



# Employment Law ALERT

APRIL 2, 2009

## USCIS Requires Use of New Form I-9

In December 2008, U.S. Citizenship and Immigration Services (USCIS) published an interim final rule that revised the Lists of Acceptable Documents for Form I-9, Employment Eligibility Verification, as well as publishing a new Form I-9, dated 02/02/09. The Obama Administration delayed the implementation of the new Form I-9 to allow additional public comment, but the new Form I-9 is scheduled to become official on Friday, April 3, 2009. Starting on that date, employers will be required to use the revised Form I-9 for all new hires and to re-verify any current employee whose employment authorization expires on or after April 3, 2009. An employer may not re-verify a current employee by completing "Section 3 – Updating and Reverification" on a previous version of Form I-9.

The current edition of Form I-9, dated 06/05/2007, will no longer be acceptable on or after April 3, 2009. Employers who continue to use the 06/05/2007 edition of Form I-9 on and after April 3 may be subject to civil money penalties. The revised Form I-9 and the updated Handbook for Employers, Instructions for Completing the Form I-9 (M-274), are available at [www.uscis.gov](http://www.uscis.gov).

The new Form I-9 makes changes to the acceptable List A documents offered to prove the employee's identity and authorization to work. Three documents have been added to List A (Documents that Establish Both Identity and Employment Authorization) on the Lists of Acceptable Documents:

- A temporary I-551 printed notation on a machine-readable immigrant visa in addition to the foreign passport with a temporary I-551 stamp;
- A passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with a valid Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; and
- A U.S. Passport Card.

Three documents were removed from List A on the Lists of Acceptable Documents:

- Form I-688, Temporary Resident Card;
- Form I-688A, Employment Authorization Card; and
- Form I-688B, Employment Authorization Card.

Department of Homeland Security  
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 06/30/09  
**Form I-9, Employment Eligibility Verification**

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)**

Print Name: Last First Middle Initial Maiden Name

Address (Street Name and Number) Apt. # Date of Birth (month/day/year)

City State Zip Code Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

A citizen of the United States.  
 A noncitizen national of the United States (see instructions).  
 A lawful permanent resident (Alien #) \_\_\_\_\_  
 An alien authorized to work (Alien # or Admission #) \_\_\_\_\_ until (expiration date, if applicable - month/day/year) \_\_\_\_\_

Employee's Signature Date (month/day/year)

**Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.**

Preparer's/Translator's Signature Print Name

Address (Street Name and Number, City, State, Zip Code) Date (month/day/year)

**Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A, OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)**

Document title:	List A	OR	List B	AND	List C
Issuing authority:					
Document #:					
Expiration Date (if any):					
Document #:					
Expiration Date (if any):					

**CERTIFICATION:** I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, and that to the best of my knowledge the employee is authorized to work in the United States. (State Signature of Employer or Authorized Representative Print Name Title)

Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) Date (month/day/year)

**Section 3. Updating and Reverification (To be completed and signed by employer.)**

A. New Hire (if applicable) B. Date of Rehire (month/day/year) (if applicable)

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title:	Document #:	Expiration Date (if any):

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative Date (month/day/year)

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Another significant change is that employees must now present only unexpired documents for Form I-9. Previously, USCIS had authorized employers to accept certain expired documents as evidence of an employee's identity.

There are no changes in the procedure by which Form I-9 is completed by the employer and the employee.

If you have any questions concerning the new Form I-9, please contact one of our attorneys listed on the reverse side.

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