

# I-9 FORM ALERT

*November 14, 2007*

## **NEW FORM I-9**

On November 7, 2007, the United States Citizenship and Immigration Services (“USCIS”) announced that it has revised the Employment Eligibility Verification Form I-9. The new Form I-9 is now available, and its use will become mandatory upon publication of the revised accompanying regulations. Employers **MUST** use the new Form I-9, which has an expiration date of 06/30/08 in the upper right-hand corner, for all new hires. All prior versions of the Form I-9 will no longer be valid. After the new regulations go into effect, employers may be subject to fines and penalties for failing to use the new Form I-9. **We advise employers to start using the new Form I-9 immediately.**

The new form reduces the number of eligible documents an employer may accept from newly hired employees to verify identity and work authorization. **Due to concerns of counterfeiting and fraud and reflecting changes to its regulations that were instituted in 1997, USCIS has removed several of the more obscure documents from the list of eligible documentation that an employee may use to prove identity, citizenship or employment authorization.** The revised form clearly lists those documents that are currently acceptable, and most employers should not be affected by the changes. The new I-9 regulations also clarify that an employee may volunteer but is not required to provide a Social Security number, unless the employer participates in E-Verify, the USCIS Electronic Employment Eligibility Verification Program. **USCIS has also instituted the use of electronic signature and retention of Forms I-9 by the employer.**

**Employers need only complete a new Form I-9 for new employees.** Current employees are covered by prior versions of the Form I-9, and there is no need to re-verify current employees with the new Form I-9. **Employers must, however, use the new Form I-9 for employees who**



**require re-verification due to temporary or expiring employment authorization.** The new form may be accessed in PDF format at <http://www.uscis.gov/files/form/I-9.pdf>.

As under the previous I-9 regulations, all employers are required to complete and retain a Form I-9 for each employee hired in the United States. The Form I-9 is not filed with USCIS but must be retained by the employer. The employer must certify that the documents presented by the employee reasonably appear on their face to be genuine and to relate to the person presenting them. Employers cannot specify which documents from the list of eligible documentation they will accept from an employee. Employers must retain an employee's I-9 for the duration of employment plus either three years after the date of hire or one year after the date the employment relationship ends, whichever is longer. An employer is not required to photocopy documents, but if you choose to do so, the photocopies must be retained with the Form I-9. If you choose to photocopy documents, please do so **CONSISTENTLY** to avoid any claims of discrimination or document abuse.

### **QUESTIONS OR ASSISTANCE?**

If you have any further questions, please contact Brenda A. Eckert at 860-251-5712 or Lesley N. Salafia at 860-251-5055.

This communication is being circulated to Shipman & Goodwin LLP clients and friends. The contents are intended for informational purposes only and are not intended and should not be construed as legal advice. This may be deemed advertising under certain state laws. Prior results do not guarantee a similar outcome. © 2007 Shipman & Goodwin LLP.