

Labor and Employment Client Alert
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Form I-9 Update: I-551 Stamps on the Rise?

Delays in the manufacturing of permanent residence cards, a/k/a green cards, may impact the documentation employers are presented during the I-9 employment verification process during the next several months. Within three (3) days of hiring a new employee, employers must verify the identity and work authorization of the newly hired employee. Among the documents that an employee can present to establish identity and work authorization is the permanent resident card. The US Citizenship and Immigration Services (“USCIS”) recently announced temporary delays in the production of permanent residence cards for newly approved permanent residents. Because of this delay, employers may be presented with a less frequently used form of documentation – the I-551 stamp. The I-551 stamp is a stamp placed in the foreign passport of a newly approved permanent resident as temporary proof of his or her status as a permanent resident. As a result of the temporary delay in permanent resident card production, USCIS has instructed its regional offices to use the I-551 stamp as temporary proof of lawful permanent residence. In recent years, USCIS minimized the use of the I-551 stamp because permanent resident cards were generally provided and delivered within seven to ten days. With the anticipated temporary delay in green card production of up to sixty (60) days, employers may see more I-551 stamps as proof of work authorization for employees hired in the next several months to a year.

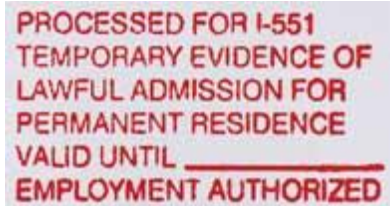
The I-551 stamp in an unexpired foreign passport is a List A document for I-9 purposes and evidences the holder’s identity and authorization to work in the United States. The I-551 is temporary evidence of lawful permanent residence. If an employee presents the I-551 stamp in an unexpired foreign passport as proof of identity and work authorization, the employer should remember to calendar a reminder to reverify the employee’s continued work authorization. The employer must reverify the employee’s authorization to work on or before the date the I-551 stamp expires, or if the stamp has no expiration date, on or before one (1) year after the date of issue of the stamp.

Attached is a sample I-551 stamp from the USCIS’s Handbook for Employers – Instructions for Completing Form I-9. The Handbook is available on the USCIS website, www.uscis.gov.

Foreign Passport with I-551 Stamp or MRIV



USCIS uses either a I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) to denote temporary evidence of lawful permanent residency. Reverify the employee when the stamp or MRIV expires, or 1 year after the issuance date if the stamp or statement does not include an expiration date.



I-551 Stamp

Unexpired Foreign Passport with I-551 Stamp



Upon endorsement serves as temporary I-551 evidencing permanent residence for 1 year.

Temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)