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New Form I-9 For Employment Eligibility Verification Released

United States Citizenship and Immigration Services ("USCIS") has released a new version of Form I-9 (which employers must use to verify the identity and employment eligibility of new employees) and new instructions for completing the Form I-9. Employers are encouraged to start using the revised Form I-9 immediately, and will be required to use it once it is published in the Federal Register. Upon publication in the Federal Register, employers who continue to use the old Form I-9 could face fines and penalties.

The new Form I-9 limits the number and type of documents that employers can use to verify identity and work eligibility of newly-hired employees. The only changes to the form are in the list of acceptable documents that establish both identity and employment eligibility, "List A." Five items have been removed from the previous list of documents that employers could accept to establish both identity and employment eligibility. They include: Certificate of U.S. Citizenship (Form N-560 or N-570); Certificate of Naturalization (Form N-550 or N-570); Alien Registration Receipt Card (Form I-151); an unexpired Reentry Permit (Form I-327); and an unexpired Refugee Travel Document (Form I-571). One document, an unexpired Employment Authorization Document that contains a photograph, was added to the list of acceptable items used to verify both identity and employment eligibility.

In addition, the new instructions state that employees are not required to provide a Social Security number in Section 1 of the Form I-9, unless their employer participates in E-Verify, an electronic employment verification system.

Employers do not need to complete new forms for existing employees. However, the revised form must be used when employers conduct a re-verification of employment eligibility, as well as for initial verification of new hires.

The revised Form I-9 and Employer Handbook are available on the internet at www.uscis.gov.

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For more information, please contact any of the individuals listed below:

Kristine J. Feher^{NJ}
kfeher@daypitney.com
(973) 966 8198

Rachel A. Helfeld^{NJ}
rhelfeld@daypitney.com
(973) 966 8201

Stacy Smith Walsh^{CT, MA}
sswalsh@daypitney.com
(860) 275 0565