



U.S. Department of Justice
Civil Rights Division

*Special Counsel for Immigration Related
Unfair Employment Practices - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530*

VIA E-MAIL(donald@jsoslaw.com)

March 29, 2010

Donald K. Sheppard, Esq.
Partner, Attorney at Law
Jacobs Schlesinger Ople & Sheppard LLP
121 Broadway
Suite 573
San Diego, CA 92101

Dear Mr. Sheppard:

This is in response to your e-mail of February 26, 2010. You asked whether a document that can be found at: <http://www.cac.mil/CardInfoGeneval.html> is an acceptable List B document for I-9 purposes.

As you know, the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) investigates and resolves charges of national origin and citizenship status discrimination, as well as over-documentation in the employment eligibility verification process ("document abuse") and retaliation under the anti-discrimination provision of the Immigration and Nationality Act (INA). OSC cannot provide an advisory opinion on any specific case or set of facts. However, we can provide general information on the INA's anti-discrimination provision and the Form I-9 process.

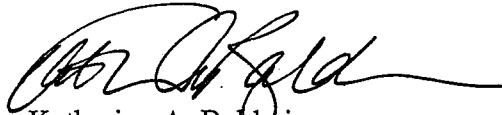
Document abuse or over-documentation in the employment eligibility verification process is prohibited under the INA. 8 U.S.C. § 1324b(a)(6). Document abuse discrimination occurs when an employer requests more or different documents or rejects valid documents for employment eligibility verification with an intent to discriminate based on an individual's national origin or citizenship status.

The INA requires employers to examine specific documents in order to verify each new employee's identity and work eligibility. An employer is obligated to examine either a Form I-9 List A document (identity and work authorization), or a List B (identity) and a List C (work authorization) document for each new employee. 8 U.S.C. § 1324a(b)(1). The documents that an employer may accept for this purpose are listed on the back of the Form I-9 itself.

The Department of Homeland Security's Office of U.S. Citizenship and Immigration Services (USCIS) oversees the Form I-9 process. USCIS' website (www.uscis.gov) has information regarding its enforcement of the employment eligibility verification requirements of 8 U.S.C. § 1324a. In addition, you may contact the Verification Division of USCIS at (888) 464-4218 for further information on rules pertaining to the I-9 Form.

For further information on acceptable Form I-9 documents, we suggest that you contact USCIS. We hope this information is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine A. Baldwin', with a long horizontal flourish extending to the right.

Katherine A. Baldwin
Deputy Special Counsel