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IMMIGRATION

IMMIGRATION

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This booklet should not be construed as legal advice or legal opinion on any specific facts or circumstances. You are urged to consult competent counsel concerning your particular situation and any specific legal questions you may have. Employers are specifically encouraged to consult an attorney to determine whether they are subject to state requirements that extend beyond the scope of this booklet.

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very year, hundreds of thousands of foreign nationals enter the U.S. to perform valuable services in this country. These lawful entrants include managers, executives, professionals, skilled workers, professors, researchers, seasonal workers, agricultural workers, and a host of others. Bringing talents and knowledge often in short supply in the U.S. work force, they make a positive contribution to the overall growth of the U.S. economy. Conversely, each year hundreds of thousands of aliens enter the U.S. illegally. Many take jobs that would otherwise go to U.S. citizens and foreign nationals here lawfully. Many illegal aliens who fail to find employment turn to crime or otherwise become a burden to the public welfare system.

U.S. immigration policy raises numerous complex issues. As a result, legislators at the federal and state levels are increasingly sponsoring and passing laws which affect legal and illegal immigration. Proposition 187 in California is just one example. Many of these legislative reforms have a direct impact upon you as an employer.

The Immigration Reform and Control Act of 1986 (“IRCA”) made employers directly responsible for curtailing the employment of illegal aliens. The federal agencies charged with enforcing IRCA are stepping up efforts to ensure employer compliance. At the same time, however, certain reforms to the immigration laws, including the Immigration Act of 1990 (“IMMACT 90”) and the North American Free Trade Agreement (“NAFTA”) have made it far easier for employers to recruit, hire, train, and retain foreign workers in many occupations. As a result, a basic knowledge of immigration law can help employers comply with IRCA’s requirements, avoid costly fines or litigation, and take advantage of opportunities to hire or retain foreign workers necessary to fill U.S. positions.

EMPLOYMENT VERIFICATION AND SANCTIONS

IRCA enlists U.S. employers in the federal government's efforts to curb illegal immigration. IRCA imposes several requirements upon employers, with violations punishable by civil fines and, in extreme cases, prison sentences. Specifically, IRCA makes it unlawful for you to:

- knowingly hire or continue the employment of an alien hired after November 6, 1986 who lacks authorization to work in the United States;
- hire *any* person (after November 6, 1986) without verifying that individual's identity and employment eligibility;
- discriminate in hiring and firing decisions on the basis of citizenship status;
- discriminate on the basis of national origin if the employer employs between 3 and 15 workers or is not otherwise covered by Title VII of the Civil Rights Act of 1964;
- knowingly forge, counterfeit, alter, or falsely make any document for the purpose of satisfying any immigration-related requirement; or
- knowingly use, accept, or receive any false document for the purpose of satisfying any immigration-related requirement.

IMMACT 90 added new provisions to strengthen IRCA's prohibitions against discrimination. As a result, you cannot require an employee to present more or different documents than are minimally required for the employment verification process; cannot refuse to honor documents tendered by an employee that reasonably appear to be genuine; and cannot specify which documents an employee must present to prove identity or employment eligibility. These prohibited practices are commonly known as "document abuse."

Employment eligibility verification is accomplished by completion of Form I-9, a form designated specifically for this purpose. The employee completes basic identifying information and attests to his or her immigration status. You must then examine the new hire's document(s) and certify that they appear to be genuine, appear to relate to the individual in question, and appear to confer the right

to work in the United States. There are strict time limits for completing each part of the verification process. The employer is ultimately liable for timely, proper completion and retention of I-9 forms.

An I-9 form is required for each employee hired after November 6, 1986. Employees hired before that date are “grandfathered” and an I-9 form is not needed for these persons so long as the individual’s employment is “continuing” in nature. For example, this means that authorized leaves of absence, brief interruptions in employment, transfers to other facilities, resumption of seasonal employment and similar situations, do not generally trigger the verification requirement. True independent contractors are not subject to the verification requirement. To reduce the risk of possible liability, however, you will often want to ensure that even your contract employees are lawfully working in this country.

