

THE RIGHT TO WORK

Understanding Immigrant Employment Rights

A Workbook for ESOL Classes



NYC COMMISSION ON HUMAN RIGHTS

MICHAEL R. BLOOMBERG, Mayor | PATRICA L. GATLING, Commissioner / Chair

NEW YORK IMMIGRATION COALITION

LITERACY ASSISTANCE CENTER OF NYC, REVIEWER

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Introduction

These lessons will educate immigrant workers about their protections against discrimination under the Immigration and Nationality Act (INA) and New York City Commission on Human Rights Law. It also provides resources to call or contact if discrimination occurs.

The Immigration and Nationality Act (INA) protects U.S. citizens and certain work-authorized individuals from employment discrimination based upon citizenship or immigration status. The INA protects all work-authorized individuals from national origin discrimination, unfair documentary practices relating to the employment eligibility verification process, and from retaliation.

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The City University of New York Adult Literacy/GED/ESL Program operates on 14 campuses of The City University of New York (CUNY) and has been in existence for over 30 years. With an average enrollment of 10,000 students a year, hundreds of thousands of New York City adults have learned to speak English, read and write and do math with greater facility, and prepare for high school credentialing through the GED Exam. Many students have also made strengthened transitions to college through the CUNY college transition programs. In addition to classes in reading/writing, math, ESOL and GED preparation, different CUNY campus programs offer instruction in a variety of special topics courses in such areas as health, family literacy, or work and college-going preparation.

www.cuny.edu

The Literacy Assistance Center has provided services for adult education programs since 1983. Its data management support, professional development programs, and technical assistance enable these programs to improve the quality of their instruction and the efficiency of their organization. The LAC also works with a wide range of other cultural, educational, financial, health, and legal agencies and institutions. It assists these groups in improving their communication skills so that their clients with limited literacy can seize opportunities available to them and become full participants in the broader community.

www.lacnyc.org

New York City Commission On Human Rights (CCHR) enforces the NYC Human Rights Law, one of the most comprehensive civil rights laws in the nation. The Law prohibits discrimination in employment, housing and public accommodations based on race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, or partnership status. In addition, the Law affords protection against discrimination in employment based on arrest or conviction record and status as victim of domestic violence, stalking or sex offenses. In housing, the Law affords additional protections based on lawful occupation, any lawful source of income, and family status. The City Human Rights Law also prohibits retaliation and bias-related harassment. The Commission also conducts extensive education about the law for the general public.

www.nyc.gov/cchr

New York Immigration Coalition is an umbrella policy organization for approximately 200 groups in New York State that work with "newcomers" to the US. The NYIC was founded in 1987 and has evolved into a powerful advocacy voice, analyzing the impact of immigration policy proposals, promoting and protecting the rights of immigrants and their family members, improving newcomers' access to services, resolving problems with public agencies, and mobilizing member groups to respond to public issues and community needs.

www.thenyic.org

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Working in the United States

Immigrant Employment Rights Part I VIDEO

Before they hire you, employers will ask you to show documents that prove your identity and work authorization.

🎬 VIDEO 1 | Document Abuse

Summary: Tomas wants Mr. Santos to hire him as a painter. He has **experience** painting and a **recommendation** from a family member. Mr. Santos asks to see Tomas's Green Card (Permanent Resident Card). Tomas has his State I.D. and Social Security Card, but Mr. Santos won't hire him until he sees Tomas's Green Card.



Characters

Tomas

A young man looking for work.



Sr. Santos

A head painter.

Video 1: Vocabulary and Chunking

recommendation (n)- approval; written or spoken praise about someone's good points

experience (n)- practice, training, or personal knowledge in something

commercial building (n)- a type of building used for a business purpose

identity (n)- who someone is; their name

- pardon me
- in the corner
- work your way around this way
- don't lean too far
- what do you want?
- sorry to interrupt
- looking for a job
- all this way
- this early in the morning
- told me to see you
- you might have
- just a minute
- for the day
- do you have any experience?
- used to work
- commercial buildings
- need to see
- get into trouble
- not enough
- go home and get it
- a long way
- come back then
- know somebody's identity
- false identity
- proof of identity



Dialogue

Tomas

Pardon me, are you Sr. Santos?

Sr. Santos

Jesus, start over in the corner and work your way around this way. And, don't lean too far. Move the ladder instead.

Tomas

Sr. Santos!

Sr. Santos

Yeah, what do you want?

Tomas

I'm sorry to interrupt Sr. Santos. I am looking for a job.

Sr. Santos

Job? You came out all this way this early in the morning for a job. Do I know you?

Tomas

No Señor. I'm Tomas Ruiz. Pablo Valdez told me to see you. Said you might have work.

Sr. Santos

Pablo. Just a minute. Pablo was a good worker. How do you know him?

Tomas

His mother and my mother are cousins. He told me you often hire people for the day.

Sr. Santos

Can you paint? Do you have any experience painting?

Tomas

Why yes. I used to work for a painter.

Sr. Santos

Where was that?

Tomas

Hermosillo. He had big jobs like commercial buildings.

Sr. Santos

You been in the U.S. long?

Tomas

Three months now.

Sr. Santos

Do you have your green card with you?

Tomas

No, but I have my State ID and Social Security Card.

Sr. Santos

That's good, but I need to see your green card. I could get into trouble.

Tomas

These are not enough?

Sr. Santos

No, I have to see the green card. Look, I would like to hire you. Why don't you go home and get it?

Tomas

It's a long way.

Sr. Santos

We'll probably be here tomorrow. You can come back then.

Tomas

Okay. Thank you.

Before you get a job, you will go to an interview and fill out the Form I-9. For the Form I-9, you must show valid documents to prove your identity and work authorization.

🎥 VIDEO 2 | Document Abuse

Summary: An interviewer is checking the work authorization of three applicants to complete their Form I-9s. The first two applicants have common documents (such as a Social Security Card and driver's license). The third applicant gives her a Temporary Proof of Permanent Residence*. The interviewer refuses to accept the document and asks for a Permanent Resident Card, a Green Card. The interviewer asks the applicant to return when she has that document. The applicant does not get the job.



Characters



Interviewer

A hiring manager who is checking the work authorization of the new employees.



Applicant

A young woman who is a permanent resident of the United States.

* Teacher's Note: The applicant is referring to her *Temporary Proof of Permanent Resident I-551* stamp on List A #3 of the Form I-9. As long as the document is not past the expiration date, an employer cannot refuse to accept it. Employers should call the The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) to confirm the validity of any documents they do not recognize.



Dialogue

Interviewer

We have a pretty stiff screening process. You should be proud you made it this far. Now, we are going into the second **phase** of the process and I need to get some **standard** information from you. I need your proof of **work authorization**.

Dave. Social Security Card and Driver's license.

Bev. Birth Certificate. Drivers license.

What's this Temporary Proof of Permanent Residence?

Applicant

It's all I have. They're sending me a new one. I just haven't received it yet.

Interviewer

But this is a permanent job, not **temporary**. I need something **permanent**.

Applicant

Well, I'm here permanently. It's just the card that **expires**, like a driver's license. I'll be getting a new one.

Interviewer

I don't know. I don't think so. I need your Green Card. Your Permanent Resident Card.

Applicant

But they said...

Interviewer

I know! Why don't you **reapply** when you get your permanent card? And, I'll hold your file **until** then. Okay? Thank you.

Video 2: Vocabulary and Chunking

interview (v)- to meet with and question someone to decide if that person is right for a job.

interviewer (n)- a person who asks people questions to gain information.

applicant (n)- a person seeking a specific job.

accept (v)- to receive; to agree to something.

specific (adj)- exact; clear.

phase (n)- a period of time or one of the stages within a longer process of change.

process (V)- to change something from one state to another; **(V)** a general way of doing something.

standard (n)- something against which other things or ideas are measured.

proof (n)- evidence that something is true.

work authorization (n)- permission to work given by the government.

temporary (adj)- brief, for a short time.

permanent (adj)- without a fixed or set end date.

expire (v)- to end; to run out.

reapply (v)- to ask to enter again; to apply again.

