3%	20.7%
02	Professionals	695,260	308,570	386,690	519,155	176,105	55.6%	55.6%	74.7%	25.3%
03	Technicians	88,630	35,934	52,699	60,565	28,065	40.5%	59.5%	68.3%	31.7%
04	Sales Workers	474,075	232,050	242,025	342,000	132,075	48.9%	51.1%	72.1%	27.9%
05	Administrative Support Workers	651,990	156,890	495,100	429,925	222,065	24.1%	75.9%	65.9%	34.1%
06	Craft Workers	422,235	396,005	26,230	297,415	124,820	93.8%	6.2%	70.4%	29.6%
07	Operatives	515,175	354,885	160,295	274,485	240,690	68.9%	31.1%	53.3%	46.7%
08	Laborers and Helpers	195,450	168,585	26,864	93,670	101,780	86.3%	13.7%	47.9%	52.1%
09	Service Workers	515,565	203,335	312,240	270,515	245,050	39.4%	60.6%	52.5%	47.5%
	Unemployed, No Civilian Work Experience since 1995	31,410	14,135	17,285	12,375	19,035	45.0%	55.0%	39.4%	60.6%

Note: Estimates and percentages may not add to total due to rounding. For information on confidentiality protection, sampling error, nonsampling error, and accuracy of the data, see <http://www.census.gov/prod/cen2000/doc/sf3chap8.pdf>

Source: US Census Bureau, Census 2000 EEO Special Tabulations

GEORGIA
Summary of Occupations by Sex and Minority Status
By EEO Occupational Group Titles

EEO Occupational Codes	EEO Occupational Group Titles	Total	Male	Female	White	Minority	Percent of Total Occupation Group			
							Male	Female	White	Minority
00	Total Civilian Labor Force	4,062,810	2,159,184	1,903,640	2,674,990	1,387,820	53.1%	46.9%	65.8%	34.2%
01	Management, Business and Financial Workers	473,020	288,785	184,235	374,885	98,135	61.1%	38.9%	79.3%	20.7%
02	Science, Engineering and Computer Professionals	169,975	128,315	41,665	125,665	44,310	75.5%	24.5%	73.9%	26.1%
03	Healthcare Practitioner Professionals	106,765	29,705	77,055	80,435	26,330	27.8%	72.2%	75.3%	24.7%
04	Other Professional Workers	418,520	150,555	267,960	313,055	105,465	38.0%	64.0%	74.8%	25.2%
05	Technicians	88,630	35,934	52,699	60,565	28,065	40.5%	59.5%	68.3%	31.7%
06	Sales Workers	474,075	232,050	242,025	342,000	132,075	48.9%	51.1%	72.1%	27.9%
07	Administrative Support Workers	651,990	156,890	495,100	429,925	222,065	24.1%	75.9%	65.9%	34.1%
08	Construction and Extractive Craft Workers	210,470	203,295	7,179	142,330	68,140	96.6%	3.4%	67.6%	32.4%
09	Installation, Maintenance and Repair Craft Workers	211,765	192,720	19,055	155,085	56,680	91.0%	9.0%	73.2%	26.8%
10	Production Operative Workers	331,105	202,235	128,880	170,945	160,160	61.1%	38.9%	51.6%	48.4%
11	Transportation and Material Moving Operative Workers	184,070	152,655	31,414	103,540	80,530	82.9%	17.1%	56.3%	43.7%
12	Laborers and Helpers	195,450	168,585	26,864	93,670	101,780	86.3%	13.7%	47.9%	52.1%
13	Protective Service Workers	77,655	59,595	18,049	46,725	30,930	76.7%	23.2%	60.2%	39.8%
14	Service Workers, except Protective	437,910	143,730	294,175	223,790	214,120	32.8%	67.2%	51.1%	48.9%
	Unemployed, No Civilian Work Experience since 1995	31,410	14,135	17,285	12,375	19,035	45.0%	55.0%	39.4%	60.6%

Note: Estimates and percentages may not add to total due to rounding. For information on confidentiality protection, sampling error, nonsampling error, and accuracy of the data, see <http://www.census.gov/prod/cen2000/doc/sf3chap8.pdf>

Source: US Census Bureau, Census 2000 EEO Special Tabulations

Georgia Security and Immigration Compliance Act (2006)

- Signed by Gov. Purdue on April 17, 2006
- Highlights:
 - State Contract Regulations
 - Tax Benefit Regulations
 - Tax Withholding Regulations

State Contract Regulations

- “Security and Immigration Compliance”
- §13-10-90 (Definitions):
 - (1) '**Commissioner**' means the Commissioner of the Georgia Department of Labor.
 - (2) '**Federal work authorization program**' means any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603.
 - (3) '**Public employer**' means every department, agency, or instrumentality of the state or a political subdivision of the state.
 - (4) '**Subcontractor**' includes a subcontractor, contract employee, staffing agency, or any contractor regardless of its tier.

