

Alert

Employers Must Use Revised Form I-9 Effective Today

April 3, 2009

The United States Citizenship and Immigration Services ("USCIS") released a newly revised Form I-9, governing employment eligibility verification procedures ("Form I-9") and M-274, Handbook for Employers (the "Handbook"). The revised Form I-9 and Handbook take effect today, April 3, 2009. Employers should begin to use the revised Form I-9 for new hires and for reverifications immediately.

Background

Under the Immigration Reform and Control Act of 1986 ("IRCA"), it is illegal for U.S. employers to hire individuals not authorized to work in the United States. To satisfy IRCA's requirements, an employer must verify the identity and employment eligibility of every employee by filling out a Form I-9. To complete the Form I-9, the employee must, within three days of hire, present to the employer original documents demonstrating that he or she is authorized to work in the United States.

Summary of Revised Form

The most significant change to the Form I-9 is the requirement that all documents presented during the Form I-9 completion process be unexpired. Other revisions include the elimination from List A¹ of Forms I-688 (Temporary Resident Card), I-688A (outdated Employment Authorization Card) and I-688B (outdated Employment Authorization Card). The following documents were added to List A:

- Foreign passports containing the I-551 permanent residence printed notation on a machine-readable immigrant visa
- Passports from the Federated States of Micronesia ("FSM") or the Republic of the Marshall Islands ("RMI") with a valid Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

Additionally, Form I-9 has been revised with respect to Section 1, where new hires attest to their citizenship status. The revised Form I-9 includes a separate selection option for non-citizen nationals of the United States to check their citizenship status. Non-citizen nationals of the United States are individuals who were born in American Samoa, certain residents of the Northern Mariana Islands who have not become U.S. citizens, and certain children of non-citizen nationals born abroad. These individuals should check the new selection for non-citizen nationals when completing the revised Form I-9.

A copy of the revised Form I-9 is available [here](#).
A copy of the revised Handbook is available [here](#).

¹ List A refers to documents that establish both identity and employment authorization that an employer may accept.

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