- be proud
- the second phase
- some standard information
- proof of work authorization
- a new one
- a permanent job
- something permanent
- I don't think so
- reapply again
- hold your file
- Social Security Card
- Birth Certificate
- Temporary Proof of Permanent Residence
- driver's license
- Green Card
- Permanent Resident Card
- I need to get some information
- I need something permanent
- I need proof
- I need your _____

Working in the United States

Immigrant Employment Rights Part I

LESSON *Words in **bold** are defined on p. 9*

Finding a job can be **difficult**. Your search can be harder if you do not know your rights or the law.

Today, we will discuss one law that provides important **protection** for you as you look for a job. This law is the Immigration and Nationality Act (INA). INA is a **federal** law.



Under INA, to work in the U.S., you will need to prove your **identity** and that you have work **authorization**.

Once you are **hired**, your employer will ask you to fill out an Form I-9 also known as the employment **eligibility** verification form. This form is a record of the documents you have used to prove your **identity** and work **authorization**.

On the Form I-9, there are three lists of **acceptable** documents that you can use to prove who you are (your identity) and your work authorization. You are allowed to choose the **documents** you wish to show your employers. Your employer cannot ask you for **specific** documents or more or different **documents** than the form requires.

U.S. law requires all employers to keep completed Form I-9s for all their

employees. It is **illegal** for employers to knowingly hire workers who do not have valid work **authorization**.

The Form I-9 also asks you to fill in your name and **Social Security Number**. Your name and **Social Security Number** must be the same as the name and number in the **Social Security Administration (SSA)** records. If they are not the same, your employer will get a letter from the **SSA** saying that there is a **mismatch**. This means the name or numbers on your Form I-9 are **different** from the **SSA** records. If a **mismatch** happens, your employer cannot **assume** you are not **authorized** to work. Your employer cannot **automatically** fire you or ask why there is a mismatch. Your employer must first give you a chance to prove your **identity** and work **authorization**. They may also tell you to go to the local **SSA** office for help.

It is **illegal** for employers to treat you **differently** from other **applicants** and employees based on your national origin or citizenship. It is illegal for an employer to demand more documents than necessary to prove identity and work authorization. If you have a **mismatch** or want to file a complaint, your employer cannot **retaliate** against you. If any of these things happen to you, there are people who can help you in the language you speak.

- You can call the **OSC (The Office of Special Counsel for Immigration Related Unfair Employment Practices)** toll-free at 1-800-255-7688; TDD 1-800-237-2515
- Or call **New York City Commission on Human Rights** at 1-212-306-7450.

(SEE LIST OF CONTACTS AT THE END OF THIS BOOKLET.)



Authorized and Unauthorized Workers

The law will protect you if you are:

- a U.S. Citizen,
- a permanent resident,
- a refugee,
- an asylee, or
- otherwise authorized to work in the U.S. such as people with a valid Employment Authorization Document.

If you are not authorized to work in the U.S., an employer may not hire you. If an employer does hire you, they must pay you for the work that you have done.



- The New York State Department of Labor can help you if your employer did not pay you for the work you have done. You can call them at 1-800-447-3992 and speak with them in any language.
- For immigration questions, please call The NY Immigration Coalition at 1-212-627-2227.

(SEE LIST OF CONTACTS AT THE END OF THIS BOOKLET.)

• Chunks

- | | | |
|---|--|--|
| <ul style="list-style-type: none">• search for a job• look for a job• know your rights• know the law• focus on laws• cover one law• federal law• state law• city law• human rights law• prove your identity• show your identity• prove who you are• have work authorization• authorized to work• show your work authorization• show you are | <ul style="list-style-type: none">• authorized to work• prove your work authorization• prove you are authorized to work• to be hired• to get hired• fill out a _____ form• fill out an Form I-9• fill out an application form• fill out an unemployment form• fill out an employment eligibility form• fill in your name• fill in your Social Security number | <ul style="list-style-type: none">• completed Form I-9s• acceptable documents• specific documents• required documents• get a job• lose your job• illegal to hire• fire (someone)• Social Security Number• Social Security Records• Social Security Card• Social Security Administration• Social Security Administration Office• a mismatch• different from |
|---|--|--|



Working in the United States

Immigrant Employment Rights Part I

TAKE HOME ACTIVITIES

🍀 Vocabulary

Working in the United States

acceptable (adj) - satisfactory, all right

applicant (n) - a person looking for a specific job

assume (v) - to believe something is true without knowing

authorization (n) - permission

authorize (v) - to give permission

automatically (adj) - acting or happening without thinking or planning

different (adj) - unlike, not the same

difficult (adj) - hard, not easy

document (n) - a paper such as a formal letter, contract, or record

eligibility (n) - able or allowed to do something

federal (adj) - the national government

fire (v) - to end employment

focus (v) - to center on, concentrate on

hire (v) - to pay for the services of, employ

identity (n) - who someone is or what something is

illegal (adj) - against the law

mismatch (n) - two things or people that don't go together, not matched, not the same

protect (v) - to defend against harm or loss

require (v) - to need, to ask for

retaliate (v) - to do something bad to someone because of what they did- revenge

Social Security (n) - a government program that pays a monthly amount of money

to older people and others who can't work. Social Security

cards and numbers are given to everyone to keep track of their work record.

specific (adj) - exact, definite, clear

SSA (Social Security Administration) (n) - a government agency that pays a monthly amount of money to retirees, widows, people with disabilities, and people who can't work.

valid (adj) - legally or officially acceptable

verification (n) - proof that something is true

verify (v) - to prove that something is true

Authorized and Unauthorized Workers

asylee (n) - someone who escaped persecution in his/her home country and given protection *inside the U.S.*; asks to be accepted/asks for political asylum

citizen (n) - someone born in the U.S. or someone the government has declared to be a citizen of the U.S.

everyone (pronoun) - all persons

permanent (adj) - firmly set, not expected to change

refugee (n) - someone who escaped persecution in his/her home country and given protection *outside the U.S.*; forced to go to another country, displaced

resident (n) - a person who lives in a certain area



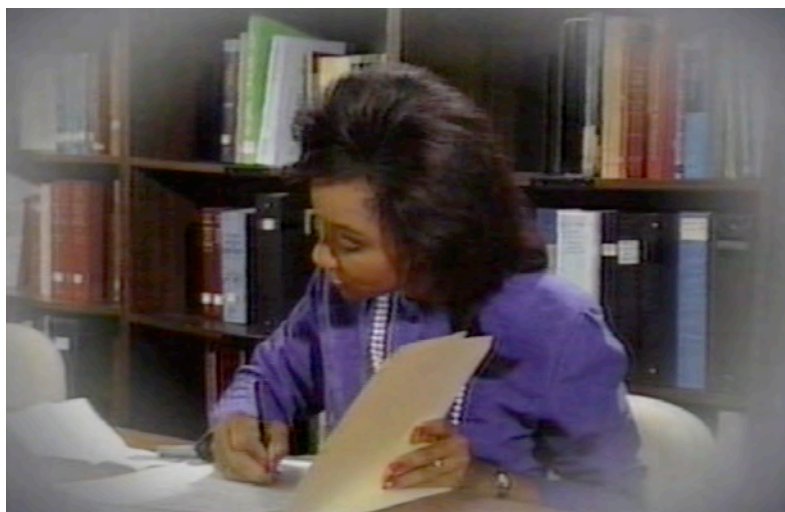
Vocabulary Supplement: circle any extra words that you do not understand from the lesson (pp. 7-8). Find 1-2 people to compare your words and discuss what they mean.

