

### **Sample Letter: Document Abuse**

You may wish to use the sample letter on the next page if you have applied for a job and, as part of the Form I-9 verification process, the employer made you provide only certain documents, or required more or different documents than are legally required by the Form I-9. For example, this could occur if the employer says *you* cannot choose which documents from the list on the Form I-9 to present or if the employer refuses to accept a combination of documents that are permitted by the Form I-9.

Legal Aid at Work cannot ensure the information in this sample letter is current, or be responsible for any use it is put to. It is always best to consult with an attorney about your particular situation to determine your rights and the best steps to take when you think your rights may have been violated. If you would like to speak to someone, you can contact our [workers' rights clinics](#). You can also review our fact sheet on [document abuse](#).

### **IMMIGRANT WORKERS**

It is illegal for employers to retaliate against any worker because she asserts her workplace rights—for example, by contacting federal immigration authorities. Unfortunately, this type of retaliation does happen, and it can have serious consequences for immigrant workers. If you lack legal status or work authorization in the United States, you should consult with an immigration attorney about the risks employer retaliation could entail for you.

[DATE]

[EMPLOYER'S NAME]

[EMPLOYER'S ADDRESS]

Dear [Name of employer]:

I applied for a position with you on [date of application]. As part of the Form I-9 employment verification process, you [describe what the employer did; for example, "required that I give you a U.S. passport", or "refused to accept my green card"]. I am writing to let you know that I believe these actions are in violation of federal law and to request that you accept the documents I have chosen from the list of documents on the Form I-9.

The Immigration Reform and Control Act of 1986 ("IRCA") prohibits employers from requesting more or different employment authorization documents than those listed as permissible on the Form I-9<sup>1</sup> or refusing to accept documents that on their face reasonably appear to be genuine. 8 U.S.C. § § 1324a(b). The Form I-9 lists the documents that an employee can present to demonstrate work eligibility and the employee—not the employer—chooses which of these documents to present. In fact, IRCA prohibits employers from specifying which of the many possible combinations of documents employees may present to satisfy their I-9 obligations. 8 U.S.C. § 1324a(b)(1)(A).

In light of the above, I ask that you allow me to present documents of my choosing from the list of permissible documents on the Form I-9.

Sincerely,

[YOUR NAME]

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<sup>1</sup> See Form I-9, page 9, available at <https://www.uscis.gov/sites/default/files/files/form/i-9.pdf>