Withholding Requirements

OCGA § 48-7-10

(i) Form 1099 Withholding and Reporting

- (1) A withholding agent shall be required to withhold state income tax at the rate of 6 percent of the amount of compensation paid to an individual which compensation is reported on Form 1099 and with respect to which the individual has:
 - (A) Failed to provide a taxpayer identification number;
 - (B) Failed to provide a correct taxpayer identification number; or
 - (C) Provided an Internal Revenue Service issued taxpayer identification number issued for nonresident aliens.
- (2) Any withholding agent who fails to comply with the withholding requirements of this subsection shall be liable for the taxes required to have been withheld unless such withholding agent is exempt from federal withholding with respect to such individual pursuant to a properly filed Internal Revenue Service Form 8233 and has provided a copy of such form to the commissioner."

Prohibition on Tax Benefits

OCGA § 48-7-21.1

- (a) As used in this Code section, the term:
- (1) 'Authorized employee' means any individual authorized for employment in the United States as defined in paragraph (2) of subsection (a) of 8 U.S.C. Section 1324a.
 - (2) 'Labor services' means the physical performance of services in this state.
- (b) On or after January 1, 2008, no wages or remuneration for labor services to an individual of \$600.00 or more per annum may be claimed and allowed as a deductible business expense for state income tax purposes by a taxpayer unless such individual is an authorized employee. The provisions of this subsection shall apply whether or not an Internal Revenue Service Form 1099 is issued in conjunction with the wages or remuneration.
- (c) This Code section shall not apply to any business domiciled in this state which is exempt from compliance with federal employment verification procedures under federal law which makes the employment of unauthorized aliens unlawful.
- (d) This Code section shall not apply to any individual hired by the taxpayer prior to January 1, 2008.
- (e) This Code section shall not apply to any taxpayer where the individual being paid is not directly compensated or employed by said taxpayer.
- (f) This Code section shall not apply to wages or remuneration paid for labor services to any individual who holds and presents to the taxpayer a valid license or identification card issued by the Georgia Department of Driver Services.
- (g) The commissioner is authorized to prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate this Code section."

Prohibition on Tax Benefits

- Effective - Jan. 1, 2008
- Applies to employees hired *after* Jan. 1, 2008
- No wages over \$600 per year are deductible as a business expense for unauthorized employees
- Georgia Department of Revenue is authorized to prescribe forms and promulgate rules

Federal Enforcement

- Increasing scrutiny of I-9 forms
- Increasing raids, arrests, & detentions
- Prime Targets:
 - Major Metropolitan Areas
 - Industries that employ large numbers of aliens
 - Laborers & helpers, production operative workers, service workers
 - Meat/poultry, construction, agriculture, horticulture

State Contract Regulations

OCGA §13-10-91:

- (a) On or after July 1, 2007, every public employer shall register and participate in the federal work authorization program to verify information of all new employees.
- (b)
 - (1) No public employer shall enter into a contract for the physical performance of services within this state unless the contractor registers and participates in the federal work authorization program to verify information of all new employees.
 - (2) No contractor or subcontractor who enters a contract with a public employer shall enter into such a contract or subcontract in connection with the physical performance of services within this state unless the contractor or subcontractor registers and participates in the federal work authorization program to verify information of all new employees.
 - (3) Paragraphs (1) and (2) of this subsection shall apply as follows:
 - (a) On or after July 1, 2007, with respect to public employers, contractors, or subcontractors of 500 or more employees;
 - (b) On or about July 1, 2008, with respect to public employers, contractors, and subcontractors of 100 or more employees; and,
 - (c) On or about July 1, 2009, with respect to all public employers, contractors, or subcontractors.
- (c) This Code section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

Improving Border Security and Immigration Within Existing Law – Reforms by the Department of Homeland Security (DHS) and Commerce Department

- 18,300 Border Patrol agents
- 370 miles of fencing
- 300 miles of vehicle barriers
- 105 camera and radar towers
- Three additional Unmanned Aerial Vehicles (UAVs)
- A proposal for an additional 1,700 Border Patrol agents and an additional UAVs will be added in 2009

Improving Border Security and Immigration Within Existing Law – Reforms by the Department of Homeland Security (DHS) and Commerce Department

- Homeland Security will maintain the policy of “Catch and Return” for illegal aliens apprehended at the border, ensuring that all removable aliens caught trying to cross the border illegally are held until they can be removed.

