



Legal Alert: USCIS Revises I-9 Form

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U.S. Citizenship and Immigration Services (USCIS) has published an interim final rule that narrows the list of documents employers may accept to verify employment authorization on the I-9 form. The revised Form I-9 becomes effective on February 2, 2009. At that time, employers will be required to use only the new form to verify the employment eligibility of new hires and reverify existing employees where necessary.

The I-9 form has three categories of documents that employers may accept for employment authorization verification: List A (documents that establish both identity and employment authorization); List B (documents that establish only identity); and List C (documents that establish only employment authorization). Employers may accept a document from List A or a combination of documents from Lists B and C as employment authorization verification.

The new Form I-9 requires that all employment verification documents presented during the I-9 process be unexpired. The new rule removes the following forms from List A: Form I-688, "Temporary Resident Card," and Forms I-688A and I-688B, "Employment Authorization Cards." USCIS no longer issues these cards, and all that were in circulation have expired. Additionally, the rule adds to List A three documents: (1) Foreign passports containing the I-551 permanent residence notation printed on a machine-readable immigrant visa. Currently, employers may accept an I-551 passport stamp or an I-551 permanent resident card; (2) passports from the Federated States of Micronesia and the Republic of the Marshall Islands with a valid Form I-94 or I-94A; and (3) the new U.S. Passport Card. The revised Form I-9 includes additional technical changes, such as revisions to the employee attestation section (Section 1).

The current version of the I-9 form, dated June 5, 2007, will no longer be available after the interim final rule takes effect. USCIS will accept comments on the interim final rule until February 2, 2009, and is expected to make the new form available by the time the rule becomes effective.

If you have any questions about the interim final rule or other business immigration issues, please contact Geetha Nadiminti, gnadiminti@fordharrison.com, 404-888-3940 or any member of Ford & Harrison's Business Immigration practice group.