



425 I Street NW  
Washington, DC 20536

**Attachment B-2**

**INS ALERT TO EMPLOYERS**

**VALIDITY OF DED-RELATED EMPLOYMENT AUTHORIZATION  
DOCUMENTS FOR CERTAIN HAITIAN NATIONALS  
EXTENDED FOR A SECOND TIME UNTIL SEPTEMBER 30, 2000**

This is to alert employers that the Immigration and Naturalization Service (INS) has automatically extended Deferred Enforced Departure (DED)-related employment authorization until September 30, 2000, for certain Haitian nationals.

This second extension of DED-related employment authorization for certain Haitian nationals was published in a notice in the Federal Register on December 20, 1999.

Prior to the DED program's termination on December 22, 1998, DED-related employment authorization for certain Haitian nationals was first extended for a year until December 22, 1999, as a result of a notice published in the Federal Register on December 14, 1998.

The second extension means certain Haitian nationals, whose DED-related work authorization was extended initially, have continued work authorization through September 30, 2000, even though the Employment Authorization Document (EAD) that they may present for their employment eligibility verification (Form I-9) may contain an earlier expiration date.

The second extension of DED-related employment authorization applies to Haitian nationals whose EAD may contain either:

- "A-11" on the face of the card under "Category," if the card was issued on Form I-766, or
- "274A.12(A)(11)" on the face of the card under "Provision of Law," if the card was issued on Form I-688B.

EAD cards or extension stickers showing the September 30, 2000, expiration date will not be issued.

### Purpose of the second extension of DED-related employment authorization

INS has granted a second extension of DED-related employment authorization until September 30, 2000, to provide DED-Haitian nationals with continuous employment authorization while they apply for lawful permanent residence and related benefits, including a new EAD, pursuant to the Haitian Refugee Immigration Fairness Act (HRIFA). Haitian nationals with DED-related work authorization, who will be applying as principal adjustment applicants, must apply for HRIFA-based adjustment of status by March 31, 2000. If the Service also receives a HRIFA-based employment authorization application by March 31, 2000, INS should have sufficient time to adjudicate that application and issue a new EAD by September 30, 2000, which is the date that the second extension of DED-related employment authorization is set to expire.

### Documents that qualified Haitian nationals can show an employer for I-9 purposes

For completion of the Form I-9 at the time of hire or re-verification, Haitian nationals who have received a second extension of DED-related employment authorization by virtue of the Federal Register notice of December 20, 1999, may present their DED-related EAD to their employer as proof of identity. To minimize confusion, employers may also be advised to register their files on or after December 20, 1999, with proof of employment eligibility and a copy of the Federal Register notice of December 20, 1999, presented with a copy of the Federal Register notice of December 20, 1999, or any other document, if the DED-related EAD appears to be genuine and to relate to the employee's work authorization for Haitian nationals.

Employers should not request proof of Haitian nationality if the DED-related EAD presented by the employee appears to be genuine. Note, however, that the second extension of DED-related employment authorization does not affect the right of such employees to present any combination of documents listed under List A, List B, or List C of the Form I-9 as proof of identity and eligibility for employment. Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force.

At the time of hire or re-verification for an employee who presents a DED-related EAD that has been automatically extended by the December 20, 1999, Federal Register notice, the employer should include or add the following information under Section 2 of the Form I-9, as appropriate:

(1) Identification information of the EAD; and  
(2) The document expiration date.

If the employer has a copy of the INS Alert to Haitians or a copy of the Federal Register notice of December 20, 1999, the employer should note on Form I-9 his or her review of these documents.

### Employers filling out Form I-9

To complete the Form I-9 at the time of hire or re-verification for an employee who presents a DED-related EAD that has been automatically extended by the December 20, 1999, Federal Register notice, the employer should include or add the following information under Section 2 of the Form I-9, as appropriate:

- (1) Record the document expiration date.
- (2) Record 9/30/2000 for the document expiration date.

If the employee also presents a copy of the INS Alert to Haitians or a copy of the Federal Register notice of December 20, 1999, the employer should note on Form I-9 his or her review of these documents.

**How employers can obtain further information**

Employers may call the INS' Office of Business Liaison Employer Hotline at 1-800-357-2099 to speak to an INS representative about this INS Alert to Employers. Employers may also call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155.

**U.S. Immigration and Naturalization Service  
Headquarters, Washington, D.C.  
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