Fill in the Blanks: Fill in the blanks with words or phrases from the box.

retaliate
illegal
prove your work
authorization
have work authorization

authorized to work
specific documents
required documents
accept documents

1. You must _____ to work in the United States.
2. Your employer must _____ you choose from the list on the Form I-9 to prove your identity and work authorization as long as they appear genuine and relate to you.
3. Your employer cannot ask you for _____ or more documents than the Form I-9 says they need.
4. It is _____ for employers to knowingly hire workers who do not have work authorization.
5. It is against the law for employers to treat you differently because of your national origin or citizenship or _____ against you because you assert your legal rights.



Use the phrases in a sentence.

different from:

prove your identity:

to be hired/to be fired:

Matching: Match the words with the correct definitions.

- | | | |
|---------|------------|--|
| ___ 1. | Acceptable | A. firmly set, not expected to change soon, not temporary |
| ___ 2. | Citizen | B. to do something bad to someone because of what they did |
| ___ 3. | Everyone | C. a person looking for a specific job |
| ___ 4. | Resident | D. to believe something is true without knowing |
| ___ 5. | Retaliate | E. to defend against harm or loss |
| ___ 6. | Applicant | F. satisfactory, all right |
| ___ 7. | Authorize | G. a person who lives in a certain area |
| ___ 8. | Permanent | H. all persons |
| ___ 9. | Assume | I. to give permission |
| ___ 10. | Protect | J. to end employment |
| ___ 11. | Fire | K. someone born in the U.S. or someone the government has declared to be a _____ of the U.S. |



♣ Reading Comprehension

True & False: circle whether the sentence is true or false. If a sentence is false correct it to make it true. Go back to pp. 7-8 and underline the sentence where you find the answers.

- T** **F** Employees choose which documents they want to use for the Form I-9s.
- T** **F** Employers can automatically fire workers for Social Security Number mismatches.
(Employers must first give employees a chance to prove their identity and work authorization or correct the mismatch.)
- T** **F** The INA protects everyone who enters the United States.
(The law does not protect undocumented workers.)
- T** **F** Employers must give workers back pay even if they find out that they are not work authorized.
- T** **F** There are no support organizations for immigrants.
(There are referral services such as the NY Immigration Coalition.)
- T** **F** Citizens do not have to fill out the Form I-9.
(Everyone must fill out the Form I-9, including citizens.)

Read the following stories.

Story 1

My name is Milagros. My cousin works at a hotel and told me to apply for a job there. She told me that I would have to fill out a form called an I-9 and bring certain documents. When I went to the hotel, the hiring manager gave me an Form I-9 and told me to bring documents to prove my identity and work authorization so that I could be hired. With the help of my cousin, I filled out the Form I-9 and got the documents that I needed. The next day, I arrived for my interview and met a new supervisor. She asked me for more documents. At first, I was confused. I gave her my passport that had a stamp that proved I could work. The supervisor shook her head and said that I needed more documents to prove that I “really belonged” here.

I became upset, but decided to take action. My cousin gave me the number to a free hotline that helps people like me. After calling and explaining my situation, I received advice on what to do. I went back to the hotel. I told the supervisor that I had the right documents and that it was against the law to ask me for more. I was able to start work at the hotel that week. I am grateful that I called the hotline and for my very helpful cousin!

(You can call The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 1-800-255-8155. Or call the New York City Commission on Human Rights (NYCCHR) at 1-212-306-7450.)



Story 2

When my work authorization expired, my employer fired me, even though as a refugee I was work authorized and could show an unrestricted social security card (one that is not stamped “valid for employment only with DHS work authorization”). But my employer said that I had to show him a new authorization card or I could not work for him. He said it was illegal for me to work so it would be illegal to pay me, too. I didn’t know what to do. I worked hard and really needed the money. Then, a friend told me about a hotline that I could call for help. I could even speak in my own language with the hotline. They



helped me get re-hired and paid for the work I lost. I was afraid the employer would retaliate against me, but I was told that I would be protected.

(The New York State Department of Labor can also help if you need to get paid for work you have already done. You can call them at 1-800-447-3992 and speak with them in any language.)

✿ Writing



Write a short paragraph about your experiences with working.
Here are some questions to think about:

1. Are you working?
2. What kind of work do you do?
3. Where do you work?
4. What was your favorite job?
5. What is your dream job?



Working in the United States

Immigrant Employment Rights Part I

FORM I-9

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 06/30/09

Form I-9, Employment Eligibility Verification

Instructions

Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

When Should Form I-9 Be Used?

All employees, citizens, and noncitizens hired after November 6, 1986, and working in the United States must complete Form I-9.

Filling Out Form I-9

Section 1, Employee

This part of the form must be completed no later than the time of hire, which is the actual beginning of employment. Providing the Social Security Number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Noncitizen Nationals of the United States

Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

Employers should note the work authorization expiration date (if any) shown in **Section 1**. For employees who indicate an employment authorization expiration date in **Section 1**, employers are required to reverify employment authorization for employment on or before the date shown. Note that some employees may leave the expiration date blank if they are aliens whose work authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia or the Republic of the Marshall Islands). For such employees, reverification does not apply unless they choose to present

in **Section 2** evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

Preparer/Translator Certification

The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his or her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer

For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, **Section 2** must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document **OR** a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

Employers must record in Section 2:

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification in **Section 2**. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. **Employers are still responsible for completing and retaining Form I-9.**

Form I-9 (Rev. 02/02/09) N



For more detailed information, you may refer to the *USCIS Handbook for Employers (Form M-274)*. You may obtain the handbook using the contact information found under the header "USCIS Forms and Information."

Section 3, Updating and Reverification

Employers must complete **Section 3** when updating and/or reverifying Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in **Section 1** (if any). Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B; and:
 - 1. Examine any document that reflects the employee is authorized to work in the United States (see List A or C);
 - 2. Record the document title, document number, and expiration date (if any) in Block C; and
 - 3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing **Section 3**.

What Is the Filing Fee?

There is no associated filing fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, you can download them from our website at www.uscis.gov/forms or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at www.uscis.gov or by calling 1-888-464-4218.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from our website at www.uscis.gov/e-verify or by calling 1-888-464-4218.

General information on immigration laws, regulations, and procedures can be obtained by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our Internet website at www.uscis.gov.

Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Form I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

**EMPLOYERS MUST RETAIN COMPLETED FORM I-9
DO NOT MAIL COMPLETED FORM I-9 TO ICE OR USCIS**

Form I-9 (Rev. 02/02/09) N Page 2



Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**



Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

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-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have 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 of the United States ☐ A noncitizen national of the United States (see instructions) ☐ A lawful permanent resident (Alien #) _____ ☐ An alien authorized to work (Alien # or Admission #) _____ until (expiration date, if applicable - month/day/year) _____	
Employee's Signature		Date (month/day/year)	

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 authorized 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 and 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 authorization.	
Document Title: _____	Document #: _____
Expiration Date (if any): _____	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized 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)



LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

LIST A	LIST B	LIST C
Documents that Establish Both Identity and Employment Authorization	Documents that Establish Identity	Documents that Establish Employment Authorization
OR	AND	
1. U.S. Passport or U.S. Passport Card	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	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	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. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	
	4. Voter's registration card	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	5. U.S. Military card or draft record	5. Native American tribal document
	6. Military dependent's ID card	
	7. U.S. Coast Guard Merchant Mariner Card	6. U.S. Citizen ID Card (Form I-197)
	8. Native American tribal document	
	9. Driver's license issued by a Canadian government authority	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	For persons under age 18 who are unable to present a document listed above:	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	10. School record or report card	8. Employment authorization document issued by the Department of Homeland Security
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

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

Form I-9 (Rev. 08/07/09) Y Page 5



Form I-9 Summary

Part I

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-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

The anti-discrimination law is printed on the top of every I-9 form. It states that it is illegal for your employer to discriminate against you if you have work authorization. Your employer cannot tell you which documents to show them or ask you for more or different documents than the form requires.

