

DETAILED TABLE OF CONTENTS

Dedication	v
About the Authors	vii
Summary Table of Contents.....	ix
Preface	xiii
Acknowledgments.....	xv
Subject-Matter Index.....	421

Chapter 1

Form I-9 General Concepts	1
1.1 What is the basis for employment verification?	1
1.2 Which government agency regulates compliance with the employer sanctions rules under the Immigration Reform and Control Act?.....	2
1.3 What is the Form I-9?	2
1.4 When must the Form I-9 be completed?.....	4
1.5 What if an employee is being hired for less than a three-day period?	5
1.6 In a nutshell, what are an employer's Form I-9 requirements?.....	5
1.7 Are employers the only entities required to verify employment eligibility using Form I-9?.....	6
1.8 What is the employee's responsibility in completing the Form I-9?	7
1.9 Are there any employees not required to complete the I-9 Form?.....	7
1.10 What if an employee is a volunteer or is paid in ways other than with money? What if an employee receives a signing bonus prior to starting work?	8
1.11 Is a new Form I-9 required for employees who are transferred within a company?.....	8
1.12 Do independent contractors need to complete a Form I-9?	9
1.13 Are domestic service employees (such as housekeepers, kitchen help, and gardeners) required to complete Forms I-9?.....	10

1.14	Under what circumstances would a returning employee <u>not be</u> required to complete a new Form I-9?	10
1.15	Are employees who return to work after a labor dispute required to complete a new Form I-9?	11
1.16	Are seasonal employees required to re-verify their Forms I-9?	12
1.17	Are there special rules for employer associations?	12
1.18	Do employers of part-time employees need to complete Forms I-9 for those employees?.....	12
1.19	Can an employer require job applicants to complete Forms I-9?	12
1.20	What privacy protections are accorded employees when they complete Forms I-9? ..	12
1.21	Which foreign nationals are always authorized to work in the United States?	13
1.22	Which foreign nationals are sometimes authorized to work in the United States?	14

Chapter 2

	Completing the Form I-9	17
2.1	Where can I obtain a Form I-9 and what are the methods of completion?	18
2.2	Is the Form I-9 available in different languages?.....	18
2.3	Which version of the Form I-9 can an employer accept?.....	18
2.4	What documentation can an employee present that shows both identity and employment authorization?.....	19
2.5	What documentation can an employee present solely to prove the employee's identity?	20
2.6	What documentation can an employee present solely to prove the employee's authorization to work?	21
2.7	Where can an employer find illustrations of acceptable documents in Lists A, B, and C?	21
2.8	May an employer specify which documents it will accept?	21
2.9	When will a Form I-20 presented by an F-1 student prove employment authorization?.....	22
2.10	When will a Form DS-2019 presented by a J-1 exchange visitor prove employment authorization?.....	23
2.11	Can a translator be used by an employee to assist with completing the form?	23
2.12	May a company pre-populate data, through an electronic Form I-9 software program, in Section 1 of Form I-9?.....	23
2.13	May a company pre-populate data in Section 2 of Form I-9?	24
2.14	What if an employee states in Section 1 that he or she has a temporary work authorization but presents a List C document that does not have an expiration date?	24
2.15	Are there employees who may properly check Box 3 in Section 1 indicating they are aliens without permanent residency in the United States but who do not have an expiration date for their status?	25
2.16	If an employee provides an “Alien number” or “USCIS number” in Section 1 but presents documents without the “Alien number” or “USCIS number,” can the	

employer ask to see the document with the “Alien number” or “USCIS number”?	25
2.17 What if an employee claims to be a U.S. citizen in Section 1 but presents a green card as documentation of identity and work authorization?	25
2.18 What if a person claims to be a lawful permanent resident in Section 1 but provides a U.S. passport or birth certificate as documentation of status?	26
2.19 May expired documents be accepted?	26
2.20 What types of Social Security Administration documents may be accepted?	26
2.21 Are receipts for documents acceptable?	27
2.22 Can an employee present photocopies of documents rather than original documentation?	27
2.23 What is the area entitled “Additional Information” in Section 2 to be used for?.....	28
2.24 What should a lawful permanent resident present when he or she is still waiting on the actual permanent residency card?	28
2.25 What documentation should a refugee present to document authorization to work? ..	28
2.26 What if the document presented by the employee does not look valid?	28
2.27 What if the name of the employee on the document is different from the name of the employee on the Form I-9?.....	29
2.28 What if the employee does not look like the person on the presented document or is different from the description of the person on the document (hair color, eye color, height, race, etc.)?.....	29
2.29 May an employer correct Forms I-9 after they are completed?	29
2.30 Are employees required to supply a Social Security number on a Form I-9?	30
2.31 Are there special rules for minors?	30
2.32 Are there special rules for individuals with disabilities?	30
2.33 What are examples of various Form I-9 documents?	31

