

## New Form I-9 Affects Employers

On November 7, 2007, U.S. Citizenship and Immigration Services (USCIS) announced the release of a revised Form I-9, Employment Eligibility Verification Form. All employers are required to complete a Form I-9 for each employee hired in the United States. USCIS recommends that employers start using the new Form I-9 immediately, although the new form will not be required until 30 days after a notice is published in the Federal Register (expected to occur shortly). After the effective date of the notice in the Federal Register, employers may incur fines and penalties for failing to use the new form.

The revised Form I-9 removes five documents from List A (Documents that Establish Both Identity and Employment Eligibility) and adds one document to List A.

The new List A includes:

1. a U.S. passport;
2. a Permanent Resident Card (Form I-551);
3. an unexpired foreign passport with a temporary I-551 stamp;
4. an unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, or I-688B); and
5. an unexpired foreign passport with an unexpired Form I-94 Arrival-Departure Record showing nonimmigrant status and authorization to work for the employer.

The following five documents were removed from List A:

1. Certificate of U.S. Citizenship (Form N-560 or N-561);
2. Certificate of Naturalization (Form N-550 or N-570);
3. Alien Registration Receipt Card (I-151);
4. Unexpired Reentry Permit (Form I-327); and
5. Unexpired Refugee Travel Document (Form I-571).

The documents listed above were removed because they do not include photographs that prove identity.

The revised list of acceptable documents applies to both initial hires and re-verification of existing employees. Employers are not required or permitted to complete new Form I-9s for existing employees unless and until the employees are otherwise subject to re-verification (for example, if an employee's status is expiring).



The new Form I-9 contains a revision date of June 5, 2007 and is available on the USCIS website at <http://www.uscis.gov/files/form/I-9.pdf>.

A new Handbook for Employers – Instructions for Completing the Form I-9 also has been issued and is available on the USCIS website at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

## Contact Information

If you have any questions concerning these or any immigration matters, please contact:

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