To prevent the continuing employment of an alien with limited employment authorization, you are required to “reverify” employment eligibility (not identity) prior to expiration of an individual’s work authorization. This is accomplished by noting the alien’s new employment authorization on the I-9 form. Similarly, you must ensure that a worker who is re-hired is still authorized to be employed.

Retain I-9 forms for three years from the date of hire and for one year after employment terminates. While you may photocopy documents presented by employees you are not required to. IRCA regulations governing retention of photocopies are ambiguous.

Unfortunately, the law permits employees to select from a large list of possible IRCA documents, and this makes employment verification confusing. While the Immigration and Naturalization Service (“INS”) has proposed reducing the number of acceptable documents, until this becomes a reality, you must accept any document or combination of documents the employee is permitted to present. The current list of acceptable documents appears at Appendix 1 at the end of this pamphlet. The list of documents can also be found on the reverse side of the I-9 form, and in the **INS Handbook for Employers**. The **Handbook** provides basic guidance

regarding the verification requirements, but the governing law and regulations often evolve at a pace which can render the **Handbook** obsolete.

Officials of both the INS and the Department of Labor have the power to conduct inspections of an employer's I-9 forms. In almost all cases, you are entitled to three days notice, in writing, prior to the inspection -Ñ this is time you should use to review your forms and prepare for the inspection.

If an inspection discloses non-compliance, you are subject to civil money penalties. For violations of the employment verification requirements, fines range from \$100 to \$1000 per individual. Knowing employment or continuation violations can result in fines ranging from \$250 to \$2000 for a first offense and \$3000 to \$10,000 for third and subsequent violations. Criminal sanctions, including up to six months in prison, can be levied against an employer who engages in a "pattern or practice" violation of the law.

The discrimination prohibitions, including the document abuse provisions, are enforced by the Department of Justice Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC"). OSC also has the power to inspect I-9 forms to ensure that an employer has not over-documented employees or specified which document an employee must present. OSC functions much like the EEOC in investigating and prosecuting alleged violations of IRCA's discrimination prohibitions. The penalties for IRCA discrimination violations parallel the penalties for employment verification violations, but can also include backpay and other remedial measures.

Recent enforcement trends suggest an even greater incentive to get into compliance with IRCA and stay there. In February 1994, the Attorney General announced that INS would spend over \$350 million over the next two years for enhanced enforcement of immigration laws. INS was to use a substantial portion of those funds to hire and train 1000 new Border Patrol agents, many of whom will conduct I-9 inspections. In addition, the proposed spending increase called for an additional allocation of \$38 million for increased I-9 inspections by existing INS staff.

Passage of Proposition 187 in California and litigation brought by border states against the federal government for assistance in coping with large numbers of illegal aliens will likely result in increased scrutiny of employer compliance with IRCA requirements.

LEGAL IMMIGRATION OPPORTUNITIES AND CATEGORIES

U.S. immigration law presumes that every alien entering the country intends to stay here permanently. Thus, most aliens coming to the U.S. must demonstrate that they intend only a temporary visit. The law distinguishes between permanent residence (or immigrant) visas and temporary (or nonimmigrant) visas. Visas permit an individual to come to the U.S. border and seek entry in a particular status or classification. (They are thus different from passports, which are documents identifying an individual by citizenship or nationality). Each visa category has different eligibility requirements and benefits.

Visas are valid for varying lengths of time depending on the visa category. Visa validity marks the period during which the alien may apply for admission to the United States. If admitted, the alien will be granted a period of authorized stay by means of an Arrival/Departure (Form I-94) card. The period of authorized stay does not always coincide with the visa validity period.

There are five broad categories of employment-based permanent residence and 20 different types of nonimmigrant visa categories. A complete list of the current nonimmigrant categories can be found in Appendix 2 at the end of this pamphlet. Some of the more common employment-related visa categories are explained below, followed by a discussion of the basics of permanent residence.

NONIMMIGRANT VISAS

Different types of nonimmigrant (temporary) visas are issued for different purposes — travel, business,

employment, etc. Specific documentation and evidence is necessary to meet the requirements of each different visa category.

