

Employer Compliance Alert



NEW I-9 FORM NOW IN EFFECT

Effective Friday, April 3, 2009, all United States employers are required to use the revised I-9 form to verify the employment eligibility of all new hires and reverifications. The United States Citizenship and Immigration Services ("USCIS") interim final rule that was published on December 17, 2008, outlines this requirement. This revised I-9 form can be identified by the revision date (2/02/09) located in the lower right-hand corner of the form, and is available at <http://www.uscis.gov/files/form/i-9.pdf>. Failure to use the revised form could result in civil money penalties and/or sanctions.

In general, the revised I-9 form amends the list of identity and employment authorization documents employers can accept for the Employment Eligibility Verification process. The largest change to the revised form is that expired documents are no longer accepted for either identification or employment authorization. The USCIS determined that expired documents are more subject to tampering and fraudulent use, and, accordingly, now only unexpired documents may be accepted.

The revised form also adds two new documents to the list of acceptable identity and employment authorization documents. The first is a temporary I-551 (legal permanent residence status confirmation) printed notation on a machine-readable immigrant visa. This change merely reflects the long-used Department of State practice of preprinting I-551 notations rather than placing a temporary stamp on the foreign passport. The second new document is specifically for citizens of the Federal States of Micronesia and the Republic of the Marshall Islands. Due to an agreement between the governments of those nations and the U.S. Government, Micronesian and Marshall Islands citizens may present a valid passport with evidence of their admission to the U.S. pursuant to the agreement to satisfy the I-9 requirements.

Employer Compliance Alert

In addition, the revised Form I-9 removes three documents from the List A, list of acceptable documents for identity and employment authorization: Form I-688, "Temporary Resident Card," and Forms I-688A and I-688B, "Employment Authorization Cards," because these forms are no longer issued. Finally, the revised Form I-9 contains a change to the employee attestation section where noncitizen nationals can indicate their identity.

The USCIS has also updated the "Handbook for Employers - Instructions for Completing Form I-9" to reflect the new requirements of the revised I-9 form. The updated version of the handbook is available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

Kellie Garrett
Associate, Spencer Fane Britt & Browne LLP

This publication is designed to provide accurate and authoritative information. It is distributed with the understanding that the author, publisher and editors are not rendering legal or other professional advice or opinions on specific matters, and accordingly, assume no liability in connection with its use. The choice of a lawyer is an important decision and should not be made solely upon advertisements. Past results afford no guarantee of future results. Every case is different and must be judged on its own merits.

This notification is brought to you by your Member Firm of United Benefit Advisors – an alliance of nearly 140 premier independent benefit advisory firms and one of the nation's five largest employee benefits advisory organizations – and Spencer Fane Britt & Browne LLP, with offices throughout the Midwest and more than a century of experience providing legal counsel.

UBA also co-sponsors an informative webinar series designed to help employers anticipate emerging regulatory issues and stay abreast of the latest human resource trends and best practices. For more information, contact your local UBA Member Firm today.

UBA United
Benefit
Advisors | Shared Wisdom. Powerful Results.™

SPENCER FANE
BRITT & BROWNE LLP
Attorneys & Counselors at Law