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Revised Form I-9s for Employers

The U.S. Citizenship and Immigration Services (USCIS) issued a revised Form I-9 that must be used for all new hires beginning this year. The USCIS had initially intended for employers to begin using the new form on February 2, 2009. **However, due to an Executive Order, the USCIS announced that it will delay implementation of the new Form I-9 until April 3, 2009.** The USCIS has stated that the delay will provide the Department of Homeland Security with an opportunity for further consideration of the rule and also allows the public additional time to submit comments.

In order to avoid civil penalties, employers should not use the new Form I-9 for new hires and reverifications before April 3, 2009, and should instead continue to use the prior Form I-9, which can be found here: <http://www.uscis.gov/files/form/I-9.pdf>. Form I-9, Employment Eligibility Verification, must be completed for each newly-hired employee, including U.S. citizens, permanent residents, and temporary foreign workers, to demonstrate the employer's compliance with the law requiring employment authorization of all workers they hire on or on or after November 6, 1986. Through the Form I-9 verification process, employers ensure that employees possess proper authorization to work in the United States and that hiring practices do not unlawfully discriminate based on immigration status.

Employers should be aware that a number of documents have been removed from or added to List A of the List of Acceptable Documents on the back of the new I-9 form, and employers will no longer be able to accept expired documents to verify employment authorization on the new Form I-9.

The new I-9 form to be used beginning April 3, 2009 can be found at http://www.uscis.gov/files/form/I-9_IFR_02-02-09.pdf.

Please do not hesitate to contact [Olivia Goodkin](#), [Frank Melton](#) or [Wendy Lane](#) if you have any questions.

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