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USCIS Issues Revised Employment Eligibility Verification Form I-9

On November 7, 2007, U.S. Citizenship and Immigration Services (USCIS) announced that it was issuing its long-awaited revised Form I-9, the Employment Eligibility Verification Form. The new Form I-9 formalizes a reduced number of acceptable documents for employment eligibility verification. The documents officially removed from the list of acceptable documents are:

- Certificate of U.S. Citizenship (Form N-560 or N-570);
- Certificate of Naturalization (Form N-550 or N-570);
- Alien Registration Receipt Card (Form I-151);
- the unexpired Reentry Permit (Form I-327); and
- the unexpired Refugee Travel Document (Form I-571).

The Employment Authorization Document (Form I-766) was **added** to List A of Acceptable Documents.

The new form and the Employer Handbook (M-247) are available as downloadable PDFs at <http://www.uscis.gov/I-9> and <http://www.uscis.gov/files/nativedocuments/m-274.pdf>, or can be ordered over the phone by calling the National Customer Service Center at (800) 375-5283. Please note, the instructions to Form I-9 now confirm that

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employees are only required to provide a Social Security Number if the employer is a participant in USCIS Electronic Employment Eligibility Verification Program (“E-Verify”). USCIS also encourages employers to begin using the new Form I-9 immediately.

In 1997, the Immigration and Naturalization Service (INS), the agency now known as USCIS, published an interim final rule in the Federal Register implementing the changes to the documents that employers could accept from newly hired employees as described in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). However, USCIS never issued the revised Form I-9, leading to some confusion on the part of employers seeking to properly verify the employment eligibility of newly hired employees. USCIS’s issuance of the updated Form I-9 finally brings the list of acceptable documents on the form in line with the provisions outlined in the IIRIRA in 1996.

Action Items for Employers

- Once the updated form is published in the Federal Register, previous versions of the form will become invalid, and employers who continue to use these expired forms after the effective date may incur fines and penalties for failing to use the new Form I-9. **We recommend that our clients begin using this new Form I-9 immediately.**
- Employers are only required to use the new Form I-9 for new employees and are not required to reprocess current employees using the new Form I-9. However, the new Form I-9 is required for all employment eligibility reverification moving forward.

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If you would like more information on any immigration matter, please contact your immigration attorney

<http://www.jdsupra.com/post/documentViewer.aspx?fid=e531c0f6-2803-4fc1-a967-f92a4da59a14>
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