Chapter 3

Re-verification.....	33
3.1 What are the Form I-9 re-verification requirements?	33
3.2 What if the re-verification section of the form has been completed from a prior re-verification?.....	34
3.3 Can an employee present a Social Security card to show employment authorization at re-verification when he or she had presented an expiring Employment Authorization Document or Form I-94 at the time of hire?	34
3.4 What if a new Form I-9 comes out between the date the initial Form I-9 is completed and the time of re-verification?.....	35
3.5 Do past employees resuming work with a company need to complete a new Form I-9?	35
3.6 What if a rehired employee is rehired after a new version of the Form I-9 is released?	36
3.7 What if an employee changes his or her name?.....	36
3.8 What are examples of correctly completed Forms I-9?	36
3.9 What are examples of Forms I-9 with errors?	36

Chapter 4

Recordkeeping.....	37
4.1 What are the Form I-9 recordkeeping requirements?	37
4.2 When can a Form I-9 be destroyed?.....	38
4.3 Should recordkeeping be centralized at a company?.....	38
4.4 Does an employer need to keep copies of the documents presented by the employee?	38
4.5 Can a Form I-9 completed on paper be stored in another format?	39
4.6 Should the Form I-9 records be kept with the personnel records?	40

Chapter 5

Electronic Form I-9 Systems.....	41
5.1 Can a Form I-9 be completed electronically?.....	42
5.2 Why would companies want to switch to electronic Form I-9 systems?.....	42
5.3 Are there downsides to using an electronic Form I-9 system?.....	43
5.4 What requirements must electronic Form I-9 systems meet?.....	44
5.5 How is an electronic Form I-9 “signed” by an employee and employer?	45
5.6 What are the Form I-9 record-keeping requirements for electronic Forms I-9?.....	46
5.7 What privacy protections are accorded workers when they complete Forms I-9 electronically?	46
5.8 How does an employer that uses an electronic Form I-9 system respond to an Immigration and Customs Enforcement audit?	46
5.9 Can a company using an electronic Form I-9 system batch-load data to E-Verify? ...	47
5.10 Can employers convert existing Forms I-9 into an electronic format?.....	47
5.11 Where can I find out which companies offer electronic Form I-9 products and services?.....	47

Chapter 6

Knowledge of Unlawful Immigration Status	49
6.1 What if an employer knows an employee is not authorized to be employed even though the Form I-9 was properly completed?	49
6.2 When would an employer be considered to have “constructive knowledge”?	50
6.3 What if an employee later presents a different Social Security number from when the Form I-9 was completed?	51
6.4 Is an employer on notice that an employee is not authorized to work if the employee requests the employer to petition for the employee’s permanent residency?	52
6.5 What if the employee states in Section 1 that he or she is a permanent resident or U.S. citizen but then presents an employment document with an expiration date? ..	52
6.6 Should an employer re-verify a Form I-9 for an employee who is subject to a Social Security no-match letter?	53
6.7 What if an employer receives a U.S. Department of Homeland Security notice that there is a problem with a document presented in connection with a Form I-9?	54

6.8	What if an employee tells the employer that another employee is unauthorized?	55
6.9	Is an employer liable if it uses a contractor and knows the contractor's employees are not authorized to work?	56
6.10	May an employer be deemed to have constructive knowledge when it failed to complete a Form I-9 for an employee or when the form is completed improperly?..	56
6.11	May an employer be deemed to have constructive knowledge when it fails to re- verify a Form I-9?.....	57

