

**Update;**

## **Finding a Legal Nanny**

The Washington Post

February 10, 1993, Wednesday, Final Edition

Copyright 1993 The Washington Post

**Section:** STYLE; PAGE B5; STYLE PLUS; FEATURE

**Length:** 822 words

**Byline:** Sally Squires, Washington Post Staff Writer

**Series:** Occasional

### **Body**

---

As the recent Zoe Baird and Kimba Wood difficulties illustrate, **finding** a **nanny** who not only cares for your child, but also is **legal** to work, can be difficult.

Part of the complexity stems from IRCA -- the Immigration Reform and Control Act -- passed in 1986. IRCA applies to all employers in the United States, requiring them to hire only those legally authorized to work.

But for those trying to do the right thing by hiring **legal** workers, the technicalities can be confusing at best. For instance, so-called "green" cards no longer are green. There are 16 different versions of Social Security cards, and there is a little-known anti-discrimination amendment, section four of IRCA, that can leave employers feeling caught in a Catch-22.

Section four is designed to protect those who may appear or sound "foreign," but in fact are **legal** to work in the United States. Several readers -- including Cecilia Munoz, senior immigration policy analyst of National Council of La Raza, a Hispanic civil rights organization based in the District -- have expressed concern that in the quest to hire **legal** employees, employers will inadvertently discriminate against perfectly **legal** workers who speak with an accent, appear to be foreign-born, or have a foreign-sounding surname.

Technically, the anti-discrimination section of IRCA applies only to those employing four or more workers, usually not the average family seeking in-home child-care for their offspring, says William Ho-Gonzalez, special counsel for immigration-related unfair employment practices at the Department of Justice.

But by asking for specific documents, such as a green card, families can "violate the spirit of the law," Ho-Gonzalez says, "even though they would not be subject to prosecution by our office."

What gets confusing is understanding which documents can be used to show work authorization. "The green card is not the only one," Munoz says. "There are over a dozen documents that establish work authorizations."

One of the simplest means to identify an authorized worker is by looking at either a valid driver's license or state ID card with photo or description plus an unrestricted Social Security card. Any candidate who can supply these documents "has fulfilled all the requirements for verifying work authorization," Ho-Gonzalez says.

Prospective employees who can show one of the following documents also are **legal** to employ, according to the Department of Justice:

## Update;Finding a Legal Nanny

U.S. passport;

Unexpired foreign passport with I-551 stamp or with I-94 form with the words "Employment Authorized";

Certificate of U.S. Citizenship (N-560 or N-561);

Alien Registration Receipt Card or Resident Alien Card with photo (I-151 or I-551);

Temporary Resident Card (I-688);

INS Work Permit (I-688A or I-688B);

Unexpired Refugee Travel Document (I-571);

Unexpired Re-entry Permit (I-327).

In addition, candidates for a position may verify their identify by producing such documents as a school ID, U.S. military ID or draft card, Federal, state or local government ID with photo or description, Canadian driver's license, Native American Tribal ID or a voter's registration card.

Then, if they also can produce one of the following for work authorization, they can be legally employed: Social Security card (unless stamped not valid for employment); U.S. birth certificate (including Puerto Rico, Guam and U.S. Territories); Certification of Birth Abroad of U.S. Citizen (FS-545 or DS-1350); document from INS with words "Employment Authorized," U.S. Citizen ID (I-197); Resident Citizen Card (I-179) or a Native American Tribal ID.

"The key," says Munoz, "is never to make assumptions. You can have an Irish person or a Canadian person who looks so American and turns out to be an undocumented worker, or you can have someone named Maria Hernandez, with dark skin and dark hair, whose family has lived in the United States for six generations. The important thing is to treat everyone in the same way."

More questions? Call the Office of Special Counsel at the Justice Department. Locally, phone 202-616-5594, or call the toll-free number, 1-800-255-7688. You also can write to the Special Counsel at the U.S. Department of Justice, P.O. Box 27728, Washington, D.C. 20038-7728.

Additional information also is available from the Handbook for Employers, published by the Internal Revenue Service and available from the IRS, the Justice department and the Immigration and Naturalization Service (write to the Employer and Labor Relations Office at the INS, 4420 N. Fairfax Drive, Arlington, Va. 22203). This 36-page booklet provides I-9 forms (which can be filled out by the new employee after being hired) for verification of employment eligibility. It also shows pictures of sample documents ranging from state ID cards and driver's licenses to various forms of the resident alien card, employment authorization cards and other documents.

## Classification

---

**Language:** ENGLISH

**Subject:** DISCRIMINATION (90%); RECRUITMENT & HIRING (90%); PASSPORTS & VISAS (89%); IMMIGRATION (89%); US FEDERAL GOVERNMENT (89%); FAMILY (89%); IMMIGRATION LAW (89%); JUSTICE DEPARTMENTS (86%); CITIZENSHIP (78%); PUBLIC POLICY (77%); CIVIL RIGHTS (74%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (74%); LAW ENFORCEMENT (74%); CHILD CARE (73%); HUMAN RIGHTS ORGANIZATIONS (69%); ASSOCIATIONS & ORGANIZATIONS (67%)

**Company:** DEPARTMENT OF JUSTICE (61%); NATIONAL COUNCIL OF LA RAZA (52%)

Update;Finding a Legal Nanny

**Organization:** NATIONAL COUNCIL OF LA RAZA (55%); NATIONAL COUNCIL OF LA RAZA (55%);  
DEPARTMENT OF JUSTICE (61%); NATIONAL COUNCIL OF LA RAZA (52%)

**Geographic:** UNITED STATES (92%)

**Load-Date:** October 14, 1993

---

End of Document