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. ☐ A citizen of the United States ☐ A noncitizen national of the United States (see instructions) ☐ A lawful permanent resident (Alien #) ☐ An alien authorized to work (Alien # or Admission #) until expiration date, if applicable - month/day/year			
Employee's Signature		Date (month/day/year)	
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		Date (month/day/year)	
Address (Street Name and Number, City, State, Zip Code)			

In this section, you must fill out your information. You can ask someone to help you translate or complete this section.

- Employee enters full name and maiden name, if applicable.
- Employee enters current address and date of birth.
- Employee enters his or her city, state, ZIP Code, and Social Security number. Entering the Social Security number is optional unless the employer verifies employment authorization through the USCIS E-Verify Program.
- Employee reads warning and attests to his or her citizenship or immigration status.
- Employee signs and dates the form.
- If the employee uses a preparer or translator to fill out the form, that person must certify that he or she assisted the employee by completing this signature block.

Form I-9

Employment Eligibility Verification

The image shows a scan of the Form I-9 Employment Eligibility Verification form. The header includes the Department of Homeland Security and the U.S. Citizenship and Immigration Services. The form is divided into several sections: Section 1 (Employee Information and Verification), Section 2 (List of acceptable documents), and Section 3 (Preparer and/or Translator Certification). The form is filled out with handwritten information, including the employee's name, address, date of birth, and Social Security number. The preparer/translator section is also filled out, with a signature and date.

The I-9 Form can look confusing, but it is actually very simple. These three sections are important to understand.



Form I-9

Employment Eligibility Verification

Section 1: Employee Information and Verification

Full Name: [Handwritten: John Doe] Date of Birth: [Handwritten: 01/01/1980] Social Security Number: [Handwritten: 123-45-6789]

Address: [Handwritten: 123 Main St, Anytown, CA 90210] Date of Hire: [Handwritten: 01/01/2020]

Signature of Employee: [Handwritten: John Doe] Date: [Handwritten: 01/01/2020]

Section 2: Employer Review and Verification

Signature of Employer: [Handwritten: Jane Smith] Date: [Handwritten: 01/01/2020]

Section 3: Certification

Signature of Employer: [Handwritten: Jane Smith] Date: [Handwritten: 01/01/2020]

The I-9 Form can look confusing, but it is actually very simple. These three sections are important to understand.

Section 2: Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR 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).)

1 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) **2** and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

3 Signature of Employer or Authorized Representative _____ Title _____

Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) _____ Date (month/day/year) _____

Your employer will fill out this section. This is where you must show your employer your documents to prove your identity and work authorization. You only need to show your employer one document from List A, OR, one document from List B and one from List C. The lists of documents are listed on the back of the I-9 Form.

- 1** Employer records document title(s), issuing authority, document number, and the expiration date from original documents supplied by employee. See Part Eight for the Lists of Acceptable Documents.
- NOTE:** You may use abbreviations for commonly used documents, e.g., DL for driver's license and SS for Social Security.
- 2** Employer enters date employment began.
- 3** Employer attests to examining the documents provided by filling out the signature block.



US Passport Card

The U.S. Department of State began producing the passport card in July 2008. The passport card is a walletsize card that can only be used for land and sea travel between the United States and Canada, Mexico, the Caribbean, and Bermuda.



Passport Card front and back

Permanent Resident Card (Form I-551)

On May 11, 2010, USCIS began issuing the newly redesigned Permanent Resident Card, also known as the Green Card, which is now green in keeping with its long-standing nickname. The card is personalized with the bearer's photo, name, USCIS number, alien registration number, date of birth, and laser-engraved fingerprint, as well as the card expiration date.

Note that on the new card, shown below, the lawful permanent resident's alien registration number, commonly known as the A number, is found under the USCIS # heading. The A number is also located on the back of the card.



Current Permanent Resident Card (Form I-551) front and back

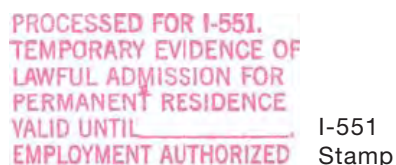
Also in circulation are older Resident Alien cards, issued by the U.S. Department of Justice, Immigration and Naturalization Service, which do not have expiration dates and are valid indefinitely. These cards are peach in color and contain the bearer's fingerprint and photograph.



Older Version Permanent Resident Card (Form I-551) front and back



Unexpired Foreign Passport
with I-551 Stamp

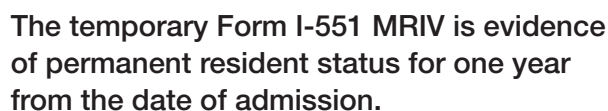


USCIS uses either an I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) to denote temporary evidence of lawful permanent residence. Sometimes, if no foreign passport is available, USCIS will place the I-551 stamp on a Form I-94 and affix a photograph of the bearer to the form. This document is considered a receipt.

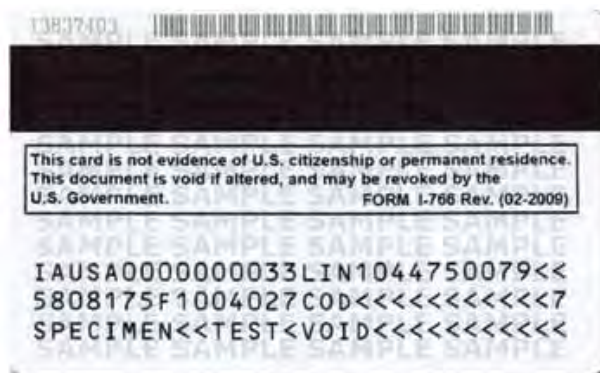
Reverify the employee in Section 3 of Form I-9 when the stamp in the passport expires, or one year after the issuance date if the stamp does not include an expiration date. For temporary I-551 receipts, at the end of the receipt validity period, the individual must present the Permanent Resident Card (Form I-551) for Section 2 of Form I-9.

The MRIV demonstrates permanent resident status for one year from the date of admission found in the foreign passport that contains the MRIV.





Temporary I-551 printed
notation on a machine-
readable immigrant visa
(MRIV)



Form I-20 Accompanied by Form I-94 or Form I-94A

Form I-94 or Form I-94A for F-1 nonimmigrant students must be accompanied by a Form I-20, Certificate of Eligibility for Nonimmigrant Students, endorsed with employment authorization by the designated school official for off-campus employment or curricular practical training. USCIS will issue an Employment Authorization Document (Form I-766) to all students (F-1 and M-1) authorized for a post-completion OPT period.

Form I-20 Accompanied by
Form I-94 or Form I-94A

Form DS-2019 Accompanied by Form I-94 or Form I-94A

Nonimmigrant exchange visitors (J-1) must have a Form I-94 or Form I-94A accompanied by an unexpired Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, issued by the U.S. Department of State, that specifies the sponsor. J-1 exchange visitors working outside the program indicated on the Form DS-2019 also need a letter from their responsible officer.

Form DS-2019 Accompanied
by Form I-94 or Form I-94A



I-94/I-94A Arrival/Departure Record

CBP and sometimes USCIS issue arrival-departure records to nonimmigrants. This document indicates the bearer's immigration status, the date that the status was granted, and when the status expires. The immigration status notation within the stamp on the card varies according to the status granted, e.g., L-1, F-1, J-1. The Form I-94 has a handwritten date and status, and the Form I-94A has a computer-generated date and status. Both may be presented with documents that Form I-9 specifies are valid only when Form I-94 or Form I-94A also is presented, such as the foreign passport, Form DS-2019, or Form I-20.

