



USCIS Releases New I-9 Form and New Employment Eligibility Rules

Insights

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Beginning **February 2, 2009**, employers must use a new Form I-9 for all new hires and to reverify any employee with expiring employment authorization. Employers using the previous June 5, 2007 edition or earlier editions of the Form I-9 after February 2, 2009 may be subject to fines. Between now and February 2, you should continue to use the June 5, 2007 edition of the Form I-9.

The U.S. Citizenship and Immigration Services (USCIS) has also narrowed the list of acceptable identity and employment authorization documents, requiring employers to accept only unexpired documents, and making several technical changes.

Three Documents Removed from List A

USCIS has removed three documents from List A. These can *no longer be used* to establish both identity and employment authorization:

- Form I-688 Employment Authorization Document;
- Form I-688A Employment Authorization Document; and
- Form I-688B Employment Authorization Document.

Three Documents Added to List A

Three documents have been added to List A to establish both identity and employment authorization:

- a temporary I-551 printed notation on a machine-readable immigrant visa in addition to the foreign passport with a temporary I-551 stamp;
- a passport 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; and
- a U.S. passport card.

Other Changes

Expired documents are not acceptable documents for the revised Form I-9, including U.S. passports and all List B documents used to establish identity. Only unexpired documents can be accepted.

Additionally, in Section 1 of the revised Form I-9, "citizen of the United States" and "noncitizen national of the United States" will now be two separate categories. Noncitizen nationals are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

Availability of the Revised Form I-9

The revised Form I-9 can be downloaded from www.uscis.gov.

For more information contact any of the attorneys in the Fisher Phillips Global Immigration Practice Group at 404.240.4224.

This Legal Alert provides information about specific new regulatory requirements. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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