

Employment Edge 79th Edition (Immigration Issue) - New Form I-9 Published

November 1, 2007

IN THIS ISSUE:

■ New Form I-9 Published

After years of delay, the U.S. Citizenship and Immigration Services (USCIS) announced yesterday the release of a newly-revised I-9 Employment Eligibility Verification Form. The new form reduces the number of employment authorization documents that employers are allowed to rely on as proof of identity and employment eligibility.

USCIS is encouraging employers to start using the revised Form I-9 with new employees immediately. The form will actually become effective once the notice is published in the Federal Register, which is expected to happen in the very near future.

In its announcement USCIS reiterated that all employers are required to complete a Form I-9 for each employee hired in the United States. The agency also explained that the purpose of releasing the new form is to:

achieve full compliance with the document reduction requirements of the Illegal Immigration and Immigrant Responsibility Act of 1996 (IIRIRA), which reduced the number of documents employers may accept from newly hired employees during the employment eligibility verification process. The revised Form I-9 is a further step in USCIS' ongoing work toward reducing the number of documents used to confirm identity and work eligibility.

On the new I-9, five documents have been removed from the list (List A Acceptable Documents) of those that can be accepted to prove both identity and employment eligibility. The documents that have been removed from List A and are no longer accepted to prove both identity and employment eligibility include:

- Certificate of U.S. Citizenship (Form N-560 or N-570)
- Certificate of Naturalization (Form N-550 or N-570)
- Alien Registration Receipt Card (Form I-151)

- The unexpired Reentry Permit (Form I-327)
- The unexpired Refugee Travel Document (Form I-571).

USCIS explained that these forms have been removed because "they lack features to help deter counterfeiting, tampering and fraud."

Additionally, the most recent version of the Employment Authorization Document (Form I-766) has been added to List A on the revised form. Revised List A now includes:

- A U.S. passport (unexpired or expired)
- A Permanent Resident Card (Form I-551)
- An unexpired foreign passport with a temporary I-551 stamp
- An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, or I-688B)
- An unexpired foreign passport with an unexpired Arrival-Departure Record (Form I-94) for nonimmigrant aliens authorized to work for a specific employer.

Other changes to the form include clarification in the Instructions that an employer may not require an employee to provide a social security number on the I-9 unless the employer participates in e-Verify, the government's online SSN verification system. Also, the Instructions have been updated to reflect regulations finalized in 2006 allowing employers to electronically sign and store I-9 forms.

The revised form and the "Handbook for Employers, Instructions for Completing the Form I-9" are also available at www.uscis.gov.

If you have any questions about the new I-9 Form or other immigration law issues, please contact Mark Mathison.

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