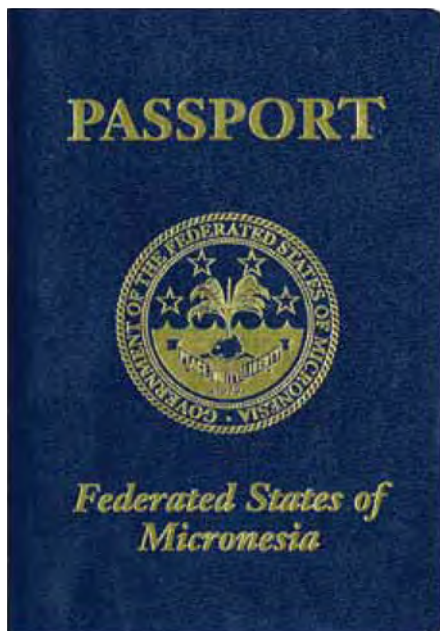
Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94 or Form I-94A.

Form I-94 Arrival/Departure Record. The card shows a handwritten date of April 23, 2009, and a handwritten status of L-1. The family name is SAMPLE, first name is JANE, and country of citizenship is NEW ZEALAND. The card is stamped with 'ADMITTED ATL' and 'JUN 25 2006'.

Form I-94
Arrival/
Departure
Record

Form I-94A Arrival/Departure Record. The card shows a computer-generated date of 09/17/2007 and a computer-generated status of L1. The family name is SAMPLE, first name is AHMET, and country of citizenship is PAKISTAN. The card is stamped with 'ADMITTED ATL' and 'JUN 25 2006'.

Form I-94A
Arrival/
Departure
Record



Passport from the Federated States of Micronesia.

Passports of the Federated States of Micronesia and the Republic of the Marshall Islands

In 2003, Compacts of Free Association (CFA) between the United States and the Federated States of Micronesia (FSM) and Republic of the Marshall Islands (RMI) were amended to allow citizens of these countries to work in the United States without obtaining an Employment Authorization Document (Form I-766).

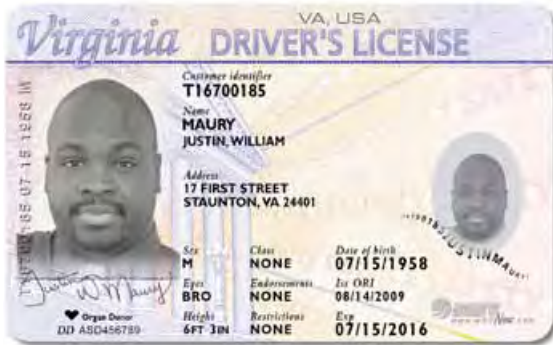
For Form I-9 purposes, citizens of these countries may present FSM or RMI passports accompanied by a Form I-94 or Form I-94A indicating nonimmigrant admission under the CFA, which are acceptable documents under List A. The exact notation on Form I-94 or Form I-94A may vary and is subject to change. As of early 2009, the notation on Form I-94 or Form I-94A typically states "CFA/FSM" for an FSM citizen and "CFA/MIS" for an RMI citizen.

List B

Part I

Documents that Establish Identity Only

The following illustrations in this Handbook do not necessarily reflect the actual size of the documents.

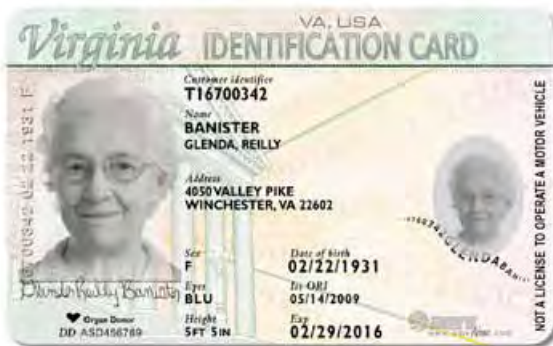


Driver's License from the Commonwealth of Virginia front

Sample Driver's License

A driver's license can be issued by any state or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a Canadian government authority, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their drivers' licenses that state the card does not confirm employment authorization. For Form I-9 purposes, these drivers' licenses, along with every other state's, establish the identity of an employee. When presenting any driver's license, the employee must also present a List C document that establishes employment authorization.



Identification Card from the Commonwealth of Virginia front

Sample State Identification Card

An ID card can be issued by any state (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a local government, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their ID cards that state the card does not confirm employment authorization. For Form I-9 purposes, these cards, along with every other state's, establish the identity of an employee. When presenting any state-issued ID card, the employee must also present a List C document that establishes employment authorization.



List C

Part I

Documents That Establish Employment Eligibility Only

The following illustrations in this Handbook do not necessarily reflect the actual size of the documents.

U.S. Social Security Account Number Card

The U.S. Social Security account number card is issued by the Social Security Administration (older versions were issued by the U.S. Department of Health and Human Services), and can be presented as a List C document unless the card specifies that it does not authorize employment in the United States. Metal or plastic reproductions are not acceptable.



U.S. Social Security Card

Certifications of Birth Abroad Issued by the U.S. Department of State

These documents may vary in color and paper used. All will include a raised seal of the office that issued the document, and may contain a watermark and raised printing.



Certification of Birth Abroad Issued by the U.S. Department of State (FS-545)





Certification of Report of Birth Issued by the U.S. Department of State (DS-1350)

Birth Certificate

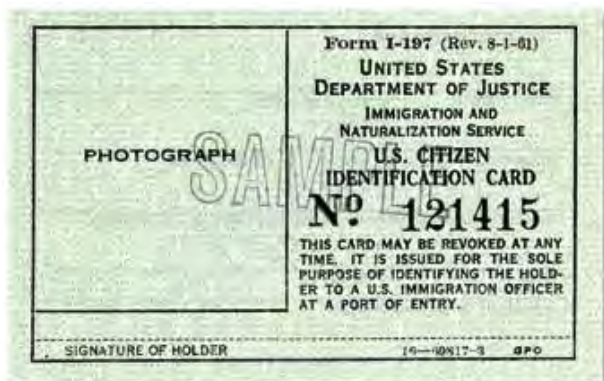
Only an original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States that bears an official seal is acceptable. Versions will vary by state and year of birth. Beginning October 31, 2010, only Puerto Rico birth certificates issued on or after July 1, 2010 are valid. Please check www.uscis.gov for guidance on the validity of Puerto Rico birth certificates for Form I-9 purposes.

Birth Certificate



U.S. Citizen Identification Card (Form I-197)

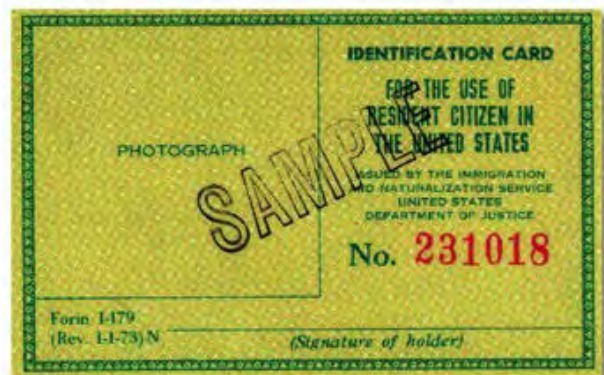
Form I-197 was issued by the former Immigration and Naturalization Service (INS) to naturalized U.S. citizens. Although this card is no longer issued, it is valid indefinitely.



U.S. Citizen Identification Card
(Form I-197)

Identification Card for Use of Resident Citizen in the United States (Form I-179)

Form I-179 was issued by INS to U.S. citizens who are residents of the United States. Although this card is no longer issued, it is valid indefinitely.



