



Thompson Coburn LLP | One US Bank Plaza | St. Louis, MO 63101

U.S. Citizenship and Immigration Services Revises Employment Eligibility Verification Form I-9

U.S. Citizenship and Immigration Services (“USCIS”) has released a revised Form I-9, which all employers must use to verify the identity and employment eligibility of new hires. Employers should begin using the new Form I-9 immediately; however, prior versions of the form may be used until May 7, 2013.

When a person is hired to perform labor or services in the United States, the employer has an obligation to verify the employee’s identity and work authorization. Proper completion and retention of Form I-9 is a critical step of the hiring process for all employers.

Both the prior and the revised versions of Form I-9 contain three Sections. Section 1 of Form I-9 requests biographic information about the employee and must be completed by the employee on or before the first day of employment. Section 2 is completed by the employer and requires the employee to present the employer with original documents verifying the employee’s identity and employment authorization. The employee must present these documents within three business days of the date employment begins. A complete list of acceptable documents is included along with Form I-9.

Section 3 of Form I-9 must be completed by the employer when an employee’s work authorization documents expire, or when the employer rehires an employee within three years of the date the previous I-9 was completed.

Important Changes to Form I-9

The revised Form I-9 includes additional data fields, such as the employee’s foreign passport number (if applicable), telephone number, and e-mail address.

Completion of the telephone and e-mail address fields is voluntary, and employees may write "N/A" if they choose not to disclose their telephone numbers or e-mail addresses.

The instructions accompanying the new Form I-9 have been revised and expanded to provide additional guidance regarding the timing for completion of Form I-9. USCIS has updated the M-274 [Handbook for Employers](#), which provides detailed guidance on completing Form I-9 and its associated timing requirements.

Handling Reverification and Rehiring

Employers should use the new Form I-9 when reverifying an existing employee's work authorization. Additionally, if an employer rehires an employee within three years of the date the prior Form I-9 was completed, the employer should use the new Form I-9, and should complete Section 3. If more than three years have passed since the date of the previous I-9, the employer should complete a new Form I-9.

Please note that employers should not complete new Form I-9s for current employees who already have a properly completed Form I-9 on file. Unnecessary verification of existing employees may result in a violation of antidiscrimination provisions of the Immigration and Nationality Act.

The revised Form I-9 is available in English at <http://www.uscis.gov/files/form/i-9.pdf> and Spanish at http://www.uscis.gov/files/form/i-9_spanish.pdf. The Spanish version may only be used by employers in Puerto Rico.

Should you have questions regarding the new Form I-9, please contact your Thompson Coburn attorney or a member of our Immigration Group.

Laura M. Jordan	314-552-6469	ljordan@thompsoncoburn.com
Linda L. Shapiro	314-552-6107	lshapiro@thompsoncoburn.com
Kelly E. Simon	314-552-6537	ksimon@thompsoncoburn.com

Thompson Coburn LLP
Chicago | St. Louis | Southern Illinois | Washington, D.C.
www.thompsoncoburn.com

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