

One Minute Memo[®]



USCIS Releases New I-9 Form

U.S. Citizenship and Immigration Services (USCIS) announced on November 8, 2007, that a revised I-9 Employment Eligibility Verification Form is now available for use. The form itself has not changed, but the lists of documents that employers may accept as proof of identity and employment eligibility have been modified.

The most significant change to the I-9 is the removal of five "List A" documents from the form. ("List A" documents are documents that establish both identity and employment eligibility.) These documents have not been acceptable as proof of identity or employment eligibility for several years. The new I-9 form has simply been revised to reflect prior changes to the regulations. While this is a significant change to the form itself, it should not require employers to change their I-9 policies and procedures.

The following documents have been removed from List A:

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

The USCIS removed these forms from the list because they lack features to deter counterfeiting, tampering, and fraud.

In addition, the USCIS added the newest version of the Employment Authorization Document (Form I-766)—typically called an EAD card—to List A. Presentation of this document has been an accepted means of proving identity and employment eligibility for several years but was not listed on the I-9 until now. Addition of this document to List A, and removal of the documents listed above, improves the I-9 by updating the list to reflect currently acceptable documents.

Immediate use of the new I-9 form is not required until it is published in the Federal Register. However, Seyfarth Shaw advises employers begin to use the new form immediately, as it eliminates confusion regarding the acceptability of certain documents. Failure to use the new form after publication in the Federal Register may result in fines and penalties.

The new form can be found at <http://www.uscis.gov/files/form/I-9.pdf>. The Department of Homeland Security has also revised the Handbook for Employers, which contains instructions for completing the I-9 form. The new handbook is available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

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