



Understanding the New 2009 Revised I-9 Form and E-Verify

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Beginning April 3, 2009, employers were required to start using a revised Form I-9 to verify the employment authorization and identity of employees. The new Form I-9 carries with it some new requirements, including the prohibition of accepting expired documents and changes to the list of documents that are acceptable for the I-9 verification process. The U.S. Citizenship and Immigration Services (USCIS) updated the Form I-9 in accordance with the U.S. Department of Homeland Security's recent interim final rule and with the goal of increasing the security of the employment verification process.

For every employee hired after November 6, 1986, an employer must complete an I-9 form when that employee starts to work. Employers are responsible for the completion of the I-9 form and should maintain I-9 forms separately from personnel records. In this era of increased enforcement, attention to the Form I-9 as a compliance requirement has caused companies to realize the importance of I-9 compliance and training.

E-Verify is an Internet based system operated by the DHS in partnership with the Social Security Administration. E-Verify allows participating employers to electronically verify the employment eligibility of their newly hired employees. Several states have enacted laws that require employers to register for and use E-Verify or allow for a phase-in based on the size of the employer. E-Verify is still considered controversial by many because of its possible error rate of up to 4 percent.

This article appeared in the 2009 book *The Impact of Revisions to the I-9 Form and E-Verify Process*, published by *Aspatore Books*.