New I-9 Form Adopted

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Effective December 26, 2007, employers must begin using a revised version of the Employment Eligibility Verification Form, commonly known as the "I-9." The I-9, issued by the U.S. Citizenship and Immigration Services (USCIS), is used to document that each new employee is authorized to work in the U.S. While the revised I-9 is required for all new or rehired employees, it is important to note that employers *should not use the new form for existing employees unless there is a specific reason for re-verification* (e.g., when an employee's work authorization expires).

The new I-9 is nearly identical to the last version. The most significant changes are the five documents that have been removed from the list of documents which are acceptable for establishing both identity and employment eligibility (known as the "List A" documents). The removed documents are the *Certificate of U.S. Citizenship* (Form N-560 of N-561), the *Certificate of Naturalization* (Form N-550 or N-570), the *Alien Registration Receipt Card* (I-151), the *Unexpired Reentry Permit* (Form I-327) and the *Unexpired Refugee Travel Document* (Form I-571). Also notable is the addition of the *Unexpired Employment Authorization Document* (Form I-766) to the List A documents.

As before, a *U.S. passport*, a *Permanent Resident Card* (Form I-551, also known as a Green Card), an *unexpired foreign passport with a temporary I-551 stamp*, an *Unexpired Employment Authorization Document containing a photograph* (Form I-766, I-688, I-668A, or I-668B), and an *unexpired foreign passport with an unexpired Arrival-Departure Record* (Form I-94) *for nonimmigrant aliens authorized to work for a specific employer* remain acceptable List A documents.

The new I-9 form has other notable revisions. Employees are no longer required to provide their social security number when completing Section 1 of the I-9, unless the hiring employer participates in the USCIS Electronic Employment Eligibility Verification Program, also known as E-Verify. Also, the Anti-Discrimination Notice in the instructions as well as on the form itself is more prominent.

USCIS has recognized that while the changes to the I-9 are meant to improve efficiency for employers, there may still be instances where legitimate workers cannot be verified based on the revised list of acceptable documentation. There are, therefore, indications that USCIS may make further revisions to the I-9 in 2008. In the meantime, USCIS has made the revised I-9 form as well as an overview on the I-9 process called the *Employer Employer Handbook* available for download in pdf format at: www.uscis.gov.