Chapter 7

	Unfair Immigration-Related Employment Practices	59
7.1	What are the Immigration Reform and Control Act's anti-discrimination and unfair documentary practices (document abuse) rules?	59
7.2	Who may file a complaint under the Immigration Reform and Control Act against an employer for violations of the employer sanctions rules?	60
7.3	How is enforcement responsibility split between the Immigrant and Employee Rights Section of the U.S. Department of Justice and the U.S. Equal Employment Opportunity Commission?.....	61
7.4	What is "national origin" discrimination?	61
7.5	What is "citizenship or immigration status" discrimination?	61
7.6	What is "unfair documentary practices"?	62
7.7	What are examples of prohibited practices?	62
7.8	How does Title VII of the Civil Rights Act provide employees additional protections?	63
7.9	What is the basis for regulating immigration-related unfair employment practices? ..	63
7.10	Can employers discriminate against employees requiring visa sponsorship?.....	63
7.11	Can employers discriminate against employees with an expiring Employment Authorization Document?	64
7.12	Are employees protected from retaliation if they complain about discrimination?	64
7.13	Who is a "protected individual" under the Immigration Reform and Control Act, and can an employer discriminate against individuals not included?	64
7.14	What information can be requested of an individual prior to the commencement of employment?	65
7.15	Can an employer maintain a policy of employing only U.S. citizens?	65
7.16	Can an employer require employees to post indemnity bonds against potential liability under the Immigration Reform and Control Act?	65
7.17	Can an employer not sure whether documents are valid for a new hire request U.S. Department of Homeland Security verification of the status of the employee?	66
7.18	How is a complaint filed for an Immigration Reform and Control Act anti- discrimination violation?	66
7.19	What is the procedure to file a complaint under the Immigration Reform and Control Act against an employer for violation of the anti-discrimination rules? What about a complaint under Title VII of the Civil Rights Act?.....	67
7.20	How does the Office of Special Counsel for Immigration-Related Unfair Employment Practices investigate complaints?.....	67

7.21 How many complaints to the Office of Special Counsel for Immigration-Related Unfair Employment Practices resulted in a monetary settlement in 2015?	68
--	----

Chapter 8

Penalties and Other Risks.....	67
8.1 What penalties does an employer face for Form I-9 violations?	69
8.2 What are the penalties for unlawful discrimination?	72
8.3 Can employers that tried in good faith to comply avoid penalties?	74
8.4 What is the process for imposing penalties?	74
8.5 Are entities at a company liable in addition to the one division targeted for penalties?.....	74
8.6 How does U.S. Immigration and Customs Enforcement decide which cases to investigate?	75
8.7 Must U.S. Immigration and Customs Enforcement provide advance notice of a Form I-9 audit?	75
8.8 In what format must Forms I-9 be provided to U.S. Immigration and Customs Enforcement auditors?	75
8.9 What if records are kept at a different location from where the U.S. Immigration and Customs Enforcement agents will be visiting?.....	76
8.10 Can an employer be penalized if it properly completed a Form I-9, but the employee turns out to be unauthorized?.....	76
8.11 How much in fines was paid by employers in 2014 for Form I-9 violations?	76
8.12 Aside from penalties under the Immigration Reform and Control Act, are there other risks associated with not properly completing Forms I-9?.....	76

Chapter 9

Immigration Reform and Control Act Compliance Tips.....	79
9.1 What are the best ways to prevent being prosecuted for Form I-9 employer violations?	79
9.2 What are the best ways to avoid immigration-related employment discrimination?... 80	80
9.3 Should a company have an immigration compliance officer?.....	82
9.4 Should a company have an immigration compliance policy?	82
9.5 Should companies have Form I-9 policies for dealing with outside contractors?	83
9.6 How do mergers, acquisitions, and other major changes affect Form I-9 requirements?	84
9.7 Can an employer that does not wish to assume an acquired company's liability for Form I-9 violations re-verify the entire workforce?	84
9.8 Are there U.S. Immigration and Customs Enforcement best hiring practices?	85
9.9 What is some useful contract language for contractors?	86

Chapter 10

Conducting an I-9 Self Audit	89
------------------------------------	----

10.1	Which questions should be asked when preparing for a Form I-9 audit?	89
10.2	Should employers prepare a spreadsheet for a Form I-9 audit?	91
10.3	Should employers use an audit checklist?	92

