



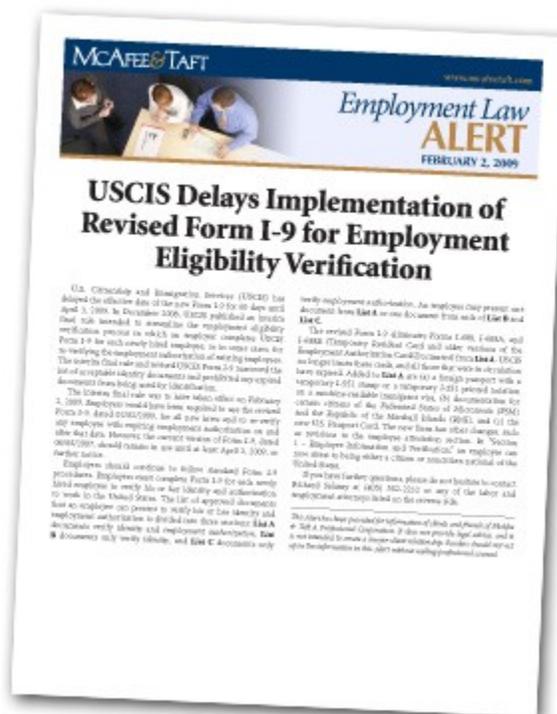
USCIS Delays Implementation of Revised Form I-9 for Employment Eligibility Verification

[Employment Law Alert - February 2, 2009](#)

U.S. Citizenship and Immigration Services (USCIS) has delayed the effective date of the new Form I-9 for 60 days until April 3, 2009. In December 2008, USCIS published an interim final rule intended to streamline the employment eligibility verification process in which an employer completes USCIS Form I-9 for each newly hired employee, or in some cases, for re-verifying the employment authorization of existing employees. The interim final rule and revised USCIS Form I-9 narrowed the list of acceptable identity documents and prohibited any expired documents from being used for identification.

The interim final rule was to have taken effect on February 2, 2009. Employers would have been required to use the revised Form I-9, dated 02/02/2009, for all new hires and to re-verify any employee with expiring employment authorization on and after that date. However, the current version of Form I-9, dated 06/05/2007, should remain in use until at least April 3, 2009, or further notice.

Employers should continue to follow standard Form I-9 procedures. Employers must complete Form I-9 for each newly hired employee to verify his or her identity and authorization to work in the United States. The list of approved documents that an employee can present to verify his or her identity and employment authorization is divided into three sections: **List A** documents verify *identity* and *employment authorization*, **List B** documents only verify *identity*, and List C



documents only verify *employment authorization*. An employee may present one document from **List A** or one document from each of **List B** and **List C**.

The revised Form I-9 eliminates Forms I-688, I-688A, and I-688B (Temporary Resident Card and older versions of the Employment Authorization Card/Document) from **List A**. USCIS no longer issues these cards, and all those that were in circulation have expired. Added to **List A** are (a) a foreign passport with a temporary I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa, (b) documentation for certain citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI), and (c) the new U.S. Passport Card. The new form has other changes, such as revisions to the employee attestation section. In “Section 1 – Employee Information and Verification,” an employee can now attest to being either a citizen or noncitizen national of the United States.

If you have further questions, please do not hesitate to contact Richard Salamy at (405) 552-2232 or any of the [Labor and Employment](#) attorneys.

Links

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OKLAHOMA CITY
TENTH FLOOR
TWO LEADERSHIP SQUARE
OKLAHOMA CITY, OK 73102-7103
(405) 235-9621 office • (405) 235-0439 fax

TULSA
500 ONEOK PLAZA
100 WEST 5TH STREET
TULSA, OK 74103
(918) 587-0000 office • (918) 599-9317 fax