

The Immigration Reform and Control Act (IRCA) Prohibits Employment Discrimination



What You Should Know

Under IRCA, when hiring, discharging, or recruiting or referring for a fee, employers with four or more employees may not:

- Discriminate because of **national origin** against U.S. citizens, U.S. nationals, and authorized aliens. (Employers of 15 or more employees should note that the ban on national origin discrimination against any individual under Title VII of the Civil Rights Act of 1964 continues to apply.)
- Discriminate because of **citizenship status** against U.S. citizens, U.S. nationals, and the following classes of aliens with work authorization: permanent residents, refugees, and asylees.

Employers can demonstrate compliance with the law by following the verification (I-9 Form) requirements and treating all new hires the same. This includes the following steps:

- **Establish a policy of hiring only individuals who are authorized to work.** A “U.S. citizens only” policy in hiring is illegal. An employer may require U.S. citizenship for a particular job *only* if it is required by federal, state, or local law, or by government contract.
- **Complete the I-9 Form for all new hires.** This form gives employers a way to establish that the individuals they hire are authorized to work in the United States.
- **Permit employees to present any document or combination of documents acceptable by law.** Employers *cannot* prefer one document over others for purposes of completing the I-9 Form. Authorized aliens do not carry the same documents. For example, not all aliens who are authorized to work are issued “green cards.” As long as the documents are allowed by law and appear to be genuine on their face and to relate to the person, they should be accepted. Not to do so is illegal. Acceptable documents are listed on the reverse side.

IRCA established the Office of Special Counsel (OSC) for Immigration-Related Unfair Employment Practices to enforce the IRCA antidiscrimination provision. Discrimination charges are filed with OSC. Charges or written inquiries should be sent to: Civil Rights Division, The Office of Special Counsel for Immigration-Related Unfair Employment Practices, 950 Pennsylvania Ave., N.W.--NYA, Washington, DC 20530. For more information, call the OSC Employer Hotline at 1-800-255-8155 (toll free); 1-800-237-2515 (TDD device for the hearing impaired). For questions about Title VII, please contact the Equal Employment Opportunity Commission at 1-800-669-4000 (toll free) or 202-275-7518 (TDD).

LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

LIST A

**Documents that Establish Both
Identity and Employment
Authorization**

LIST B

**Documents that Establish
Identity**

LIST C

**Documents that Establish
Employment Authorization**

	OR	
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
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		
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
4. Employment Authorization Document that contains a photograph (Form I-766)		2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
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		3. School ID card with a photograph
		3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
		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. U.S. Military card or draft record
		5. Native American tribal document
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		6. Military dependent's ID card
		6. U.S. Citizen ID Card (Form I-197)
		7. U.S. Coast Guard Merchant Mariner Card
		7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		8. Native American tribal document
	For persons under age 18 who are unable to present a document listed above:	8. Employment authorization document issued by the Department of Homeland Security
	10. School record or report card	
	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)