Identification Card for Use of Resident Citizen
in the United States (Form I-179)

NOTES:



Discrimination in the Workplace

Immigrant Employment Rights Part II

VIDEO

During an interview or after you are hired, you may experience discrimination based on your national origin or citizenship status.

♣ VIDEO 3 | National Origin Discrimination

A man enters the deli to ask about the dishwasher job posted in the window. He has experience and work authorization. The deli owner is able to speak to the man in Spanish when he has trouble communicating. However, the deli owner decides he will not hire the man unless he speaks better English.



Characters



Deli Owner

Owner of a deli who wants to hire a dishwasher.



Job Applicant

A man looking for a job.



Video 3: Vocabulary and Chunking

interview (v)- to meet with and question someone

applicant (n)- a person looking for a specific job

deli (n) - a food market and sandwich shop

dishwasher (n) - a person whose job is cleaning dishes

experience (n) - practice, training, or personal knowledge in something

work authorization (n) - permission to work given by the government

communicate (v) - to pass on information to one another

convenience (n) – something useful that helps make life more comfortable

slaw (n) - also called cole slaw; a salad-made from shredded cabbage, carrots, and mayonaise

- a half hour
- anything else?
- have a good day
- leave the plates out
- hunt around for them
- would you like a job?
- can't hire you



Dialogue

Deli Owner

Paul, I told you the slaw. The slaw. We only got a half hour. People will be here. Okay, that's a bran muffin and coffee. Anything else? That'll be a dollar seventy-six. Have a good day. And Paul, leave the plates out where we can get at them today.

Man Looking for a Job

Excuse me.

Deli Owner

I don't want to have to hunt around for them. Speed and convenience, Paul.

Man Looking for a Job

Excuse me.

Deli Owner

Yeah, would you like something?

Man Looking for a Job

Dishwasher.

Deli Owner

What?

Man Looking for a Job

Dishwasher.

Deli Owner

Oh, the dishwasher sign! Would you like a job?

Man Looking for a Job

Yes.

Deli Owner

You got any experience as a dishwasher?

Man Looking for a Job

Experience?

Deli Owner

Experience. You got experience?

Man Looking for a Job

Oh, yes. Restaurant, hotel. Three years.

Deli Owner

How long have you been in the country?

¿Cuanto tiempo aquí?

Man Looking for a Job

One year.

Deli Owner

Are you legal? Green Card?

Man Looking for a Job

Si! Yes.

Deli Owner

Listen, I'm sorry. I just can't hire you. You have to speak better English to work here. Customers. Other employees. Good luck. Lo siento, hermano. Paul, you got that slaw?



Discrimination in the Workplace

Immigrant Employment Rights Part II

LESSON

Words in **bold** are defined on p. 37

Have you ever been treated **differently** because of who you are? It is **illegal** for an employer to **discriminate** against you based on your **national origin** and **citizenship status**.

This class will focus on the **protection** for workers under the Immigration and Nationality Act (INA) (**federal law**) and the NYC Human Rights Law (**local law**).



Your employer should not treat you **differently** because you look, speak, or act like you are a part of a **national origin** group. Under the INA and NYC Human Rights Law you should not be treated **differently** if you have limited English. **However**, there are **exceptions** to every law. An employer can treat you **differently** and hire someone who speaks English if:

- English is necessary to do the work,
- The job requires you to respond to **emergencies**.

Employers should not treat you **differently** based on your foreign appearance or dress. You should not

be denied a job because you look foreign. You can be required to wear a **uniform** for **safety** or health reasons. (For **example**: in hospitals, the police department). Also, some **businesses** can enforce a **dress code**. (For **example**: suit, tie, and no tennis shoes).

When speaking English is **necessary** to the job, an employer can require you to speak English. Your employer is **responsible** for telling you about the rule. **However**, even with the English requirement, you have the right to speak your own language during your breaks.

According to the INA it is **illegal** for an employer to hire only **citizens** or Green Card holders. **However**, there are a few **exceptions** where US citizenship is required by law or government contract. For **example**, a job with the **federal** government requires employees to be U.S. **citizens**.

It is **illegal** for employers to treat you **differently** from other **applicants** and employees based on your national origin. It is **illegal** for employers to **discriminate** against you for looking, acting, or speaking like you are a part of a **national origin** group. If you want to file a complaint, your employer cannot **retaliate** against you. If any of these things happen to you, there are people that can help you in the language you speak.

- You can call the **OSC (The Office of Special Counsel for Immigration Related Unfair Employment Practices)** at 1-800-255-7688; TDD 1-800-237- 2515
- Or call **New York City Commission on Human Rights** at 1-212-306-7450.

(SEE LIST OF CONTACTS AT THE END OF THIS BOOKLET.)





Authorized and Unauthorized Workers

The law will protect you if you are:

- a U.S. Citizen,
- a permanent resident,
- a refugee,
- an asylee, or
- otherwise authorized to work in the U.S. such as people with a valid Employment Authorization Document.

If you are not authorized to work in the U.S. in any of these ways, an employer will probably not hire you. If an employer does hire you, they must pay you for the work that you have done.

- The New York State Department of Labor can help you if your employer did not pay you for the work you have done. You can call them at 1-800-447-3992 and speak with them in any language.
- For immigration questions, please call The NY Immigration Coalition at 1-212-627-2227.

(SEE LIST OF CONTACTS AT THE END OF THIS BOOKLET.)

• Chunks

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • been treated differently • treat you differently • illegal to discriminate against • based on national origin • based on citizenship status | <ul style="list-style-type: none"> • exceptions to the law • exceptions to every law • a lot of contact with | <ul style="list-style-type: none"> • Require you to speak English only |
| <ul style="list-style-type: none"> • the protection for workers • human rights law • national origin group • have an accent • have no accent • with no accent • without an accent | <ul style="list-style-type: none"> • English-speaking clients • Respond to emergencies | <ul style="list-style-type: none"> • Responsible for telling you |
| | <ul style="list-style-type: none"> • How you look or dress | <ul style="list-style-type: none"> • The right to speak your own language |
| | <ul style="list-style-type: none"> • Look foreign | <ul style="list-style-type: none"> • Illegal to hire |
| | <ul style="list-style-type: none"> • Denied a job • Wear a uniform • Enforce a dress code | <ul style="list-style-type: none"> • A job with the government |



Discrimination in the Workplace

Immigrant Employment Rights Part II

TAKE HOME ACTIVITIES

🍄 Vocabulary

National Origin and Citizenship Status Discrimination

accent (n) - a sound in speech typical of a country or region

applicant (n) - a person looking for a specific job

citizen (n) - a legal member of a country, state, or city

citizenship status (n) - someone's legal state of belonging to a country

client (n) - a customer

department (n) - a branch or division

differently (adv) - unlike, not the same

discriminate (v) - to treat someone unfairly or differently based on a certain characteristic

dress code (n) - rules on/for how one must dress

emergency (n) - a crisis, dangerous situation

example (n) - a sample or case showing something

exception (n) - something that is different from what is expected

federal (adj) - the national government

however (conj) - but

illegal (adj) - against the law

national origin (n) - a person's, or his ancestor's home country or place of birth

necessary (adj) - needed

protection (n) - action taken against harm or loss, a defense

responsible (adj) - accountable

retaliate (v) - to do something bad to someone because of what they did

safety (n) - the state of being free or protected from harm

uniform (n) - a special type of clothing worn by a worker in a certain occupation

Authorized and Unauthorized Workers

asylee (n) - someone who escaped persecution in his/her home country and given protection *inside the U.S.*; asks to be accepted/asks for political asylum

citizen (n) - someone born in the U.S. or someone the government has declared to be a citizen of the U.S.

everyone (pronoun) - all persons

permanent (adj) - firmly set, not expected to change

refugee (n) - someone who escaped persecution in his/her home country and given protection *outside the U.S.*; forced to go to another country, displaced

resident (n) - a person who lives in a certain area



Vocabulary Supplement: circle any extra words that you do not understand from the reading. Find 1 or 2 people to compare your words and discuss what they mean.