Chapter 11

	E-Verify, IMAGE, and the Social Security Number Verification Service.....	97
11.1	What is E-Verify?.....	97
11.2	How many employees are typically run through E-Verify in one year?.....	98
11.3	Who administers E-Verify?	98
11.4	How does E-Verify work?	98
11.5	How does E-Verify handle H-1B portability cases?.....	100
11.6	What computer requirements are necessary to use E-Verify?	100
11.7	Can a company batch-load data to E-Verify?	100
11.8	What is the required timetable for using E-Verify?	101
11.9	Does E-Verify tell an employer anything about the immigration status of a new hire?	101
11.10	What is E-Verify's photo-matching tool?.....	101
11.11	What information does an employer need to supply for each employee?	102
11.12	What about employees who do not have Social Security numbers yet?	102
11.13	What happens if E-Verify issues a Social Security Administration or a U.S. Department of Homeland Security tentative nonconfirmation finding?.....	103
11.14	Can employers selectively choose which employees are verified in the electronic system?	104
11.15	Can an employer prescreen job applicants through E-Verify?	104
11.16	Is E-Verify voluntary?	104
11.17	What if a company does not have a computer or Internet access? Can a third-party agent be used to manage E-Verify filings?	104
11.18	What is an E-Verify corporate administrator?	105
11.19	How does an employer sign up for E-Verify?	105
11.20	What are the government's obligations with regard to privacy and data security? ..	105
11.21	What are the employer's obligations under the memorandum of understanding?....	106
11.22	Can a large employer have a controlled rollout of E-Verify instead of including every location? Can a large employer change the sites participating?	107
11.23	What are the benefits of participating?	107
11.24	Are there risks associated with participating in E-Verify?	108
11.25	Can an employer verify existing employees as well as new hires?	108
11.26	Can an employer quit using E-Verify?	109
11.27	Is an employer protected from an investigation if it uses E-Verify?	109
11.28	What can employees do when they feel they have been subject to discrimination?..	109
11.29	Which states require E-Verify?	109
11.30	How reliable is E-Verify in accurately identifying unauthorized employees?	109
11.31	How do federal contractors know of the necessity of using FAR E-Verify?	110

11.32 How do subcontractors know of the necessity for using FAR E-Verify?	110
11.33 Does the receipt of federal grants by a company mean FAR E-Verify applies?	110
11.34 Can the requirement to include the E-Verify clause in federal contracts be waived?	111
11.35 Are any contracts exempt from FAR E-Verify?.....	111
11.36 How much time does a federal contractor employer have to start running employees' names through the FAR E-Verify system?	111
11.37 Which types of employers need to verify only employees assigned to work on the federal contract?.....	112
11.38 Can an employer verify all existing employees under FAR E-Verify as opposed to just employees working on the contract?	112
11.39 Does a company already enrolled in E-Verify need to re-enroll to comply with FAR E-Verify?.....	113
11.40 What are a company's obligations under FAR E-Verify once the contract is over?.113	113
11.41 How does FAR E-Verify treat commercially available off-the-shelf contracts?.....	113
11.42 Which employees associated with work on a contract must be verified under FAR E-Verify?.....	114
11.43 Under FAR E-Verify, how should an employer treat a Form I-9 for an existing employee who is not a current Form I-9?.....	114
11.44 Are subcontractors also responsible for participating in FAR E-Verify?.....	115
11.45 What is the plain language of the FAR E-Verify regulation?	115
11.46 What is the ICE Mutual Agreement between Government and Employers (IMAGE)?	118
11.47 Will participating in IMAGE guarantee that an employer will not be found liable in an enforcement action?	118
11.48 What obligations do IMAGE participants face?	118
11.49 Does the IMAGE program offer best employment practices?	119
11.50 What is the Social Security Number Verification Service (SSNVS)?	120
11.51 What restrictions are placed on employers seeking to use the SSNVS?	120
11.52 What special E-Verify rules apply to student visa holders?	121
11.53 What do the U.S. Department of Homeland Security E-Verify Memoranda of Understanding state?	122

Chapter 12

Social Security No-Match Letters	123
12.1 Why did the court block the regulation from taking effect?.....	124
12.2 Why did U.S. Immigration and Customs Enforcement issue this regulation?	124
12.3 How was the definition of "knowing" going to change in the regulation?.....	125
12.4 What steps should an employer take if it receives a no-match letter?	125
12.5 What is the procedure to re-verify identity and employment authorization when an employee has not resolved the discrepancy as described above in 12.4?.....	127
12.6 Does an employer need to use the same procedure to verify employment authorization for each employee who is the subject of a no-match letter?.....	127