Not all temporary visas authorize employment. It is therefore possible for an alien to be in the U.S. entirely lawfully, but not be allowed to work. In addition, nearly all employment-related nonimmigrant visas authorize employment only in a specific position and for a specific employer. Any other employment is prohibited. It is usually possible for the alien to change visa categories and/or employment upon INS approval of a visa petition filed by the alien or the employer.

A. Business visitor visa (B-1)

The B-1 visa does not authorize employment by a U.S. employer. This visa category is commonly used by a foreign employer to send an alien to the U.S. to perform a brief assignment here. For example, this category is frequently used by salespeople to call upon U.S. customers, by managers or executives attending conventions or business meetings in the U.S., by technical personnel servicing equipment or goods sold to U.S. entities, etc. The key requirement is that the alien cannot receive remuneration from a U.S. employer for services rendered during a B-1 visit. The B-1 visa authorizes the alien to stay for an initial period of up to six months; an extension for an additional six month period is possible but difficult to obtain.

B. Treaty trader and treaty investor visas (E-1 and E-2)

The E visa category allows aliens to enter the U.S. to manage a foreign entity's "substantial" trade or investment in the United States. This visa category is frequently used by multi-national companies to transfer managers, executives, and key personnel to U.S. operations. E visas require the existence of a friendship, navigation, and commerce or bilateral investment treaty between the U.S. and the foreign entity's native country. The E visa permits an initial period of authorized stay of one year, but E status can be renewed indefinitely so long as the requisite treaty relationship and qualifying trade/investment continue.

C. Specialty worker visas (H-1)

The H-1A category is used solely by foreign nurses employed by U.S. employers. This category requires the prospective employer to undertake an extensive documentation process that culminates in an attestation filed with the Department of Labor. H-1A visas permit up to five years of employment authorization.

The H-1B visa category allows an alien to fill a specialty “professional” position, i.e., one that requires at least a baccalaureate degree in a specific, relevant field. The alien must possess the relevant baccalaureate degree or the equivalent in education and working experience. The H-1B visa authorizes an initial period of three years of authorized stay and a maximum period of six consecutive years of authorized employment. The employer may be required to return the alien to his or her native country in the event that employment terminates through no fault of the alien employee. Although the attestation process is not as onerous as for H-1A visas, the employer must compile some documentation and file an attestation form before submitting an H-1B petition to INS.

D. Temporary worker visas (H-2)

There are two kinds of H-2 visas: H-2A visas for temporary agricultural workers, and H-2B visas for other temporary workers. In both cases, the employer must demonstrate that the alien will only be needed for a temporary or seasonal period, i.e., the job itself must be temporary in nature. In addition, the employer must undertake an extensive documentation process to obtain a certification from the DOL. This process includes positive recruitment efforts intended to prove that U.S. workers are not available for the job in question. Generally, H-2 status is only valid for the period of the employer’s temporary need. The underlying DOL certification will be valid for no more than one year and must be renewed if the temporary employment is to continue.

E. Trainee visa (H-3)

The H-3 category is for aliens coming to the U.S. to receive training unavailable in their native country. The employer providing the training must document the existence and content of a formal training program, which

may include some on-the-job training. The alien, however, cannot displace a U.S. worker and cannot work for the U.S. employer once the training program concludes.

F. Exchange visitor visa (J-1)

The J-1 visa category is a broad category used by students, visiting researchers, lecturers, business trainees, summer camp counselors, and au pairs. Business trainees may qualify for up to 18 months of on-the-job training or employment. The alien must be sponsored by an officially designated exchange visitor program sponsor, but employers can often coordinate sponsorship with an academic institution or “umbrella” program. Umbrella program sponsors work with employers to place exchange visitors for a fee. The J-1 visa can subject the alien to a two year home country residence requirement if the alien’s visit is funded by the native country or a U.S. government agency, or if the alien’s skills are in short supply in the native country. It is sometimes possible to obtain a waiver of the two year home country residence requirement.