Improving Border Security and Immigration Within Existing Law – Reforms by the Department of Homeland Security (DHS) and Commerce Department

- Interior Enforcement:
 - State and Local law enforcement officers are being trained to address illegal immigration in their communities.
 - By the fall of 2007, U.S. Immigration and Customs Enforcement teams dedicated to removing fugitive aliens will have been quintupled in less than three years. There were 15 seven member teams in 2005. By the end of September 2007, there will be 75 teams.

Improving Border Security and Immigration Within Existing Law – Reforms by the Department of Homeland Security (DHS) and Commerce Department

- Work Enforcement
 - Reduce the number of documents that employers must accept to confirm the identity and work eligibility of their employees will be enacted.
 - Current Form I-9, Employment Eligibility Verification, expired on March 31, 2007.
 - The U.S. Citizenship and Immigration Services (USCIS) has not issued a new Form I-9; however, employers must continue to comply with verification responsibilities. This regulation being considered will reduce unlawful employment by weeding out “insecure” documents now used often for identity fraud.

Work Enforcement:

Please Note: The list of acceptable documents is different than the list that appears on the back of the current Form I-9.

LIST A:

Documents that Establish Both Identity and Employment Eligibility:

- U.S. Passport (unexpired or expired).
- Unexpired foreign passport that contains a temporary I-551 stamp.
- Alien Registration Receipt Card or Permanent Resident Card (INS Form I-551).
- Unexpired Employment Authorization Card that contains a photograph (Form I-766, Form I-688, Form I-688A, Form I-688B).
- For non-immigrants authorized to work for a specific employer an unexpired foreign passport with an Arrival-Departure Record Form I-94, bearing an unexpired endorsement of the individual's nonimmigrant status.
- Unexpired foreign passport with a Machine Readable Immigrant Visa (MRIV) and unexpired temporary I-551 stamp (valid until the expiration date set forth on the temporary I-551 stamp).
- Unexpired foreign passport with a MRIV containing temporary I-551 language and endorsed with an unexpired DHS admission stamp (valid for one year from the date of admission).

Work Enforcement:

OR,

LIST B:

Documents that Establish Identity

- 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.
- ID card issued by federal, state, or local government agencies entities provided it contains a photograph or information such as a name, date of birth, sex, height, eye color, and address.
- School ID card with a photograph.
- Voter's registration card.
- U.S. Military card or draft record.
- Native American tribal document.
- Driver's license issued by a Canadian government authority.

For persons under age 18 who are unable to present a document listed above:

- School record or report card.
- Clinic, doctor, or hospital record.
- Day-care or nursery school record.

Work Enforcement:

AND,

LIST C:

Documents that Establish Employment Eligibility

- U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment or valid only with INS work authorization).
- Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350).
- Original or certified copy of a birth certificate issued by a state county, municipal authority or outlying possession of the United States bearing an official seal.
- Native American tribal document.
- U.S. Citizen ID card (Form I-197).
- ID Card for use of Resident Citizen in the United States (Form I-179).
- Unexpired employment authorization document issued by the DHS (other than those listed under List A), including (1) a Form I-94 identifying the holder as an asylee (by stating “asylum”, “asylee” or appropriate provision of law), or (2) other documentation issued by DHS (or the former Immigration and Naturalization Service (INS)) that identifies the holder as an asylee, lawful permanent resident, refugee (except for the Form I-94) identifying the holder as a refugee, which is considered a receipt only), or other status authorized to work in the United States incident to status.

The Immigration Reform and Control Act

- (A) Requires employers to only hire and employ persons legally authorized to work in the United States.
 - (1) Employment Eligibility Verification, Form I-9
 - (a) Used to verify the identity and employment eligibility of all employees.
 - (b) Must be completed for all new hires, not just foreign born workers.
 - (c) The back of the I-9 form includes three lists of acceptable identity and/or employment eligibility documents a worker may present.

