



## Worker Fact Sheet

# Employment Information for Afghans in the United States

**Afghans living and working in the United States may have a variety of citizenship or immigration statuses. This fact sheet provides general information about employment rights for some of those immigration statuses.**

Call the Immigrant and Employee Rights Section if

- You believe an employer didn't hire you because of where you are from or because of your citizenship or immigration status.
- You aren't sure which documents you can show to work in the United States.
- An employer rejects the acceptable documentation you show to work.

All assistance from our office is free and we provide free language services when you call.



## What's in this Document

- **Protections When Applying for Jobs**
- **Protections When Showing an Employer Your Permission to Work**
- **Information for Afghans Granted Humanitarian Parole**
- **Information for Afghan Lawful Permanent Residents, Including Special Immigrant Visa Holders**



## Contact

For questions about this fact sheet, call the Civil Rights Division's **Immigrant and Employee Rights Section** at

**1-800-255-7688**

### Protections When Applying for Jobs

An employer that refuses to hire you because of your citizenship or immigration status even though you have permission to work may be violating the Immigration and Nationality Act found at **8 U.S.C. § 1324b**. Learn about **citizenship and immigration status discrimination** on the Civil Rights Division's website.

An employer that refuses to hire you because you are from Afghanistan may be violating the Immigration and Nationality Act or other laws. The Equal Employment Opportunity Commission's website has information on **national origin discrimination**.

Other laws may also protect you from other types of employment discrimination.

### Protections When Showing an Employer Your Permission to Work

When you get a new job, your employer gives you a **Form I-9**. Your employer will ask you to complete the first part of the form, called Section 1. The purpose of the Form I-9 is for your employer to check your identity and your permission to work in the United States. You show your identity and permission to work by presenting documentation to your employer.

- You get to choose which documentation to show for the Form I-9 from the **Lists of Acceptable Documents** that your employer gives you with the Form I-9. Employers can't tell you which documentation to show.
- An employer that treats you differently based on your citizenship, immigration status, or national origin may be violating your rights.
- Learn more about the Form I-9 process on **I-9 Central** and in USCIS's **Handbook for Employers (M-274)**.
- If you are waiting to receive your Social Security number, you can start working if you have permission to work and documentation for the Form I-9. The **Internal Revenue Service**, the **Social Security Administration**, and the **Department of Homeland Security** have provided information on how employers can hire and pay workers waiting for their Social Security number.

### Information for Afghans Granted Humanitarian Parole

Workers granted parole through Operation Allies Refuge (OAR) and Operation Allies Welcome (OAW) can live and work in the United States for the period they have parole. You can find more

information, including information on applying for re-parole, on **USCIS's website**.

- If you have been granted parole through OAR or OAW, select “A noncitizen authorized to work” in Section 1 of the Form I-9 and enter the expiration date for your permission to work.
- Some examples of documentation that you might show for the Form I-9 include:
  - An Employment Authorization Document (EAD), which proves your identity and permission to work. Some Afghan parolees' EADs may be extended past the expiration date on their EAD. In that situation, you'll receive a notice (called an I-797C) that you can show with your EAD to prove the EAD is extended. You can get more information in this **USCIS guide**.
  - If you provide an EAD for the Form I-9, you will have to present documentation showing your continued permission to work by the time your EAD expires, including any EAD extension period. In this situation, you choose which **acceptable documentation** to present. You don't have to show the same type of document you showed when you were hired.
  - An unexpired Form I-94 with a class of admission of “PAR” (if the country of citizenship is Afghanistan) or class of admission “OAR.” These I-94s are a “receipt” that shows both your identity and permission to work. It is valid for 90 days from the day you begin work, or in the case of reverification, from the date your old document expired. By the end of the 90 days, you must show your employer either an EAD or a combination of a List B document and an unrestricted Social Security card.

### Information for Afghan Lawful Permanent Residents, including Special Immigrant Visa Holders

Some Afghans in the United States have lawful permanent residence in the United States based on a Special Immigrant Visa. Like other permanent residents, they can live and work in the United States permanently based on their status as a lawful permanent resident.

- If you are a lawful permanent resident, select “Lawful Permanent Resident” in Section 1 of the Form I-9.
- USCIS's **I-9 Central** website and the **Handbook for Employers (M-274)** discuss acceptable documents that

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lawful permanent residents can get, including:

- a state ID/driver's license
  - an unrestricted Social Security card
  - a foreign passport with an I-551 stamp or **Machine Readable Immigrant Visa (MRIV)**
  - an I-94 with a photo and I-551 stamp
  - a Permanent Resident Card or "green card"
- After completing the Form I-9, an employer usually cannot ask you to show documentation proving your permission to work again. One exception to this is if your documentation requires the employer to re-check it, such as a foreign passport containing either an I-551 stamp or an MRIV. When employers re-check this permission to work, you can show **your choice of acceptable documentation**. You don't have to show the same type of document you showed when you were hired.
  - Employers **aren't allowed** to re-check permission to work when a Permanent Resident Card expires.

More Immigrant and Employee Rights Section (IER) Resources

- **Information for Refugees and Workers Granted Asylum**
- **Information for Workers with Temporary Protected Status**
- **Information for Employers on How to Avoid Discrimination in the Form I-9 and E-Verify Processes**

U.S. Citizenship and Immigration Services (USCIS) Resources

- **Information for Afghan Nationals**
- **Re-parole Process for Certain Afghans**
- **A Quick Guide to Support the Afghan Workforce**

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## Contact



### Civil Rights Division, Immigrant and Employee Rights Section (IER)



- Call the Worker Hotline at **1-800-255-7688**
- For people with hearing disabilities **1-800-237-2515**
- Calls can be anonymous.
- Free language services are available.



- To learn more, visit **[justice.gov/ier](https://www.justice.gov/ier)**