G. Intracompany transferee visa (L-1)

The L-1 visa category permits transfer of managers, executives, and persons with specialized skill/knowledge from a foreign entity to a related U.S. employer. The alien must have been employed by the foreign entity in the requisite capacity for at least one year during the three years preceding the transfer and must be coming to a qualifying position with the U.S. employer. The L-1 visa authorizes up to seven years of employment for executives and managers, and up to five years of employment for specialized knowledge personnel. L-1 status is advantageous because L-1 managers and executives are eligible for a streamlined permanent residence process.

Employers who make frequent use of the L-1 category may qualify for a “blanket” L-1 authorization. In effect, this amounts to pre-qualification for L-1 status and reduces the procedural burden associated with key transfers.

H. Extraordinary alien visa (O-1)

The O-1 visa category is intended for aliens of extraordinary ability in the arts, sciences, education, business, or

athletics. This category is sometimes used by aliens who cannot qualify for H-1B professional status. The prospective employer must demonstrate a specific, limited need for an alien of extraordinary ability, and the alien must be able to document national or international renown in the relevant field of endeavor. The employer must also obtain a consultation from a peer group or labor organization in the field which confirms the alien's reputation and the employer's need for the alien's services. The return transportation requirement applicable to H-1 professionals also applies to O-1 aliens. O-1 status is generally valid for no more than three years.

I. Performing artist visa (P-1)

The P visa category is designed to permit entry of alien performers in the arts or athletics. P-1 visas are available for aliens who are internationally known artists, entertainers, or athletes coming to the U.S. for a specific event or tour. P-2 visas are available for alien performers participating in a reciprocal cultural exchange program. P-3 visas are used by coaches and trainers accompanying P artists or athletes. The alien must demonstrate an international reputation. Like the O-1 visa, the P visa categories require a consultation from a peer group or labor organization to confirm the alien's reputation, and the return transportation requirement applies.

J. Cultural exchange visa (Q)

The Q visa permits entry of aliens coming to an approved international cultural exchange program. This category is popularly referred to as the Disney visa, since it is used to permit employment of aliens in culturally unique exhibits or attractions. Q aliens are permitted up to 15 months of employment in the cultural exchange program.

K. Treaty NAFTA visa (TN)

NAFTA incorporated the provisions of the U.S.-Canada Free Trade Agreement, and made similar, though slightly more onerous, provisions applicable to Mexicans seeking employment in the United States. Canadian and Mexican citizens who are employed in defined occupations can obtain TN visas that will authorize U.S. employment in one year increments. Canadian applicants for TN status may apply at the border simply by

presenting proof of citizenship, proof of an academic degree in the qualifying profession, and an offer of employment from the U.S. employer. Mexicans seeking TN status must follow the procedures for H-1B aliens.

L. Student practical training authorization

Foreign students pursuing an education in the U.S. generally utilize the F-1 (academic) or M-1 (vocational) student visa status. Upon completion of a recognized degree program, a foreign student may qualify for a period of on-the-job practical training. For example, academic students completing a baccalaureate degree program are often eligible for up to 12 months of practical training. The student must apply to INS for permission to engage in practical training employment, and the practical training must be in a field related to the student's degree program. Because practical training is fairly easy to obtain, in many cases it will be the ideal means of employing an alien professional. Once the alien begins practical training, the employer can consider sponsoring the alien for H-1B status.

IMMIGRANT VISAS

Aliens who intend to reside in the U.S. indefinitely must obtain permanent residence. Aliens may apply for permanent residence on the basis of a family relationship to a U.S. citizen or permanent resident, or, they may seek permanent resident status on the basis of current or prospective employment. Other aliens may qualify for permanent residence by virtue of a grant of asylum or admission as a refugee. To promote greater cultural diversity, the law occasionally provides for random lotteries which can result in permanent residence status as well.

In family and employment-based cases, the sponsor files a visa petition with INS seeking agreement that the alien qualifies in the desired category. Unlike nonimmigrant visas, which generally have no quotas limiting visa availability, immigrant visas are subject to two kinds of quota systems. First, there is a categorical quota created by the annual allocation of visas to different permanent

residence categories. Second, there is a per-country quota system designed to ensure that aliens from no single country consume too many of the visas allocated in any category.

