

December 2007

## **Update on New Form I-9**

As noted in the November newsletter, U.S. Citizenship and Immigration Services (USCIS) has revised the I-9 Employment Eligibility Verification Form; its use will be required beginning December 26. Employers should begin using the amended I-9 "(Rev. 06/05/07)N" immediately for all individuals hired on or after November 7, 2007. The Department of Homeland Security (DHS) said it "recognizes that employers should be afforded a period of time to transition to the amended Form I-9." DHS, therefore, will not seek penalties against an employer for using a previous version of the I-9 during a transition period ending on December 26, 2007. After the transition period, however, employers who fail to use the revised I-9 may be subject to penalties.

New instructions for the I-9 state that the employee is not obliged to provide the Social Security Number in Section 1 of the I-9, unless he or she is employed by an employer who participates in E-Verify (formerly Basic Pilot). The section on Photocopying and Retaining Form I-9 now includes information about electronically signing and retaining I-9 forms.

Further, the Unexpired Employment Authorization Document (I-766) was added to List A of the List of Acceptable Documents; and all the employment authorization documents with photographs (I-688, I-688A, I-688B, I-766) that are in circulation are now included as one item on List A.

Employers only need to complete the new I-9 for new employees. Employers do not need to complete new forms for existing employees, but employers must use the revised I-9 when their employees require re-verification.

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). Details about the revised I-9 are available at <http://www.uscis.gov/files/pressrelease/FormI9FS110707.pdf>. Copies of the documents that are acceptable under the new I-9 requirements may be obtained in a brochure, "Guide to Selected U.S. Travel and Identity Documents" (M-396), which may be ordered in bulk from U.S. Customs and Border Protection, National Distribution Center, P.O. Box 68912, Indianapolis, IN 46268; fax: (317) 290-3046.