Fill in the Blanks: Fill in the blanks with words or phrases from the box. See definitions p. 37.

national origin
discriminated against
follow a dress code
enforce a dress code

citizenship status
have an accent
have no accent
without an accent

Unless it is required, your employer cannot make you speak only English on the job. They cannot discriminate against you because you _____.

Your _____ is where you or your family comes from.

The law protects you from being _____ because of where you are from.

It is against the law for an employer to decide not to hire you based on your _____, unless U.S. citizenship is required by law or government contract.

Some employers may ask you to wear a uniform or _____.



Use the phrases and words in a sentence.

responsible for:

for example:

treat differently:

however:

based on:



Matching: Match the words with the correct definitions.

- | | | |
|---------|--------------------|--|
| ___ 1. | necessary | A. the national government |
| ___ 2. | department | B. someone's legal state of belonging to a country |
| ___ 3. | exception | C. something that is different from what is expected |
| ___ 4. | citizenship status | D. special type of clothing worn by a worker of a certain occupation |
| ___ 5. | federal | E. against the law |
| ___ 6. | protection | F. a customer |
| ___ 7. | safety | G. action taken against harm or loss, a defense |
| ___ 8. | illegal | H. the state of being free or protected from harm |
| ___ 9. | client | I. needed |
| ___ 10. | uniform | J. a branch or division |



♣ **Reading Comprehension**

Is this Discrimination?: Circle whether the sentence is an example of discrimination. Y for yes/ N for no.

- | | | |
|---|---|---|
| Y | N | Your employer tells you that it is the company's policy to only hire non-citizens if they have green cards. |
| Y | N | Your employer asks you to dress a certain way at work for health or safety reasons. |
| Y | N | Your employer asks you to only speak English at your job even though the job does not require speaking English. |
| Y | N | Your employer does not hire you because customers might not like your accent. |

Read the following stories.

Story 1

I am from Haiti, and I work at a company with people from all over the world. All of the French speak French. The Italians speak Italian. The Russians speak Russian. But when it came to us Haitians, the company made a policy that said we must only speak English. We didn't understand why everyone else could speak their language. The supervisor was very threatening, but the rule was still hard to follow. It wasn't fair! My co-workers and I decided to do something about it. I asked all of my friends for advice. One of them told me that he had an experience like mine and that there were people who could help. He gave me the number to a hotline I could call. I tried it, and now things at work are better. We can speak Creole anytime we want.

(You can call The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 1-800-255-7688; TDD: 1-800-237-2515. Or call the New York City Commission on Human Rights (NYCCHR) at 1-212-306-7450.)





Story 2

My name is Jun Li. Before I came to this country, I worked in my family's shop, where I sold clothing and gifts. I moved to the US to be with my older sister. When I arrived here, I decided to get a similar job. I went to apply for a position at a department store near my house. In the store, I told them my name and asked for a job application. One of the workers asked me to wait until she spoke to her manager. The manager looked at me and shook her head. She said that the store could not hire people who were not United States citizens. She also asked if I had a Green Card. When I said no, but that I had work authorization, she said that she could not give me an application. I needed a job so I did not want to give up. Then I remembered that I went to a workshop a couple of weeks before with a friend. The speaker at the workshop talked about human rights. I found a telephone number to the New York City Commission on Human Rights. I called the office and made an appointment. At the office I spoke with a lawyer about what happened at the store. The lawyer said that I was discriminated against because I was not a citizen. I learned that this treatment is illegal. The lawyer helped me with my case for free. I now work at a different store selling clothes and am happy to know my rights!

(You can call the New York City Commission on Human Rights (NYCCHR) at 1-212-306-7450)



✿ Writing



Write a short paragraph about your experiences with discrimination.
Here are some questions to think about:

1. What happened?
2. Could you have done anything to stop it?
3. Why do you think people discriminate?
4. What can you do to make the workplace more fair to everyone?

Discrimination in the Workplace

Immigrant Employment Rights Part II IN CLASS ACTIVITIES

Role-play 1: Read the following paragraphs. Based on what we have learned, think of how you would respond to each of these situations.

Chen's Story

Chen was born in China and now lives in the US. He has worked as a salesperson at Value Department Store for eight years and applies for a job as a manager. His application is rejected, and his co-worker, John White, is awarded the promotion. Chen feels that his qualifications are superior to White's and suspects that the real reason he failed to receive the promotion was his national origin. Chen files a charge of discrimination.

Action: Let's role-play the conversation Chen has with his supervisor after he is denied the promotion.

1. How did the situation work out? What happened?
2. Did Chen experience discrimination when he was denied the position?
3. Is Chen protected under human rights law? Why or why not?
4. Who should Chen speak to next?

Yung Mi's Story

Yung-Mi Lee is applying for an unskilled entry-level assembly line position at a computer parts factory. The selecting official rejects Yung-Mi Lee, a US citizen born in Korea, asserting that Ms. Lee's foreign accent makes it difficult to communicate with her.

Action: Let's role-play the job interview with the selecting supervisor and Yung-Mi Lee.

1. How did the situation work out? What happened?
2. Did Yung Mi experience discrimination? Why or why not?
3. Yung Mi speaks differently than her co-workers and supervisor.
Can she still perform her job duties?
4. Who should Yung Mi speak to next?



Jose and Luis's Story

Crown Cookies Bakery employs a good number of Latino workers. The company decides to institute an English-only rule that applies at all times in the workplace except during breaks or lunch or if an employee is asked to translate for a client. Jose and Luis are fined a day's pay for violating the rule. Jose is a bilingual Mexican-American whose primary language is Spanish, and Luis recently arrived to the US and speaks very little English.

Action: Let's role-play the conversation Jose and Luis have with their supervisor after they received the "English only" fine.

1. How did the situation work out? What happened?
2. Did Jose and Luis experience discrimination? Why or why not?
3. Think about what the law says about speaking only English at work. How does it relate here?

Role-play 2: Find a partner and create a play to present a discrimination situation to the class where you must call OSC for help. How do you tell OSC what happened?

NOTES:



Problems and Solutions

Immigrant Employment Rights Part III



PROBLEM	WHO CAN HELP?
BENEFITS	<i>New York State Department of Labor (DOL)</i> Call 1-800-447-3992.
BREAKS	<i>New York State Department of Labor (DOL)</i> Call 1-800-447-3992.
DISCRIMINATION	<i>Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC). Call 1-800-255-7688. The call is free. TDD: 1-800-237-2515.</i> <i>NYC Commission on Human Rights (CCHR)</i> Call 1-212-306-7450.
DOCUMENT ABUSE	<i>Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC). Call 1-800-255-7688. The call is free. TDD: 1-800-237-2515.</i>
E-VERIFY GENERAL QUESTIONS	<i>U.S. Citizenship and Immigration Services E-Verify Worker Hotline. Call 1-888-897-7781.</i>
E-VERIFY DISCRIMINATION	<i>Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC). Call 1-800-255-7688. The call is free. TDD: 1-800-237-2515.</i>
IMMIGRATION STATUS OR CITIZENSHIP QUESTIONS	<i>New York Immigration Coalition (NYIC)</i> Call 1-212-627-2227. <i>New York State Immigration Hotline</i> Call 1-212-419-3737 or 1-800-566-7636. <i>CUNY Citizenship Now! Immigration Centers</i> Call 1-646-344-7245.
MINIMUM WAGE	<i>New York State Department of Labor (DOL)</i> Call 1-800-447-3992.
OVERTIME	<i>New York State Department of Labor (DOL)</i> Call 1-800-447-3992.
SAFETY PROBLEMS ON THE JOB	<i>U.S. Office of Occupational Safety and Health Administration</i> Call 1-800-321-OSHA.
UNPAID WAGES	<i>New York State Department of Labor (DOL)</i> Call 1-800-447-3992.



