



Employers Must Begin Using The Revised I-9 Form By December 26th

Insights

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On November 26, 2007, U.S. Citizenship and Immigration Services ("USCIS") published a notice in the Federal Register that requires employers to use the newly revised I-9 form no later than December 26, 2007. Employers who do not use the revised I-9 form on or after December 26, 2007 will be subject to all applicable fines and penalties under the Immigration and Nationality Act.

As previously reported, USCIS released the revised I-9 form on November 7, 2007. (Note that the newly revised form bears a revision date of June 6, 2007.) The revised I-9 form reduces the number of documents employers may accept during the employment eligibility verification process. The most significant change to the revised I-9 form is the elimination of five documents from List A. Employers can no longer accept the following documents: 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); unexpired Reentry Permit (Form I-327); and unexpired Refugee Travel Document (Form I-571). Another change was to add the most recent version of the Employment Authorization Document (Form I-766) to List A. (Note that the current version of the Permanent Resident Card or Alien Registration Receipt Card is Form I-551, which remains acceptable.)

Please contact your Fisher Phillips attorney if you have any questions about completing the revised I-9 form. The Fisher Phillips I-9 Solution will incorporate the revised form so that you can complete forms electronically. Click [here](#) for more information about our I-9 Solution.

The Department of Homeland Security Abandons No-Match Rule

The Department of Homeland Security ("DHS") has abandoned its proposed no-match rule entitled Safe-Harbor Procedures for Employers Who Receive a No-Match Letter. This rule is the subject of current litigation challenging the implementation of the rule because it would use the Social Security no-match records as a tool for immigration enforcement. On October 10, 2007, a federal court in California issued a preliminary injunction preventing DHS and the Social Security Administration ("SSA") from implementing the new rule. As a result, DHS requested that this lawsuit be placed on hold until March 2008 because DHS plans to revise and re-publish the rule. The court granted DHS' request to stay the litigation, but will require DHS to report monthly on its progress in publishing a revised rule. Employers should note that although the "safe harbor" provision is not effective at this time, DHS will continue to use the no-match letter as an enforcement tool. Please contact your Fisher Phillips attorney, if you have any questions.

Recent Immigration Enforcement Efforts

DHS and U.S. Immigration and Customs Enforcement ("ICE") are continuing their efforts to prosecute employers who knowingly employ illegal aliens. Examples of recent ICE enforcement actions are set forth below.

Three officers of B&B Cable Co., a subcontractor for Verizon Communications, in the Virginia Beach, Virginia area were arrested on charges of employing, transporting, and harboring illegal workers. The charges could result in penalties of up to 10 years in prison and a fine of up to \$250,000 per count. In response to this enforcement action, Verizon Communications now requires contractors to ensure proper documentation of all workers assigned to Verizon projects. Since employers can be held liable for knowledge that a contractor's workers are illegal, prudent employers are implementing similar measures.

In other recent raids, ICE agents arrested 23 illegal aliens working at O'Hare International Airport and brought criminal charges against two managers for a staffing company that hired them. As the result of another ICE investigation, five employees of a company that operates a cafeteria in a federal office building in Kansas City, Mo. were indicated on charges of using false Social Security numbers to obtain employment. ICE raided a meatpacking plant in West Virginia and six illegal workers were arrested. These illegal workers later pleaded guilty to false presentation of Social Security numbers. Finally, after a 16-month investigation into the hiring practices of a carpentry business in Oakland, California, ICE raided the business and arrested the owner for knowingly hiring at least seven illegal aliens.

Employers should be aware that ICE is continuing to investigate and raid facilities where it suspects illegal aliens are employed. ICE's enforcement activity is yet another reminder of the importance of I-9 compliance.