

## [ Alerts and Updates ]

### Effective Date Requiring Employers to Use New I-9 Form Delayed

February 3, 2009

U.S. Citizenship and Immigration Services (USCIS) has delayed the effective date for use of the new Form I-9 Employment Eligibility Verification until April 3, 2009, according to an announcement issued by USCIS Acting Deputy Director Michael Aytes on January 30, 2009.

In our January 15, 2009 Alert, we reported that employers would be required to complete a new, revised Form I-9 for all newly hired workers, and for reverification of certain existing workers, beginning February 2, 2009. However, that requirement – which was set forth in an interim final rule published on December 17, 2008 – has now been delayed for a further 60 days "to allow additional public comment on the substantive legal and policy issues under this interim final rule." *Federal Register* Doc. 2009-2360 (January 30, 2009). In addition, according to USCIS, the 60-day extension "also provides DHS officials the opportunity for further review and consideration of the interim final rule."

The public comment period has been extended for 30 days, until March 4, 2009, and the interim final rule will not take effect until April 3, 2009. **Until the interim final rule takes effect, no obligation exists for employers to use the new Form I-9.**

We will continue to closely follow developments in this area and will issue updated Alerts as events warrant.

#### For Further Information

If you have any questions about the completion and recordkeeping of Form I-9 for your employees, please contact any of the attorneys in our Employment & Immigration Practice Group or the attorney in the firm with whom you are regularly in contact.

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