



NEW I-9 Employment Eligibility Verification Form

Client Advisories

12.13.2007

The USCIS has announced that, beginning on December 26, 2007, employers must begin using a new Form I-9 to establish employment eligibility, or face fines and penalties for failing to do so.

Originally announced by the USCIS on November 8, 2007, the new Form I-9 (attached to this e-alert) eliminates certain documents formerly acceptable for establishing an individual's legal right to work in the United States. Initially, the USCIS stated that employers could use either the old or new Form I-9 during a transition period. However, in the November 26, 2007 Federal Register, the USCIS announced that the transition period would last only 30 days, i.e., only until December 26, 2007.

The major revision to the new Form I-9 is the elimination of five documents from List A of "Acceptable Documents" that prove both identity and employment authorization. As of December 26, employers can no longer accept the following documents from newly-hired employees:

- 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)
- Unexpired Refugee Travel Document (Form I-571)

The new Form I-9 added to List A one new acceptable document

- Unexpired Employment Authorization Document that contains a photograph (I-766, I-688, I-688A, I-688B)

The instructions for completing the new Form I-9 state that the employee is not obligated to provide a social security number unless the employer participates in the E-verify system. The instructions further include information on electronic document signing and retention.

The Form I-9 is the critical document used by employers to verify employment eligibility in the U.S. The law requires all employers to complete and retain a Form I-9 for every employee hired.

The illegal employment of unauthorized workers in the U.S. has become a hot topic of our times, and future immigration reform. It is vital for employers to understand, and fully comply with, worker eligibility requirements, including proper use of the new Form I-9.

The new Form I-9 is attached to this e-alert. The “Handbook for Employers, Instructions for Completing the Form I-9” (M-274) is available online at www.uscis.gov. All employers are encouraged to review this information for accurate accounting of their employees and compliance in the event of an audit.

If you have any questions about the new Form I-9, or any other aspect of immigration and the workplace, please contact Gregory Palakow, Esq., Chair of Archer’s Immigration Practice Group, at 908-788-9700, or gpalakow@archerlaw.com.

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Related People



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Attachments

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