



March 2009

Legal Alert: New Form I-9 Effective April 3, 2009

Form I-9 is the form used by employers to verify the identity and employment eligibility of newly hired employees. Recently, the United States Citizenship and Immigration Services (“USCIS”) released a new version of the Form I-9. Employers must begin using this revised Form I-9 on April 3, 2009. Although we previously issued an alert about the new form in January 2009, USCIS has indicated that April 3 will be the actual effective date for use of the form.

Changes to the Form I-9. The biggest difference in the revised Form I-9 is that all documents presented during the verification process must be current and unexpired. If a document does not contain an expiration date, such as a Social Security card, it is considered unexpired. The new Form I-9 also adds and removes several documents from List A. The List A documents are those which a new hire can submit as proof of employment eligibility without the addition of any other documents. The revised Form I-9 removes two documents from List A: (a) Temporary Resident Card (Form I-688) and (b) Employment Authorization Card (Form I-688A or I-688B). The revised Form I-9 adds two new acceptable documents to List A: (a) foreign passports that contain a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa, and (b) valid 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.

Timing. Beginning April 3, 2009 employers are required to use the new Form I-9.

Revised Handbook. USCIS is updating the *Handbook for Employers: Instructions for Completing the Form I-9* to reflect the revision to Form I-9. The updated *Handbook* will be available on the USCIS website in the near future.

Revised Form I-9: http://www.uscis.gov/files/form/I-9_IFR_02-02-09.pdf

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