

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

At the beginning of November 2007, the U.S. Citizenship and Immigration Services (“USCIS”) announced that it revised its Employment Eligibility Verification Form (I-9). Since 1986, all employers in the U.S. have been required to complete an I-9 Form for each new employee hired. Failure to do so subjects the employer to sanctions and fines.

According to USCIS, the purpose of the revision is to ensure the I-9 Form fully complies with the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The key revisions are certain List A documents were removed and are no longer acceptable to prove both identity and employment eligibility.

Employers should no longer accept for I-9 Form verification purposes the following documents: (1) Certificate of Citizenship (Form N-560 or N-570); (2) Certificate of Naturalization (Form N-550 or N-570); (3) Alien Registration Receipt Card (Form I-151); (4) Reentry Permit (Form I-327); and (5) Refugee Travel Document (Form I-571). It is the position of USCIS that starting immediately, employers may not accept these documents.

One sole addition that USCIS made to the list of acceptable documents is the new Employment Authorization Document (Form I-766).

Although use of the new I-9 Form is not yet mandatory, USCIS has strongly encouraged that all employer begin using the form immediately. Once the form has been published in the Federal Register, employers who continue to use the old form for new employees will be subject to fines and other penalties. The form is available on the USCIS website at <http://www.uscis.gov>. Also available on the website is the revised Handbook for Employers (M-274). The handbook gives employers detailed instructions on how to properly complete the new I-9 Form. The last time the USCIS has revised the handbook was in the 1990’s.

Use of the new I-9 Form is only necessary for new employees hired after November 2007. Employers do not need to redo the verification forms for existing employees. However, for employees who need to be re-verified (e.g., employees whose work authorization is expiring), the employer should utilize the new form.