

LABOR AND EMPLOYMENT LAW ALERT
January 9, 2009

**REVISED I-9 EMPLOYMENT ELIGIBILITY VERIFICATION FORM
ISSUED BY THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

On December 17, 2008, the U.S. Citizenship and Immigration Services (“USCIS”) published and announced the effective date of a new version of Form I-9, *Employment Eligibility Verification Form*, and a new M-274, *Handbook for Employers, Instructions for Completing the Form I-9*. ALL employers, regardless of size, are required to complete one for each new employee. The new version will be in effect for all new hires on February 2, 2009. Any employer that fails to use the revised Form I-9 after its effective date may be subject to penalties.

There are three main changes in the revised Form I-9. First, all documents presented during the verification process must be current and up to date, in order for them to be a valid source of employment or identity verification. The second is an inclusion of “citizen of the United States” and “noncitizen *national* of the United States” classifications. The creation of these, as two separate categories, is an attempt to further clarify the process and avoid earlier confusions. In addition, a definition of ‘noncitizen *national*’ was added to the instructions in the Form I-9. Finally, the list of acceptable documents which must be submitted along with the Form I-9 was amended. Several documents can no longer be used to establish identity and/or employment eligibility for I-9 compliance.

On February 2, 2009, 45 days after its publication in the Federal Register, the revised Form I-9 can be downloaded for use by the public from the USCIS website, at <http://www.uscis.gov/files/formI-9.pdf>. Furthermore, paper copies of Form I-9 can be ordered by calling USCIS at 1-800-870-3676. Finally, a copy of the new Handbook can be found at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

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