12.7	What if the employer has learned that an employee is unlawfully present from some source other than the Social Security Administration or the U.S. Department of Homeland Security?	128
12.8	Will following the procedures in this proposed regulation protect an employer from all claims of constructive knowledge, or just claims of constructive knowledge based on the letters for which the employer followed the “safe harbor” procedure?	128
12.9	What were the timeframes required under the regulation to take each necessary action after receiving the no-match letter?	128
12.10	May an employer continue to employ a worker throughout the process noted above in Questions 12.4 to 12.8?.....	129
12.11	Does it matter which person at the place of employment receives the no-match letter?	129
12.12	Does verification through systems other than those described in this proposed regulation provide a “safe harbor”?	130
12.13	Does an employer have to help an employee resolve the discrepancy with the Social Security Administration or the U.S. Department of Homeland Security?	130
12.14	If a new Form I-9 is prepared based on this regulation, does that affect the amount of time the Form I-9 must be retained?	130
12.15	Will an employer be liable for terminating an employee who turns out to be work authorized if the employer receives a no-match letter?	130
12.16	What if the employee is gone by the time the no-match letter arrives?	131

Chapter 13

Mergers and Acquisitions.....	133	
13.1	Generally speaking, how does immigration law factor into mergers, acquisitions, or other major corporate transactions?	133
13.2	What are the major immigration risks associated with mergers, acquisitions, or other major corporate transactions?	134
13.3	What corporate changes typically have immigration consequences?	135
13.4	What visa categories typically are impacted by corporate changes?	138
13.5	How are H-1B visas affected by mergers and acquisitions?	139
13.6	What impacts do mergers, acquisitions, and other major corporate transactions have on TN visas?	141
13.7	How are L-1 intracompany transfers affected by mergers, acquisitions, and other major corporate transactions?	141
13.8	How are E visas affected by mergers, acquisitions, or other major corporate transactions?	142
13.9	How are permanent residency applications affected by mergers, acquisitions, and other major corporate transactions?.....	142
13.10	How are Forms I-9 affected by mergers, acquisitions, or other major corporate transactions?	144
13.11	What are some general tips for employers going through mergers, acquisitions, or other major corporate transactions?	144

Chapter 14

Criminal Law and Employer Immigration Law Compliance	147
14.1 Which agency is responsible for worksite enforcement operations?.....	148
14.2 On what grounds are criminal arrests being made and criminal charges being brought in worksite enforcement operations?	148
14.3 What types of employers are more likely to be targeted?	148
14.4 What is the difference between detention and a criminal arrest?	149
14.5 Are employees of a company who are not owners potentially liable for criminal violations?	149
14.6 What is the offense of “unlawfully employing illegal aliens”?	149
14.7 What are the penalties for “unlawfully employing illegal aliens”?	150
14.8 What defenses may be available to the charge of “unlawfully employing illegal aliens”?.....	150
14.9 What is the crime of “bringing in and harboring” unauthorized immigrants?	150
14.10 What are the potential penalties for “bringing in and harboring” unauthorized immigrants?.....	151
14.11 What is the penalty for hiring more than 10 unauthorized immigrants?	152
14.12 What crimes involving false statements have been used to charge employers in cases involving unauthorized immigrants?	152
14.13 What is the penalty for making false statements?	152
14.14 What fraud and identity theft offenses potentially apply to employers of unauthorized immigrants?.....	153
14.15 What penalties may be imposed on employers convicted of document fraud and identity theft?	153
14.16 What is the crime of mail fraud?	154
14.17 What is the crime of wire fraud?	154
14.18 What are the potential penalties for mail fraud and wire fraud?	154
14.19 What is the crime of money laundering and how does it apply to employers?	154
14.20 What are the penalties for money laundering?	155
14.21 What is the crime of fraud and misuse of visas and permits?	155
14.22 What are the penalties for fraud and misuse of visas and permits?	156
14.23 What is “misuse of a Social Security number”?.....	156
14.24 What is the penalty for “misuse of a Social Security number”?.....	156
14.25 What is the Racketeer Influenced and Corrupt Organizations Act?	156
14.26 What are the penalties for violation of the Racketeer Influenced and Corrupt Organizations Act?.....	157
14.27 What types of penalties are typically being imposed on employers convicted in connection with unauthorized immigrants?	157
14.28 What is “seizure and forfeiture”?	157
14.29 Is it more likely U.S. Immigration and Customs Enforcement will pursue a worksite enforcement charge or a criminal investigation?.....	158

