

U.S. Citizenship & Immigration Services Releases New I-9 Form for Employment Eligibility Verification

an important update for our clients

THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 (IIRIRA) mandated a reduction in the number of documents that employers may accept from newly-hired employees during the employment eligibility verification process. Until now, the U.S. Citizenship & Immigration Services (USCIS) has used an outdated version of Form I-9, which failed to indicate that a number of documents were no longer acceptable.

USCIS has revised Form I-9 to bring it into compliance with the 1997 regulation as part of its ongoing efforts to reduce the number of documents used to confirm identity and work eligibility. The most significant change to the revised Form I-9 is the elimination of five documents from List A of the List of Acceptable Documents, which are as follows:

- 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 revision also added the Unexpired Employment Authorization Document (I-766) to List A, and identified all forms of the Employment Authorization Document with photograph currently in circulation as acceptable List A documents. There are no changes as to how the form is to be completed.

The Form I-9 with a revision date of June 5, 2007 is the **only** version of the form that is valid to confirm the identity and employment eligibility of employees hired on or after November 7, 2007. The revision date is printed on the lower right corner of the form and states "(Rev. 06/05/07) N." All previous versions of Form I-9, in English or Spanish, are no longer valid.

USCIS will also publish a Notice in the Federal Register announcing that it will not seek penalties against an employer for using a previous version of the Form I-9 during a 30-day transition period that begins on the date of publication of the Notice. After the transition period, employers who fail to use Form I-9

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(Rev. 06/05/07) N may be subject to all applicable penalties under Section 274A of the INA, 8 U.S.C. § 1324a, as enforced by U.S. Immigration and Customs Enforcement (ICE).

In conjunction with the release of the revised I-9 Form, the USCIS has also released the revised M-274, Employer Handbook, which

provides valuable guidance to employers regarding the I-9 employment eligibility verification process. The M-275, Employer Handbook is available online at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>. ☞

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Q u e s t i o n s ?

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