The Immigration Reform and Control Act

- (A)(1)(d) One of the key areas where ag/hort employers may get into trouble with federal immigration law is “document abuse”
- (i) Document abuse may occur when an employer.
 - (a) specifies which documents an employee may present to establish identity or eligibility to work in the U.S.; or
 - (b) requires more or different documents than are minimally necessary to complete the I-9 form.
 - (ii) It is critical that the employer allow the employee to choose which document(s) to present to establish identity or eligibility to work.
 - (iii) Do not request specific documents.

The Immigration Reform and Control Act

- (A)(1)(e) The DHS, DOL, etc. have the right to inspect an employer's I-9 forms.
 - (i) An I-9 audit requires three days' advance notice, but does not require a search warrant.
 - (ii) If an employer uses an outside party, such as the State Employment Service or a farm labor contractor for the referral of workers, that does not relieve the employer from liability for improperly completed I-9 forms.
 - (iii) Periodic internal audits of all I-9 forms should be performed to ensure they are properly filled out.
- (f) Retain all I-9 forms for a minimum of three years from the date the person starts work and for one year from the date the person's employment terminates, whichever is longer.

No Match Letters

- (1) Every year, the Social Security Administration informs thousands of employers via a no-match letter that certain employees names and corresponding social security numbers provided on W-2 forms do not match SSA's records. Employers should not assume that the mismatch is the result of any wrongdoing on the part of the employee. Moreover, an employer who takes action against an employee based on nothing more substantial than a mismatch letter may, in fact, violate discrimination laws.
- (2) DHS regulations and the ICE letter describe with specificity what steps employers should take upon receipt of a no-match letter:
 - (a) Verifying within 30 days that the mismatch was not the result of a record-keeping error on the employer's part;
 - (b) Requesting that the employee confirm the accuracy of employment records;
 - (c) Asking the employee to resolve the issue with SSA.
- (3)
 - (a) If these steps lead to resolution of the problem, follow instructions on the no-match letter itself to correct information with SSA, and retain a record of the verification with SSA; and,
 - (b) Where the information could not be corrected, complete a new I-9 form without using the questionable social security number and instead using documentation presented by the employee that conforms with the I-9 document identity requirements and includes a photograph and other biographic data.

Migrant and Seasonal Workers

- H-2A Visas:

- (1) The H-2A temporary agriculture visa is a non-immigrant visa that allows foreign nationals to enter into the U.S. to perform agricultural labor or services of a temporary or seasonal nature, such as harvesting a crop.

- H-2A Visas:

(2) Employers may not import foreign workers under H-2A visas unless they have applied to the Employment and Training Administration (ETA) for permission to do so. The ETA is responsible for determining whether the employer:

- (a) Conducted a proper recruitment;
- (b) Has agreed to pay the foreign worker the appropriate wage rate;
- (c) Has arranged to provide the foreign worker with transportation; and,
- (d) Has entered into a written contract with the foreign worker.

- H-2A Visas:

- (3) Recruitment

- (a) Any employer who applies for H-2A certification must first attempt to recruit U.S. workers to fill the openings, and must continue to make these recruitment efforts until the foreign workers depart.

- (b) Even after the H-2A workers arrive and begin working, the employer must agree to accept U.S. workers, until 50 percent of the contract period has passed.

- H-2A Visas:

- (4) Wages

- (a) During the course of the H-2A worker's employment, the employer must agree to pay the H-2A worker the higher of.
 - (i) The Adverse Effect Wage Rate, which is the weighted average hourly rate for field and livestock workers in 19 regions established by the U.S. Dept. of Agriculture;
 - (ii) The Prevailing Rate for a given crop in the area; or
 - (iii) The legal state minimum wage.
 - (b) In addition, the employer must agree to provide each H-2A worker an offer of employment for at least 75 percent of the workdays in the contract period.