14.30 What should an employer do if a U.S. Immigration and Customs Enforcement agent arrives at its place of business in connection with an investigation of immigration violations?	158
--	-----

Chapter 15

Layoffs and Downsizing	161
15.1 What are the immigration-related consequences of layoffs on foreign employees in nonimmigrant status?	161
15.2 What should a nonimmigrant employee do if he or she falls out of legal status?	163
15.3 Is there a grace period for an H-1B worker to find a new position without being considered out of status?	164
15.4 What are the immigration-related consequences of layoffs on foreign employees with pending green-card applications?	165
15.5 What are the immigration-related consequences of layoffs on foreign employees who are already lawful permanent residents?	166
15.6 What are the immigration-related consequences of layoffs on employers employing foreign nationals?	166
15.7 What are some proactive strategies for preventing negative immigration consequences for employers and employees during downsizing?	169

Chapter 16

State Employer Immigration Laws.....	171
16.1 Which states have enacted employment-related immigration laws and compliance requirements?	171

Chapter 17

Nonimmigrant Visas	217
17.1 What are the five major immigration status/visa categories?	217
17.2 What are the various types of nonimmigrant visas and to whom are they available?.....	217
17.3 What kinds of issues are relevant for H-1B visa applicants?.....	218
17.4 How long is the H-1B visa valid?.....	219
17.5 Can an H-1B visa holder apply for a green card?	219
17.6 Are spouses or children of H-1B visa holders permitted to work?	219
17.7 Are H-1B visa holders required to maintain ties to their home countries?	219
17.8 How many H-1B visas are provided each year?	219
17.9 Are H-1B visa holders permitted to change employers?	220
17.10 Are H-1B visas permitted for self-employment?.....	220
17.11 What happens in the event the H-1B applicant lacks an appropriate degree?	220
17.12 What kinds of issues are relevant for B-1 and B-2 visa applicants?	220
17.13 How long is the B-1 or B-2 visa valid?	222
17.14 Are B-1 and B-2 visa holders allowed to work in the United States?.....	222

17.15	Nationals from which countries are eligible for the Visa Waiver Program?	222
17.16	What kinds of issues are relevant for F-1 visa applicants?.....	223
17.17	What are the requirements for the F-1 visa holder?	223
17.18	Can an F-1 visa holder work in the United States after completing an educational program?	223
17.19	What limitations are there on the spouses and children of F-1 visa holders?.....	224
17.20	What kinds of issues are relevant for J-1 visa applicants?	224
17.21	Is there a requirement for J-1 visa holders to return home before switching to another visa?	224
17.22	What are the time requirements for J-1 visa holders?	225
17.23	What about employment opportunities in the United States for the spouses and children of J-1 visa holders?	225
17.24	What kinds of issues are relevant for O-1 visa applicants?	225
17.25	What is the time limit on the issuance of O-1 approvals?	226
17.26	Are O-1 visa holders required to maintain a residence outside of the United States?	226
17.27	May O-1 visa holders apply for a green card?	226
17.28	What kinds of issues are relevant for L visa applicants?.....	227
17.29	What are the time limits for L visa holders?	227
17.30	Are green cards easy for L visa holders to obtain?.....	227
17.31	Are spouses of L visa holders allowed to work?	227
17.32	Which type of employee has a difficult time getting an L visa?	227
17.33	What kinds of questions are relevant for E-1 and E-2 visa applicants?	228
17.34	What are the time limits for E visa holders?	228
17.35	Are spouses of E visa holders allowed to work?	228
17.36	What is the impact of permanent residency applications on E visa holders?	228
17.37	What kinds of issues are relevant for R visa applicants?	229
17.38	What is the time limit for R visa holders?	229
17.39	At what point may R visas convert to green cards?	229
17.40	Has U.S. Citizenship and Immigration Services changed the process to acquire an R visa?.....	229
17.41	What kinds of issues are relevant for TN visa applicants?	229
17.42	What is the time limit for TN visa holders?	230
17.43	Are TN visa holders required to demonstrate intent to immigrate to the United States?	230
17.44	How do Canadians apply for TN visa status?	230
17.45	How do Mexicans apply for TN visa status?.....	230
17.46	Where are TN visa extensions and change-of-status applications filed?.....	230
17.47	Are degrees in a field required?	230
17.48	How would TN visa holders be impacted if NAFTA was revoked by President Trump?	231
17.49	What kinds of issues are relevant for E-3 visa applicants?	231

