



USCIS Update

November 7, 2007
(Revised)

USCIS Revises Employment Eligibility Verification Form I-9 *Revision will eliminate certain documents for employment verification*

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that a revised Employment Eligibility Verification Form (I-9) is now available for use. All employers are required to complete a Form I-9 for each employee hired in the United States.

The revision seeks to achieve full compliance with the document reduction requirements of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA), which reduced the number of documents employers may accept from newly hired employees during the employment eligibility verification process. The revised Form I-9 is a further step in USCIS' ongoing work toward reducing the number of documents used to confirm identity and work eligibility.

Key to the revision is the removal of five documents for proof of both identity and employment eligibility. They include: Certificate of U.S. Citizenship (Form N-560 or N-570); Certificate of Naturalization (Form N-550 or N-570); Alien Registration Receipt Card (Form I-151); the unexpired Reentry Permit (Form I-327); and the unexpired Refugee Travel Document (Form I-571). The forms were removed because they lack sufficient features to help deter counterfeiting, tampering, and fraud.

Additionally, the most recent version of the Employment Authorization Document (Form I-766) was added to List A of the List of Acceptable Documents on the revised form. The revised list now includes: a U.S. passport (unexpired or expired); a Permanent Resident Card (Form I-551); an unexpired foreign passport with a temporary I-551 stamp; an unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, or I-688B); and an unexpired foreign passport with an unexpired Arrival-Departure Record (Form I-94) for nonimmigrant aliens authorized to work for a specific employer.

As of November 7, 2007, the Form I-9 with a revision date of June 5, 2007 is the only version of the form that is valid for use. However, DHS will publish a Notice in the *Federal Register* that provides employers with a 30-day period, beginning on date of publication of the Notice, to transition to the new Form I-9. The revision date of the Form I-9 is printed on the lower right corner of the form and states "(Rev. 06/05/07)N". Both the revised form and the "Handbook for Employers, Instructions for Completing the Form I-9" are available online at www.uscis.gov.

To order forms, call USCIS toll-free at 1-800-870-3676. For forms and information on immigration laws, regulations, and procedures, call the National Customer Service Center at 1-800-375-5283. A copy of the new Form I-9 is attached to this update.

Friday, November 09, 2007

Updated Form I-9 Q & A

The federal government has released the new Form I-9. Among the mandatory revisions, the new Form I-9 reduces the number of documents that employers can accept to confirm the identity and work eligibility of their employees. The new form must be used starting 11/7/07. The following are some common questions and answers regarding the Form I-9.

Q: What is the difference between the revised Form I-9 and the old one?

A: Five documents have been removed from List A of the List of Acceptable Documents:

- Certificate of U.S. Citizenship (Form N-560 or N-561)
- Certificate of Naturalization (Form N-550 or N-570)
- Alien Registration Receipt Card (I-151)
- Unexpired Reentry Permit (Form I-327)
- Unexpired Refugee Travel Document (Form I-571)

One document was added to List A of the List of Acceptable Documents:

- Unexpired Employment Authorization Document (I-766)

All the Employment Authorization Documents with photographs that are in circulation are now included as one item on List A:

- I-688, I-688A, I-688B, I-766

Instructions regarding Section 1 of Form I-9 now indicate that the employee is not obliged to provide the Social Security Number in Section 1 of Form I-9, unless he or she is employed by an employer who participates in E-Verify. The section on Photocopying and Retaining Form I-9 now includes information about electronically signing and retaining I-9 forms.

The estimated reporting burden under the Paperwork Reduction Act has changed to reflect the latest estimates and, finally, the format, font, organization, and grammar of the text have been improved to make Form I-9 more readable and user-friendly.

Q: Can I accept documents that used to be on the Form I-9 but aren't now?

A: No. Employers may only accept documents listed on the List of Acceptable Documents on Form I-9. When re-verifying employees, employers should ensure that they use the new Form I-9 with its updated list of acceptable documents.

Q: Are there any changes in the way the new Form I-9 is completed?

No. The updated form should be completed exactly the same way as the old one was. The only difference is the types of documents that employers may accept in Section 2.

Q: Is the Form I-9 available in different languages?

A: The Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may have employees complete the Spanish version for their records. Employers in the 50 states and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but must complete the English version and kept it in the employer's records. Employees may also use or ask for a translator/preparer to assist them in completing the form.

Q: Are employers in Puerto Rico required to use the Spanish version of Form I-9?

A: No. Employers in Puerto Rico may use either the Spanish or the English version of the new Form I-9 to verify employees. Employers in Puerto Rico may not use the expired 1988 Spanish or English edition of Form I-9.

Q: What versions of Form I-9 are valid for use?

A: As of November 7, 2007, the Form I-9 with a revision date of June 5, 2007 is the only version of the form that is valid for use. The revision date is printed on the lower right corner of the form and states "(Rev. 06/05/07)N". All previous versions of Form I-9, in English or Spanish, are no longer valid. The 1988 version of Form I-9 in Spanish expired in 1991.

Q: When should employers begin using the version of Form I-9 marked with a revision date of "(Rev. 06/05/07)N"?

A: Employers must use the amended Form I-9 (Rev. 06/05/07)N for all individuals hired on or after November 7, 2007. However, DHS recognizes that employers should be afforded a period of time to transition to the amended Form I-9. DHS will publish a Notice in the Federal Register announcing that it will not seek penalties against an employer for using a previous version of the Form I-9 during a 30 day transition period that begins on date of publication of the Notice. After the transition period, employers who fail to use Form I-9 (Rev. 06/05/07)N may be subject to all applicable penalties under section 274A of the INA, 8 U.S.C. 1324a, as enforced by U.S. Immigration and Customs Enforcement (ICE).

Q: Do I need to complete the new version of Form I-9 for all my employees or just the new ones?

A: Employers only need to complete the new version of Form I-9 (Rev. 06/05/07)N for new employees. Employers do not need to complete new forms for existing employees. However, employers must use the Form I-9 (Rev. 06/05/07)N when their employees require re-verification.