The two quotas combine to make it extremely difficult to immigrate in some categories, and aliens can face a delay of several years before visas are available in certain categories. Once the visa becomes available, the alien can apply for permanent resident status through consular visa processing at a U.S. embassy or consulate abroad, or, if the alien is already in the U.S., through adjustment of status at a local INS office.

Because the permanent residence procedures can take a considerable amount of time to complete, most employers seeking an alien's services will first seek a temporary status for the alien. Once the alien is in the U.S. working pursuant to the nonimmigrant visa status, the employer will then sponsor the alien for permanent residence.

If an alien is sponsored for employment-based permanent residence, the following conditions must be met: 1) the sponsoring employer must intend to employ the alien; 2) the position to be filled by the alien must be permanent, full-time employment; 3) the employer must have the financial resources to pay the alien's salary; and 4) the alien must meet the minimum requirements for the position. In addition, several categories of employment-based permanent residence require certification by DOL that no qualified U.S. workers are available to fill the position. Because the labor certification process requires positive recruitment efforts which are monitored by state and federal agencies, it can be a costly, lengthy procedure. Further, if a qualified U.S. worker materializes in the recruitment campaign, the employer may have to abandon the certification effort, wait six months, and then refile the certification application. Labor certification should be avoided whenever possible.

There are five major employment-based visa categories for immigrants, described below.

A. Priority workers

Each year 40,000 visas are allotted to the Priority Worker category. Labor certification is not required for this category of permanent residence. There are three groups of aliens who can qualify for Priority Worker status:

1. Aliens of Extraordinary Ability in Arts, Sciences, Education, Business, or Athletics

Generally, this sub-category is reserved for Nobel laureates or recipients of internationally recognized prizes and awards. In short, the alien must have risen to the very top of his or her profession. Although this is an employment-based permanent residence category, aliens meeting this high standard need not have a firm offer of employment in the U.S. but can qualify solely on the basis of a promise to seek employment commensurate with their standing in the profession or field.

2. Outstanding Professors and Researchers

This sub-category is intended to permit academic and research institutions to hire the best qualified people regardless of citizenship status. The alien must have at least three years experience in teaching and/or research and must be able to demonstrate an outstanding reputation in the field. In addition, the employer must demonstrate that the position requires the services of an outstanding teacher or researcher and that the alien will be filling a tenure or tenure-track position (or an indefinite position in a non-academic research center).

3. Intra-Company Transferee Managers and Executives

This sub-category recognizes that foreign companies with U.S. operations often prefer “home-grown” managers and executives in key positions in the U.S. operation. Thus, the standard for this category is the same as for the L-1 nonimmigrant visa, i.e., the alien must have been a manager or executive for the foreign employer for at least one year during the three years prior to admission to the U.S. and must be filling a managerial or executive position with the related U.S.

entity. Even though no labor certification is required for this category, it can still take several months to complete the permanent residence procedures. Thus, most employers will sponsor these aliens for L-1 status first, and later sponsor the alien for permanent residence.

B. Professionals with advanced degrees and aliens of “exceptional ability” in the arts, sciences, or business

This category is allocated 40,000 visas annually. Aliens applying for this status must have post-baccalaureate degrees or exceptional ability in a field relevant to the proposed employment. The alien must possess skills or knowledge which are necessary to the U.S. employer or will substantially benefit the U.S. prospectively. Labor certification is required but may be waived if the employment of the alien is in the “national interest.”

C. Other professionals and skilled/ unskilled workers

This is a “catch-all” category for other foreign workers desiring permanent residence. Professionals who lack advanced degrees in the relevant field of endeavor, skilled workers in jobs requiring at least two years of training or experience, and unskilled laborers qualify in this category. No more than 10,000 of the 40,000 visas allocated annually to this category can be consumed by unskilled workers. Labor certification is required.

