

# AkerAlert

## Labor and Employment Law

### Immigration Services Issues Revised Form I-9

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**The U.S. Citizenship and Immigration Services (USCIS) has issued a revised Form I-9. The ubiquitous Form I-9 must be completed at hiring by every employee in the United States.**

Use of the revised I-9 is not yet mandatory, but the USCIS "encourages" its immediate use. Use of the updated form will become mandatory as soon as it is noticed in the Federal Register. Prudent employers will switch immediately. The revised I-9 is available at the USCIS website ([www.uscis.gov](http://www.uscis.gov)) or by calling the USCIS at 1-800-870-3676 or 1-800-375-5283. Once the use of the revised form becomes mandatory, employers are subject to penalties for using an outdated version.

The revised I-9 carries a revision date of 06/05/07 in the bottom right corner.

Form I-9 is intended to document an employee's eligibility to work in the United States. Employees must present approved documentation to the employer to verify their eligible status. There are three categories of approved documents, found on List A, B, and C. Any document from List A is sufficient by itself to verify eligibility. If the employee does not have a document from List A, he must present one from List B and one from List C.

The major change in the revised I-9 is the deletion of five documents from List A. No

longer acceptable as List A documents are: Certificate of U.S. Citizenship; Certificate of Naturalization; Alien Registration Receipt Card; Unexpired Reentry Permit; and Unexpired Refugee Travel Document.

One document, the new version of the Unexpired Employment Authorization Document, has been added to List A.

Additionally, listing the employee's Social Security number in Section 1 of the the I-9 is no longer mandatory unless the employer participates in the E-Verify program.

The revised I-9 is available in English and Spanish, but the Spanish version may only be used in Puerto Rico. The English version must be used in the 50 states, but the Spanish version may be used there as a guide.

Employers do not need to use the revised I-9 for existing employees until and unless they require re-verification.

#### No Change in No-Match Case

The injunction against implementation by the Department of Homeland Security and the Social Security Administration of the Final Rule on "no-match" letters remains in place. The injunction was issued by a federal court in California on August 31, 2007, prior to the scheduled September implementation of the rule. The parties to this hotly contested case have filed additional pleadings, but no action has occurred. The injunction, therefore, remains in place and the rule has not been implemented.

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