

REVISED FORM I-9: THE MORE THINGS CHANGE...

Labor & Employment Alert
November 28, 2007

The United States Citizenship and Immigration Service (USCIS), a Division of the Department of Homeland Security, released a new Form I-9, Employment Eligibility Verification Form, on November 7, 2007. Employers will be required to begin using the new form on December 26, 2007 and will be subject to fines and sanctions if they use the outdated I-9 Forms. Accordingly, it is recommended that employers immediately begin using the new I-9 forms for new hires.

The long-awaited revision of Form I-9 has surprisingly little by way of changes to the form itself. The new I-9 looks almost exactly like the old Form I-9. Employers can distinguish the new version by its identification as “Form I-9 (Rev. 06/05/07) N” written in the lower, right-hand corner of the Form.

The changes that were made largely concern what documents employees can present to establish identity and employment eligibility. Five documents have been removed from list “A” and, thus, can no longer be used to verify identity or employment eligibility. The following are the five documents that were removed:

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

In addition to these changes, the Unexpired Employment Authorization Document (Form I-766) has been added to list “A” as an acceptable document for proving identity and employment authorization. And, in a housekeeping alteration, all USCIS Employment Authorization Documents (i.e., Forms I-688, I-688A, I-688B, and the newly added I-766) with photographs in circulation are now included as one item on list “A.”

Together with the new I-9 Form, USCIS also released a revised “Handbook for Employers, Instructions for Completing the Form I-9” to assist employers with I-9 compliance. The new Handbook provides a summary of what documents can and cannot be accepted as well as a discussion of the other minor changes to the Form I-9. It also includes some needed revisions and clarifications on electronic retention of I-9 forms, the E-Verify program, unique immigration classifications, Social Security Numbers, and penalties. Employers can obtain a copy of the new Form I-9

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and the revised Handbook from the USCIS Web site at <http://www.uscis.gov/portal/site/uscis>,
and can also access a copy of the New Form I-9 at <http://www.uscis.gov/files/form/I-9.pdf>.