- H-2A Visas:

- (5) Transportation

- (a) Every non-local worker employed on an H-2A contract is entitled to be paid all transportation costs related to travel from the place where the worker was recruited to the jobsite, and back to the worker's residence.
 - (i) Both U.S. and foreign workers are entitled to such payments.
 - (ii) The DOL defines workers as "non-local" if they cannot return to their permanent residence each night.
 - (b) The employer must reimburse the following expenses:
 - (i) Transportation costs to the place of employment must be paid when 50 percent of the contract has been completed; and,
 - (ii) Transportation "home" when the worker has completed the contract.
 - (c) The employer has no obligation to pay return expenses if the employee abandons the job unless there is a provision in the worker's contract.

- H-2A Visas:

- (6) Written Contract

- (a) The Immigration and Nationality Act (INA) requires the employer to provide every worker a copy of the worker contract or at least a copy of the job clearance order, which must be submitted and approved by the U.S. Dept. of Labor. The job contract/clearance order must state the following:

- (i) The beginning and end dates of the contract period.
 - (ii) All significant conditions of employment, such as payment for transportation expenses, housing and meals, specific days when the workers are not required to work.
 - (iii) The hours per day and the days per week each worker will be expected to work during the contract period.
 - (iv) The crops included and the rate of pay for each crop/job.
 - (v) Any tools required, with an indication the employer pays for them; and
 - (v) Verification that worker's compensation will be provided according to the law of the state where the work is performed.

- H-2A Visas:

- (6) Written Contract

- (b) Once the DOL is satisfied that the employer has met the foregoing requirements, the DOL will issue a certification to the employer confirming:

- (i) There are not sufficient workers who are willing, able, qualified, and available to perform the work; and

- (ii) The employment of the foreign workers will not adversely affect the wages and working conditions of similarly employed workers in the U.S.

- (c) The application for certification should be filed at both the ETA office and the office of the workforce agency in the state where the foreign workers will be employed. Farmers/employers should note it takes about 45 days to obtain certification.

- H-2A Visas:

- (7) Record Keeping for Certified H-2A Employers

- (a) Certified H-2A employers must keep detailed work records for each worker. The records must indicate:

- (i) The number of hours actually worked,
 - (ii) The number of hours offered,
 - (iii) The number of hours refused,
 - (iv) The pay for each type of crop, and the basis for the pay (i.e. whether paid by the hour, by the piece, or by the task).
 - (v) The wage statement must indicate the total earnings for the pay period and all deductions from the wages, with a statement explaining why the deductions were made.

- H-2B Visas:

(1) Overall, H-2B visas and requirements are virtually identical to those of the H-2A visas. However, H-2B non-immigrant visas permit employers to hire foreign workers to come temporarily to the United States and perform temporary non-agricultural (i.e. landscaping, forestry, hospitality) services or labor on a one-time, seasonal, peakload, or intermittent basis.

- Proper documentation to work:
 - (1) Under the INA, employers must also determine if the non-U.S. worker is authorized to be in the U.S. and have proper documentation prior to starting the job.
 - (a) Employers must verify the identity and employment eligibility of the worker within three business days of the date employment begins.
 - (b) The worker and employer must also complete the Employment Eligibility Verification Form I-9.
 - (c) Employers are required to keep the completed Form I-9s on file for the longer of; three years or one year after employment ends.

- Proper documentation to work:
 - (2) The documents reviewed by the employer must be recorded at Section 2 of the Form I-9. The employer must certify under penalty of perjury that he has examined the documents.
 - (a) A list of acceptable documents that establish identity and employment eligibility appears on Form I-9.
 - (b) Although not required, the employer may make photocopies of the documentation for verification and attach them to the worker's Form I-9.
 - (c) Employers may obtain the Form I-9 from the USCIS website at: then enter "Form I-9" in the search box.

- Proper documentation to work:

- (3) E-Verify: Employment Eligibility Verification (EEV)

- (a) Employers may wish to consider participating in the government's internet based system designed to assist employers in determining employment eligibility of new hires and the validity of their Social Security numbers, Basic Pilot Program.

- (i) E-Verify electronically verifies the employment eligibility of newly hired employees.
 - (ii) E-Verify was designed to eliminate Social Security mismatch letters, improve the accuracy of wage and tax reporting, protect jobs for authorized U.S. workers, and help U.S. employers maintain a legal workforce by verification checks of SSA and DHS databases.

- Proper documentation to work:

(3) E-Verify: Employment Eligibility Verification (EEV)

(a)(1) After hiring a new employee and completing the Form I-9 required for all new hires (regardless of E-Verify participation), the employer or agent must submit a query that includes information from sections 1 and 2 of the Form I-9, including:

- Employee's name and date of birth;
- Social Security Number (SSN);
- Citizenship status he or she attests to;
- A number or I-94 number, if applicable;
- Type of document provided on the Form I-9 to establish work authorization status; and,
- Proof of identity, and its expiration date, if applicable.

