

Employers must use new Form I-9 as of April 3, 2009

All U.S. employers are responsible for the completion and retention of Employment Eligibility Verification Form I-9 for each individual they hire for employment in the United States, including citizens and noncitizens alike. U.S. Citizenship and Immigration Services (USCIS) recently released a new Form I-9 which employers are required to use as of April 3, 2009.

The form is attached to this advisory as a PDF document and can also be obtained from the USCIS website at <http://www.uscis.gov> or by calling 800.870.3676.

Employers should note that the revised Form I-9 must only be completed at this time for new employees. Employers should not complete a revised Form I-9 for existing employees unless and until those employees require re-verification.

The list of approved documents that employees can present to verify their identity and employment authorization is divided into three sections: **List A** documents verify identity and employment authorization, **List B** documents verify identity only, and **List C** documents verify employment authorization only.

The final rule makes the following changes to current I-9 rules:

- Specifies that expired documents are no longer considered acceptable for proof of identification or work authorization;
- Eliminates three more documents from List A: Forms I-688, I-688A, and I-688B (Temporary Resident Card and older versions of the Employment Authorization Card / Document);
- Adds foreign passports containing certain machine-readable immigrant visas to List A;
- Includes, in Section 1 of the new form, the category "noncitizen national of the United States," which refers to certain persons born in American Samoa, former citizens of the Trust Territory of the Pacific Islands and certain children of noncitizen nationals born abroad;
- Adds the new U.S. Passport Card to List A; and
- Revises the employee attestation section of the form.

Employers who do not begin using the new I-9 form by April 3, 2009 may be subject to fines. Contact your Hahn Loeser attorney for additional information or for counsel on any labor & employment issue that might affect your business.

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