D. Investors and entrepreneurs

This category, which has an annual limit of 10,000 visas, was created to encourage business investment in the U.S. and provide employment opportunities for U.S. workers. In general, an alien seeking to qualify in this category must invest at least \$1 million in a commercial enterprise which will create at least ten new jobs for U.S. workers. The investment amount may be as little as \$500,000 in areas of high unemployment or in targeted job creation areas. On the other hand, the investment requirement may increase to as much as \$3 million in areas of low unemployment. Permanent residence is granted conditionally for the first two years; the conditional status is removed if the alien demonstrates that at least ten U.S.

workers are employed as a direct result of the qualifying investment. Because of the stringent investment requirements, this category is rarely used.

E. Special immigrants

This category is another “catch all” category which is principally used by aliens who can demonstrate at least two years experience as a worker for a religious denomination that has a bona fide, non-profit organization in the United States. This category is also available for certain employees of international organizations and certain U.S. government employees employed abroad. A total of 10,000 visas per year are allocated to this category.

F. Family-based immigration

Permanent residence is also possible based upon a familial relationship to a U.S. citizen or permanent resident. Aliens who are immediate relatives of U.S. citizens, i.e., a spouse or child, are granted a preference and are not subject to any quota system. For all types of family-based permanent residence, there is no labor certification requirement, but the categorical and per-country quotas apply. This can result in considerable delays before an immigrant visa is available in certain categories.

There are four major family-based permanent residence categories:

1. Unmarried sons and daughters of citizens

This category permits adult (21 years of age or older), single children of U.S. citizens to become permanent residents. Children under 21 years of age usually qualify as immediate relatives of U.S. citizens. As a result, this category is rarely fully utilized and there is rarely any delay caused by the quota system.

2. Spouses, children and unmarried sons and daughters of permanent residents

This is the largest category of permanent residence, as over 114,000 visas are allocated to this category annually. Despite the high allocation, there is often a waiting period of several years before a visa becomes available because of extremely high demand. Spouses and children receive 77 percent of the visas allocated,

and unmarried sons and daughters (21 years of age or older) receive the remaining 23 percent of the allocation.

3. Married sons and daughters of citizens

This category is generally used by the children of aliens who become permanent residents and later convert to U.S. citizenship. Because children who have married will use permanent visas for each of their family members, Congress created a separate category for these aliens. For the same reason, the category usually is backlogged and visa availability will often be delayed.

4. Brothers and sisters of adult citizens

As this visa category deals with aliens who are not spouses or children, Congress deemed it to be the least important from a preference standpoint. As a result, although 65,000 visas are allocated to this category annually, it does not usually benefit from the “spill-down” of unused visas in higher preference categories. Thus, the wait for a visa in this category is generally the longest of any of the family-based permanent residence categories.

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Continuing efforts to reform immigration law demonstrate that Congress is committed to an immigration policy which keeps the “front door” open for legal immigrants and foreign workers and closes the “back door” to illegal aliens. So long as this trend continues, employers will be able to take advantage of opportunities to employ qualified foreign workers, but must also play their part in preventing illegal employment.

For further information about these contents, please contact any office of Fisher & Phillips LLP.

APPENDIX 1 ACCEPTABLE IRCA DOCUMENTS

Documents establishing identity and employment eligibility (List A):

1. U.S. Passport (expired or unexpired)
2. Certificate of U.S. Citizenship (INS Form N-560 or N-561)
3. Certificate of Naturalization (INS Form N550 or N-570)
4. **Unexpired** foreign passport which contains stamp reading “Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Resident. Valid until _____. Employment authorized”; or has attached, **unexpired** Form I-94 authorizing employment
5. Alien Registration Receipt Card (or “green” card), provided that it contains a photograph (INS form I-551)
6. Unexpired Temporary Resident Card (INS Form I-688) (has photo, thumbprint, green stripe and **expiration date**)
7. Unexpired Re-entry permits (INS Form I-327)
8. Unexpired Employment Authorization Card which contains a photograph (INS Form I-688 B) has all of above; Generally good for 6 to 12 months)
9. Unexpired Re-entry permits (INS Form I-327)
10. Unexpired Refugee Travel Document (INS Form I-571)