- Proper documentation to work:

- (3) E-Verify: Employment Eligibility Verification (EEV)

- (a)(2) Employers must make verification inquiries within 3 business days of an employee starting work.

- (a)(3) E-Verify only verifies a new hire's employment eligibility, not his or her immigration status.

- Proper documentation to work:

(4) Immigration Reform and Control Act:

- (a) Farmers/employers should also note the Immigration Reform and Control Act (IRCA) makes it unlawful for an employer “to continue to employ [an] alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.”

- Proper documentation to work:

- (4) Immigration Reform and Control Act:

- (b) Consequently, if a new worker is unable to produce the documents needed to complete form I-9 within three days of hiring, or the employee is unable to present a receipt from the USCIS verifying that he/she applied for replacement documents (which must then be provided to the employer within 90 days of hire), the new worker must be terminated.

Migrant and Seasonal Worker Protection Act (MSPA)

- (a) MSPA governs safety and health standards for migrant and seasonal workers, transportation safety, disclosing the terms and conditions of employment to the migrant and seasonal workers, paying proper wages to the workers, and the required record keeping.
- (b) A migrant agricultural worker is defined as a worker employed in agricultural work of seasonal or temporary nature who cannot return to their permanent residence at night.

Migrant and Seasonal Worker Protection Act (MSPA)

- (c) Seasonal workers are defined as workers who are employed in agricultural work of a seasonal or temporary nature, but who are able to return to their permanent residence at night.
- (d) Employers must assure that vehicles used to transport workers are:
 - (i) Properly insured
 - (ii) Operated by licensed drivers
 - (iii) Meet federal and state safety standards

Migrant and Seasonal Worker Protection Act (MSPA)

- (e) Under MSPA, transportation safety standards are either DOL standards or the Dept. of Transportation standards incorporated by DOL into MSPA. The type of vehicle, how it is used, and the distance it is driven dictates the applicable standard
 - (i) For passenger vehicles used for transporting workers less than 75 miles, the safety regulations include:
 - (a) proper external lights
 - (b) properly equipped with brakes
 - (c) tires must have at least 2/32 inch tread depth and no cracks in the sidewalls

Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):
 A citizen or national of the United States
 A Lawful Permanent Resident (Alien #) A _____
 An alien authorized to work until _____
 (Alien # or Admission #) _____

Employee's Signature	Date (month/day/year)
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Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name	Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. Document Title: _____ Document #: _____ Expiration Date (if any): _____	

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date (month/day/year)
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NOTE: This is the 1991 edition of the Form I-9 that has been rebranded with a current printing date to reflect the recent transition from the INS to DHS and its components.

LISTS OF ACCEPTABLE DOCUMENTS

LIST A		LIST B		LIST C
Documents that Establish Both Identity and Employment Eligibility	OR	Documents that Establish Identity	AND	Documents that Establish Employment Eligibility
<ol style="list-style-type: none"> 1. U.S. Passport (unexpired or expired) 2. Certificate of U.S. Citizenship (<i>Form N-560 or N-561</i>) 3. Certificate of Naturalization (<i>Form N-550 or N-570</i>) 4. Unexpired foreign passport, with <i>I-551</i> stamp or attached <i>Form I-94</i> indicating unexpired employment authorization 5. Permanent Resident Card or Alien Registration Receipt Card with photograph (<i>Form I-151 or I-551</i>) 6. Unexpired Temporary Resident Card (<i>Form I-688</i>) 7. Unexpired Employment Authorization Card (<i>Form I-688A</i>) 8. Unexpired Reentry Permit (<i>Form I-327</i>) 9. Unexpired Refugee Travel Document (<i>Form I-571</i>) 10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (<i>Form I-688B</i>) 	OR	<ol style="list-style-type: none"> 1. 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, gender, height, eye color and address 2. 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, gender, height, eye color and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p style="text-align: center;">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor or hospital record 12. Day-care or nursery school record 	AND	<ol style="list-style-type: none"> 1. U.S. social security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>) 2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>) 3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (<i>Form I-197</i>) 6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>) 7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>)

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Any Questions ??