

	Agency Name	Office of Family Support (OFS)			
	Chapter No./Name	06 - Personnel Manual			
	Part No./Name	F. Equal Employment Opportunity/Affirmative Action Program			
	Section No./Name	F-1000 Immigration Reform and Control Act			
	Document No./Name	F-1010 Immigration Reform and Control Act			
	Dates	Issue	August 1, 2005	Effective	August 1, 2005

The Immigration Reform and Control Act of 1986 (IRCA) affects all American employers. The U.S. Department of Justice, Immigration and Naturalization Service has jurisdiction over its administration and enforcement.

Generally, the four broad categories of IRCA are: (1) The employer's duty not to hire or continue to employ "unauthorized aliens"; (2) The employer's duty is to verify the identity and work authorization of every new employee; (3) The employer's duty not to discriminate on the basis of citizenship or national origin and (4) The "amnesty" rights of certain illegal aliens.

Two "grace periods" were established in the IRCA law. The first was a "public information period" for six months from December 1, 1986, until May 31, 1987, when no penalties were imposed for violation of the unlawful employment and verification rules. The second was a twelve-month period from June 1, 1987, to May 31, 1988, where no penalties were imposed for an employer's first violation of the law. However, after the first violation or after May 31, 1988, the full range of the penalties apply. Employers having questions about IRAC may contact the Immigration and Naturalization Service (INS) office. The Baton Rouge INS office may be contacted by calling Area Code (504) 389-0231 and in New Orleans by calling Area Code (504) 589-6969. For general information there is a toll free number, 1-800-777-7700.

A Form I 9, "Employment Eligibility Verification", must be completed within three business days of the date of hire for each new employee hired after November 7, 1986, unless employment was terminated by June 1, 1987. A "new employee" is defined as any employee hired by the State of Louisiana after November 7, 1986.

Cost Center Managers are responsible for retaining the form for at least three years. If the employee remains on board for more than three years, the form must be retained for the entire period of employment, including one year after the person leaves employment.

Cost Center Managers who fail to properly complete, retain, and present for inspection the Form I 9, as required by law, may face civil fines of not less than \$100 and not more than \$1000 for each employee for whom the form was not completed, retained, or presented.