

Employers Need to Know

Employment Law Alerts from Ober|Kaler's Employment & Labor Group

Employment & Labor Group

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Revised Employment Verification Form I-9 Effective April 3, 2009

The Employment Verification Form, commonly known as Form I-9, has been revised by the United States Citizenship and Immigration Services (USCIS). The recently revised form, which went into effect Friday, April 3rd, must now be used to verify the identity and employment eligibility of all newly hired employees or to re-verify employees with expiring employment authorization.

The majority of changes to Form I-9 affect List A documents, which verify employment eligibility and identity.

- Temporary Resident Cards, Form I-688; Employment Authorization Cards, both Form I-688A and Form I-688B; have been removed from List A as acceptable identification documents. These forms are no longer issued by USCIS and all previously issued forms are now expired. The expired forms are older versions of the Employment Authorization Document, Form I-766, which remains an acceptable form of List A identification.
- U.S. Passport Cards have been added to List A as an acceptable form of identification. Also added are foreign passports that contain a temporary I-155 notation on machine-readable immigrant visas, as well as passports from the Federated States of Micronesia and the Republic of the Marshall Islands (only if presented in conjunction with an I-94 or I-94A arrival/departure record).

Social Security account number cards, which state that issuance of the card does not authorize work in the U.S., are not acceptable forms of List C identification on the revised Form I-9.

Section 1 of Form I-9 has been changed to include a separate status box for U.S. noncitizen nationals. Previously, U.S. citizens and U.S. noncitizen nationals were included together as one status option. A definition of a U.S. noncitizen national is included in the Form's instruction section.

Finally, the revisions do not permit any identifying document to be expired.

The revised Form I-9 can now be downloaded at www.uscis.gov/i-9.

For questions or concerns regarding how the revisions will affect your company, please contact your Ober|Kaler attorney or any member of Ober|Kaler's **Employment & Labor Group**.

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