

The U.S. Citizenship and Immigration Services (USCIS) recently revised the Form I-9 used to verify employment eligibility. Effective **February 2, 2009**, all employers will be required to use the new Form I-9 to verify employment.

Generally, the new regulation narrows the list of acceptable documents and requires that only *unexpired* documents be used. List A will expand by adding two documents that are acceptable for identity verification (specially-marked machine-readable visas and documentation for certain citizens of the Federated States of Micronesia and the Republic of the Marshall Islands) and eliminating three documents that are no longer issued and have expired (Form I-688, I-688A and I-688B). The new I-9 contains other technical changes, including clarification that the only Social Security account number cards acceptable for List C are those that do not specify on the face that the “issuance of the card does not authorize employment in the United States.”

The current version of the Form I-9 (dated 6/5/07) will not be valid as of February 2, 2009. Employers only need to use the revised Form I-9 for new employees; however, if re-verification is required, the revised Form I-9 must be used. Failure to use the correct form exposes the employer to civil money penalties.

The revised Form I-9 has not yet been published by the USCIS, however, the final revised form and the updated Employer Handbook will be available on the USCIS website, www.uscis.gov, on February 2, 2009.

If you have any questions about the revised Form I-9, please contact Melanie Webber, Jennifer Welfley or Maribeth Wuertz in Millisor & Nobil’s HR Practice Group at (440) 838-8800.