17.50	Do E-3 applicants require advanced U.S. Citizenship and Immigration Services approval?	231
17.51	May spouses of E-3 visa holders be eligible for an Employment Authorization Document?.....	231
17.52	Is a Labor Condition Application required of the E-3 visa holder?	232
17.53	What is the time limit for E-3 visa holders?	232
17.54	Are the nonimmigrant visas listed in this chapter a complete listing?	232

Chapter 18

	Immigrant Visas	233
18.1	What are the four basic categories of immigrant visas?	233
18.2	What kinds of issues and waiting periods are relevant for family-sponsored immigrants?	233
18.3	How are these waiting periods determined?	234
18.4	What is the implication of marriage to a U.S. citizen?	234
18.5	Can a person convert from one immigrant-preference or immediate-relative category to another?	235
18.6	What kinds of issues are relevant for Diversity Visa applicants?	235
18.7	What kinds of issues are relevant to the Diversity Visa green-card lottery?	235
18.8	What kinds of issues are relevant for the EB-1-1 green card?	235
18.9	Is employment necessary to obtain the EB-1-1 green card?	236
18.10	What kinds of issues are relevant for the EB-1-2 green card?	237
18.11	Is the EB-1-3 green card identical to the L-1 visa?.....	237
18.12	What kinds of issues are relevant for the EB-2 green card?	237
18.13	What is the processing time for the EB-2 green card?.....	239
18.14	Is employment a requirement for the EB-2 application?	239
18.15	Who is eligible for the EB-3 green card?	239
18.16	What is the subcategory of the EB-3 green card?	239
18.17	Is the EB-4 green card the same as the R-1 visa?	239
18.18	What kinds of issues are relevant for the EB-5 green card?	239
18.19	What does U.S. Citizenship and Immigration Services consider when granting the EB-5 green card?	240

Chapter 19

	Asylees and Refugees.....	241
19.1	What are asylees and refugees?	241
19.2	What is the difference between asylee and refugee status?	242
19.3	Are there other protected statuses?	242
19.4	If someone arrives in the United States as a refugee, how does that person obtain work authorization?	242
19.5	How does a refugee get an Employment Authorization Document (EAD) beyond the 90 days associated with Form I-94?	242

19.6	If the employer originally accepts Form I-94 for proof of work authorization for a refugee, what list should it be recorded in?	243
19.7	After 90 days of employment, what should an employer do regarding the refugee's work authorization?	243
19.8	How does an asylee establish work authorization?	243
19.9	How does an asylee-employee properly record status in Section 1 of the Form I-9?	244
19.10	Must an employer re-verify an asylee-employee who presents a valid List B document and a Form I-94 for List C?	244
19.11	How does an asylee receive an Employment Authorization Document (EAD)?	244
19.12	If an asylee or refugee provides an Employment Authorization Document (EAD) with an expiration date, must the employer re-verify work authorization before the card expires?	244
19.13	May an employer accept a copy of the decision of the immigration judge or BIA as proof of work authorization and record it on the Form I-9?	245

APPENDICES

Appendix A

Sample Form I-9, Form I-9 Supplement, and Form I-9 Instructions	247
---	-----

Appendix B

M-274: U.S. Department of Homeland Security's <i>Handbook for Employers: Guidance for Completing Form I-9</i>	267
---	-----

Appendix C

Examples of Correct Forms I-9	333
-------------------------------------	-----

Appendix D

Examples of Incorrect Forms I-9	345
---------------------------------------	-----

Appendix E

E-Verify Memoranda of Understanding	369
---	-----

Appendix F

Case Management and Electronic Filing Systems Vendors.....	403
--	-----

Appendix G

Worksite Enforcement Operations	405
---------------------------------------	-----