# **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**.

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 machinereadable 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 Service		OMB No. 1615-0047; Expires 06/30/0 Form I-9, Employmen Eligibility Verificatio			
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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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## MCAFEE & TAFT LABOR & FMPLOYMENT ATTOR POCUMENT ASSESSMENT ASSESSMENT ATTOR POCUMENT ASSESSMENT ATTOR POCUMENT ASSESSMENT ASSESSME

#### **LAUREN E. BARGHOLS**

lauren.barghols@mcafeetaft.com (405) 552-2343

#### **HEIDI SLINKARD BRASHER**

heidi.brasher@mcafeetaft.com (918) 574-3012

#### TIMOTHY J. BOMHOFF

tim.bomhoff@mcafeetaft.com (405) 552-2339

#### **BRANDON L. BUCHANAN**

brandon.buchanan@mcafeetaft.com (405) 552-2307

#### **VICKIE J. BUCHANAN**

vickie.buchanan@mcafeetaft.com (405) 552-2331

#### JOHN A. BURKHARDT

john.burkhardt@mcafeetaft.com (918) 574-3001

#### **TODD COURT**

todd.court@mcafeetaft.com (405) 552-2330

#### **REUBEN DAVIS**

reuben.davis@mcafeetaft.com (918) 574-3008

#### **JACQUE BRAWNER DEAN**

jacque.dean@mcafeetaft.com (405) 552-2364

#### **BRADLEY K. DONNELL**

brad.donnell@mcafeetaft.com (405) 552-2308

#### **MARK FOLGER**

mark.folger@mcafeetaft.com (405) 552-2327

#### SAM R. FULKERSON

sam.fulkerson@mcafeetaft.com (405) 552-2369

#### **GERALD L. HILSHER**

gerald.hilsher@mcafeetaft.com (918) 574-3036

#### **RODNEY K. HUNSINGER**

rodney.hunsinger@mcafeetaft.com (405) 552-2275

#### **MICHAEL F. LAUDERDALE**

michael.lauderdale@mcafeetaft.com (405) 552-2257

#### **ANDREW S. LONG**

andy.long@mcafeetaft.com (405) 552-2293

#### LINCOLN C. MCELROY

lincoln.mcelroy@mcafeetaft.com (918) 574-3011

### **CHARLES S. PLUMB**

charlie.plumb@mcafeetaft.com (918) 574-3003

#### **TONY G. PUCKETT**

tony.puckett@mcafeetaft.com (405) 552-2251

#### TAMARA S. PULLIN

tamara.pullin@mcafeetaft.com (405) 552-2290

#### **NATALIE K. RAMSEY**

natalie.ramsey@mcafeetaft.com (405) 552-2325

#### **PAUL A. ROSS**

paul.ross@mcafeetaft.com (405) 552-2383

#### **RICHARD J. SALAMY**

richard.salamy@mcafeetaft.com (405) 552-2232

#### KRISTIN M. SIMPSEN

kristin.simpsen@mcafeetaft.com (405) 552-2395

#### **JOSHUA W. SOLBERG**

josh.solberg@mcafeetaft.com (405) 552-2345

#### MARK D. SPENCER

mark.spencer@mcafeetaft.com (405) 552-2368

#### PETER T. VAN DYKE

peter.vandyke@mcafeetaft.com (405) 552-2211

#### **SUSAN E. WALKER**

susan.walker@mcafeetaft.com (918) 574-3014

#### **DARA K. WANZER**

dara.wanzer@mcafeetaft.com (405) 552-2340

#### **JAMES R. WEBB**

jim.webb@mcafeetaft.com (405) 552-2246

#### NATHAN L. WHATLEY

nathan.whatley@mcafeetaft.com (405) 552-2365

#### **AMY D. WHITE**

amy.white@mcafeetaft.com (405) 552-2337

#### **ELIZABETH SCOTT WOOD**

elizabeth.wood@mcafeetaft.com (405) 552-2270



www.mcafeetaft.com