Documents proving only identity (List B):

1. State-issued driver’s license or ID card containing photo or basic data (e.g., name, date of birth, sex, height, color of eyes, address, etc.)
2. School I.D. card with photograph
3. U.S. Military card or draft record
4. I.D. card issued by federal, state or local government agencies or entities
5. Military dependent’s I.D. card
6. Native American Tribal documents
7. United States Coast Guard Merchant Mariner Card
8. Driver’s license issued by a Canadian government authority
9. Voter’s Registration Card

Documents proving only employment eligibility (List C):

1. Social Security Card
2. Certificate of Birth Abroad issued by State Department
3. Original or certified copy of a state, county or municipal authority-issued birth certificate bearing an official **seal**
4. Unexpired employment authorization documents issued by INS
5. Native American Tribal documents
6. U.S. Citizen I.D. card (INS Form I-197)
7. I.D. card for Resident Citizens (INS Form I-179)

APPENDIX 2 NONIMMI- GRANT VISA CATEGORIES

- A-1, A-2 Foreign Government Officials
- A-3 Employees of Foreign Government Officials
- B-1 Visitors for Business
- B-2 Tourists
- C Aliens in Transit Through the United States
- D-1 Crewmen
- E-1, E-2 Treaty Traders and Treaty Investors
- F-1 Foreign Students
- G-1, G-2 Representatives of International
- G-3, G-4 Organizations
- H-1 Nurses (H-1A) and Professionals (H-1B)
- H-2 Temporary Agricultural Workers (H-2A) and Temporary Non- Agricultural Workers (H-2B)
- H-3 Trainees
- I Foreign Media Representatives
- J-1 Exchange Visitors
- K-1 Fiance (e) of U.S. Citizens
- L-1 Intracompany Transferees

M	Vocational Students
TN	NAFTA Professionals
O-1	Aliens with Extraordinary Ability in Sciences, Arts, Education, Business, or Athletics
O-2	Accompanying and Assisting O-1 Nonimmigrants
P-1	Internationally Recognized Artists and Athletes
P-2	Culturally Unique Artists and Entertainers
P-3	Coaches and Trainers of P-1 Aliens
Q	Cultural Exchange Program Visitors
R	Religious Occupations

APPENDIX 3 IMMIGRANT VISA CATEGORIES

Employment-Based Immigration

1. Priority Workers

- A. Aliens of Extraordinary Ability in the Arts, Sciences, Education, Business, or Athletics
- B. Outstanding Professors and Researchers
- C. Intra-company Transferee Managers and Executives

2. Professionals with Advanced Degrees and Aliens of “Exceptional Ability” in the Arts, Sciences, or Business

3. Other Professionals and Skilled/Unskilled Workers

4. Investors and Entrepreneurs

5. Special Immigrants

Family-Based Immigration

1. Unmarried Sons and Daughters of U.S. Citizens

2. Spouses and Children and Unmarried Sons and Daughters of Permanent Residents

3. Married Sons and Daughters of U.S. Citizens

4. Brothers and Sisters of Adult U.S. Citizens

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ATLANTA

1500 Resurgens Plaza
945 East Paces Ferry Road
Atlanta, GA 30326-1125
(404) 231-1400

CHICAGO

140 South Dearborn
Suite 420
Chicago, IL 60603-5202
(312) 346-8061

FT. LAUDERDALE

One Financial Plaza
Suite 2300
Ft. Lauderdale, FL 33394-2600
(954) 525-4800

IRVINE

18400 Von Karman Ave.
Suite 400
Irvine, CA 92612
(949) 851-2424

NEW ORLEANS

201 St. Charles Avenue
Suite 3710
New Orleans, LA 70170-3710
(504) 522-3303

SAN DIEGO

591 Camino De La Reina
Suite 1100
San Diego, CA 92108
(619) 296-8977

SAN FRANCISCO

Three Lagoon Drive
Suite 345
Redwood City, CA 94065-1567
(650) 592-6160

**FISHER &
PHILLIPS LLP**
ATTORNEYS AT LAW