



# Employment Edge 95th Edition - USCIS Delays Implementation of New Form I-9, Employment Eligibility Verification

February 2, 2009

On January 30, 2009, the United States Citizenship and Immigration Services (USCIS) announced a delay in implementation of a new Form I-9. The Form I-9 is a form that employers are required to complete for all newly hired employees to verify their identity and eligibility to work in the United States. The new Form I-9 had been scheduled to become effective for use beginning today, February 2, 2009. However, employers should delay any plans they had to begin using the new Form I-9 until further word from USCIS, because use of the new Form I-9 before it is effective may result in monetary penalties.

On December 17, 2008, USCIS published notice in the Federal Register of an interim final rule that revises the list of acceptable documents employers may use to verify an employee's identity when completing the Form I-9. The new form represents a revision intended to improve the security of the employment authorization verification process. The interim rule stated that the new Form I-9 would become effective for use beginning February 2, 2009. Under direction from the new administration, however, regulations introduced by the Bush administration that had not taken effect before January 20, 2009 (including the interim I-9 rule) must now be reviewed by the Obama administration before being given effect.

The expected effective date for the new Form I-9 is now April 3, 2009.

The proposed new form is not yet valid for use. Employers should prepare, however, to begin using that form on April 3, 2009.

The public comment period on the interim final rule and the revised Form I-9 has been extended to March 4, 2009. The USCIS's Handbook for Employers Instructions for Completing the Form I-9 (M-274) will be updated to reflect changes in the new form when they are finalized.

For more information on USCIS's new Form I-9, please [click here](#).



*This article is provided for general informational purposes only and should not be construed as legal advice or legal opinion on any specific facts or circumstances. You are urged to consult a lawyer concerning any specific legal questions you may have.*