



## **USCIS Releases "New" Form I-9 To Match Document Regulations**

*November 8, 2007*

On November 7, 2007, USCIS released a new version of Form I-9, Employment Eligibility Verification, which all employers are required to complete with respect to all new or rehired employees on or before the first day of employment. Employers are also required, within three days of hiring a new employee, to examine original documents presented by the employee (such as a US passport, or a driver's license and social security card), and ensure that those documents confirm the employee's identity and employment authorization.

While USCIS will require use of the new form as of December 7, 2007, employers should be aware that the "new" version of the form is, in fact, identical to the current version of the form (only the version date has changed). The only change to the form is in the "List of Acceptable Documents," found on the reverse of the form, which was changed to make the form's instructions match the regulations promulgated in 1997. Those regulations eliminated certain rarely-presented identification documents from the list of documents that employers may accept to document an employee's identity and employment authorization.

The release of the revised document list at this time, when the Department of Homeland Security recently advised that no changes to the I-9 were imminent, is explained in the updated Form M-274, Handbook for Employers, released at the same time as the revised form I-9. USCIS explains: "While DHS still intends to pursue other changes to the Form I-9 in a future update, it decided to update the Form I-9 to bring it in compliance with existing law before making any further changes. Therefore, the Form I-9 has been amended to reflect those changes made by the 1997 regulations, but any changes that would have required the drafting of a new regulation are being saved for a future update of the Form I-9." Those substantial changes in the I-9 are still not imminent.

In light of the new form instructions, employers should continue to refuse to accept the following documents, which have been unacceptable since 1997: (1) the Certificate of United States Citizenship (Form N-560 or N-561); (2) the Certificate of Naturalization (Form N-550 or N-570); (3) the Form I-151, a long out-of-date version of the Alien Registration Receipt Card ("green card"); (4) the Reentry Permit (Form I-327); and (5) the Refugee Travel Document (Form I-571). The Form's instructions are also now clearer with respect to the acceptability of a foreign passport and I-94 card, which have always been acceptable only if the I-94 documents employment authorization for the employer completing the I-9 (for example, H-1B status based on a petition filed by the employer).

The new I-9 form can be downloaded from the Firm's website at [http://www.klaskolaw.com/library/files/new\\_i-9\\_form.pdf](http://www.klaskolaw.com/library/files/new_i-9_form.pdf). The revised Handbook for Employers can be found at [http://www.klaskolaw.com/library/files/uscis\\_i-9\\_handbook\\_for\\_employers.pdf](http://www.klaskolaw.com/library/files/uscis_i-9_handbook_for_employers.pdf), and a press release announcing the update can be downloaded at [http://www.klaskolaw.com/library/files/uscis\\_press\\_release\\_regarding\\_new\\_i-9.pdf](http://www.klaskolaw.com/library/files/uscis_press_release_regarding_new_i-9.pdf).