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Revised I-9 Form Introduced by USCIS Goes Into Effect December 26, 2007

New Form Streamlines Documents That Can Be Used For Employment Verification

By Gene T. Schaeffer, Jr.

On November 7, 2007, United States Citizenship and Immigration Services (USCIS) announced that a revised Employment Eligibility Verification Form (more popularly known as the I-9 Form) is now available for use by employers. The form was revised to reflect the elimination of five List A documents (List A documents are documents that can be used to verify both identity and employment authorization). The five List A documents were removed because they lack features to help deter counterfeiting, tampering and fraud. The five documents removed were:

1. Certificate of U.S. Citizenship (Form N-560 or N-570);
2. Certificate of Naturalization (Form N-550 or N-570);
3. Alien Registration Receipt Card (Form I-151);
4. An unexpired Re-entry Permit (Form I-327); and
5. An unexpired Refugee Travel Document (Form I-571).

The USCIS also added the most recent version of the Employment Authorization Document (EAD), which is Form I-766, to the list of acceptable List A documents.

On November 26, 2007, USCIS announced that the effective date for the new Form I-9 will be December 26, 2007. All employers must transition to the use of the new form by that date. Any employers who fail to use the new Form I-9 after that date will be subject to applicable penalties. USCIS hopes employers use the time period provided to transition to use of the new Form I-9 as quickly as possible. USCIS has put the new form on its website along with a new version of the "Handbook for Employers, Instructions for Completing the Form I-9." You can link to those documents at the following addresses:

Revised I-9 Form: <http://www.uscis.gov/files/form/I-9.pdf>

New Handbook: <http://www.uscis.gov/files/nativedocuments/m-274.pdf>

Please contact Gene Schaeffer of Godfrey & Kahn's Labor and Employment Practice Group at 608-284-2655 or gschaeffer@gklaw.com if you have any questions pertaining to the revised Form I-9 or any immigration questions in general. ♦

The following is based on a summary of legal principles. It is not to be construed as legal advice. Individuals should consult with legal counsel before taking any action based on these principles to ensure their applicability in a given situation.