Problems and Solutions

Immigrant Employment Rights Part III

REPORTING A PROBLEM | Listen and Practice.

Tomás calls the Office of Special Counsel for advice. Listen and practice.

Tomás:	Hello. Is this the OSC?
Operator:	Yes. How can I help you?
Tomás:	I have a problem with an employer.
Operator:	What is your problem?
Tomás:	_____.
Operator:	Do you have the employer's name and address?
Tomás:	_____.
Operator:	When did this happen?
Tomás:	_____.
Operator:	Where did this happen?
Tomás:	_____.
Operator:	Do you want help in your language?
Tomás:	_____.
Operator:	What is your native language?
Tomás:	_____.
Operator:	One minute, please.



KEEP A RECORD

If you have a problem on the job, you need to keep a record of the problem.

Employee Name	
Employee Contact Information	
Employer Name and Names of People Involved	
Employer Address or Location	
Date of Problem	
Time	
What happened?	



Problems and Solutions

Immigrant Employment Rights Part III

THE OFFICE OF SPECIAL COUNSEL (OSC)

What happens if I report a problem to the OSC?

If there is a problem, the OSC will ask you to complete a **charge form**.

On the **charge form** you provide:

- your name, address, and telephone
- the name, address and telephone of the employer where you had the problem
- a description of what happened, when and where

You must make a complaint **within 180 days**.

Find a **charge form** online in English, Spanish, Chinese or Vietnamese at:

<http://www.justice.gov/crt/osc/htm/charge.php>

What happens next? Here are some possibilities:

- The OSC contacts the employer.
- The OSC informs the employer about the law.
- The employee gets the job or gets hired back.
- The employee gets back pay.
- The employer pays fines or damages.
- The employer attends training.

Investigations typically take no longer than 7 months.

Vocabulary

What is...?

CHARGE FORM	<i>the document you complete when you have a problem with discrimination and want to report it to the OSC</i>
BACK PAY	<i>money you were not paid when you worked</i>
FINES OR DAMAGES	<i>money an employer pays the government as a penalty</i>



Problems and Solutions

Immigrant Employment Rights Part III

WAGES



1. When you work, you must get paid.
2. Another word for the money you get paid is **wages**.
3. The law says all workers must get **promised wages**.
4. **Undocumented workers** must get **promised wages**.
5. If you work, an employer must pay you for your work.
6. If an employer doesn't pay you after you have done the work, you can call the **New York State Department of Labor** at 1-800-447-3992.
7. The **New York State Department of Labor** can help workers who have problems with **promised wages**.
8. If you have questions about your **immigration status**, you can call:
 - The New York Immigration Coalition at 1-212-627-2227.
 - The New York Immigration Hotline at 1-212-419-3737 or 1-800-566-7636.
 - The City University of New York Citizenship Now! Immigration Centers at 1-646-344-7245.

Problems and Solutions

Immigrant Employment Rights Part III

❖ E-VERIFY



1. Some employers use a computer system to check an employee's information on the I-9 form.
2. This system is called **E-Verify**.
3. E-Verify checks an employee's information on the I-9 form:
 - with the **Social Security Administration**
 - with the **Department of Homeland Security** (non-citizens)
4. You can have problems with E-Verify if there are changes in your personal information.
For example:
 - your name changes because you get married or divorced
 - your citizenship status changes
5. Always report changes in your personal information to the **Social Security Administration** or the **Department of Homeland Security**.

Social Security Administration	www.socialsecurity.gov 1-800-772-1213
Department of Homeland Security	www.dhs.gov/E-Verify 1-888-897-7781



VIDEO 4 | *María's employer uses E-Verify.*



1. Watch Video 4.

- Who do you see?
- What documents do you see?

2. Talk about the Video.

Circle **YES** or **NO**.

Does María have a new job?	YES	NO
Does her employer check her I-9 form?	YES	NO
Does María have the right documents?	YES	NO
Does María have a new name?	YES	NO
Does María have a problem when her employer uses E-Verify?	YES	NO



KNOW THE LAW | Tentative Nonconfirmation (TNC)

1. Problems with E-Verify are called **Tentative Nonconfirmation (TNC)**.
2. María's employer receives a **TNC** from E-Verify.
3. What can María do?
4. María can **not contest the TNC** and lose her job.
5. Or, María can **contest the TNC** and try to fix the problem.
6. She has 8 or fewer work days to begin to fix the problem.



If you have problems with E-Verify, you can contact:

- The Department of Homeland Security E-Verify employee hotline at **1-888-897-7781** or **www.dhs.gov/E-Verify**.
- The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) at **1-800-225-7688** or **www.usdoj.gov/crt/osc** if your employer discriminates against you because of a problem with E-Verify.



E-Verify Questions

Maria receives a tentative nonconfirmation (TNC) from her employer. What can she do? Read Maria's questions and choose **YES** or **NO**.



1. Will I get fired?	YES	NO
2. Will I get paid?	YES	NO
3. Can I go to training?	YES	NO
4. Will my schedule change?	YES	NO
5. Will you tell my supervisor?	YES	NO
6. Can I have time to fix the problem?	YES	NO
7. Can you tell me what to do to fix the problem?	YES	NO

KNOW THE LAW | E-Verify Self Check

1. If you want to review your personal information before a job interview, you can use **E-Verify Self Check**.
2. E-Verify Self Check is **optional**. No employer can require you to use E-Verify Self Check.
3. It is available in English and Spanish
4. It is only **online**, not on paper.
5. It is **free**. There is **no fee**.
6. Personal information on E-Verify Self Check is **confidential**.
7. There are four steps to use E-Verify Self Check:



To learn more about E-Verify Self-Check, go to: www.uscis.gov/EVerifySelfCheck.

If an employer requires you to use E-Verify Self Check, contact The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) at **1-800-225-7688** or www.usdoj.gov/crt/osc. No one can require you to use E-Verify Self Check.



Contacts

If you believe that you have been discriminated against, contact
The Office of Special Counsel for Immigration - Related Unfair Employment Practices

Worker Hotline: 1-800-255-7688

Employer Hotline: 1-800-255-8155

TDD device for hearing impaired: 1-800-237-2515

U.S. Equal Employment Opportunity Commission

1-800-669-4000

TTY: 1-800-669-6820

U.S. Office of Occupational Safety and Health Administration

1-800-321-OSHA (6742)

TTY: 1-877-889-5627

New York State Labor Department

1-800-447-3992

1-518-457-9000

TTY: 1-800-662-1220

New York City Services Line in 170 Languages

311

New York City Department of Consumer Affairs

1-212-487-4444

New York State Immigration Hotline

1-800-566-7636

1-212-419-3737

New York Immigration Coalition

1-212-627-2227

NYC Commission on Human Rights

If you believe that you have been discriminated against, contact The New York Commission on Human Rights' Law Enforcement Bureau for advice or guidance at the Central Office by calling 1-212-306-7450 or schedule an appointment at any of the Commissions's Community Service Centers.

Bronx

1932 Arthur Avenue, Room 203A
Bronx, NY 10457
1-718-579-6900

Brooklyn

275 Livingston St. 2nd Floor
Brooklyn, NY 11217
1-718-722-3130

Manhattan

40 Rector St. 10th Floor
New York, NY 10006
1-212-306-5070

Queens

153-01 Jamaica Ave. 2nd floor
Jamaica, New York 11432
1-718-657-2465

Staten Island

60 Bay Street
Staten Island, NY 10301
1-718-390-8506



THE RIGHT TO WORK: UNDERSTANDING IMMIGRANT EMPLOYMENT RIGHTS

