

Immigration *alert*

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► This Alert will highlight the changes to the I-9 Employment Eligibility Verification Form.

U.S. IMMIGRATION REVISES EMPLOYMENT ELIGIBILITY VERIFICATION FORM I-9

► **EXECUTIVE SUMMARY:** Employers are recommended to immediately begin using the new I-9 form for all new hires and employees that need re-verification of their employment eligibility. After December 26, 2007, employers who fail to use the new form will be subject to all applicable penalties under the law. The revised form, along with the U.S. Citizenship and Immigration Services Employer Handbook, can be accessed at www.uscis.gov.

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All employers must complete I-9 Employment Eligibility Verification Forms for all employees hired after November 6, 1986. This includes U.S. citizens, green card holders and foreign nationals present in the United States pursuant to a temporary employment status.

Although the way in which the form must be completed has not changed, the list of acceptable documents to prove both identity and employment authorization (List A) has been altered. Employers are no longer permitted to accept any documentation that is NOT included on the revised form. The revised Form I-9, List A, includes the following documents only:

- U.S. passport (unexpired or expired)
- Permanent Resident Card or Alien Registration Receipt 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, I-688B)
- An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer.

Documents that are no longer acceptable include the 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); and Unexpired Refugee Travel Document (Form I-571). The Department of Homeland Security no longer considers these documents acceptable because they do not contain security features to help prevent counterfeiting, tampering and fraud.

The revised form is available now and will become effective once notice is published in the Federal Register. However, employers are encouraged to start using it immediately, to minimize the risk of fines and penalties. A new Handbook for Employers (revised 11/1/07) also is available and can be obtained on-line at www.uscis.gov.

Please contact any of the attorneys in our Immigration Department if you have any questions regarding this change in hiring and employment verification requirements.



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