

I-9 Alert

January 2009

USE OF NEW I-9 FORM DELAYED UNTIL APRIL 3, 2009

The United States Citizenship and Immigration Services ("USCIS") recently delayed the effective date of an interim final rule that will change the types of documentation that employers will be permitted to accept for purposes of the Form I-9, Employment Eligibility Verification ("I-9 Form"). The I-9 Form is used by employers to verify the identity and employment authorization of all individuals hired for employment in the United States.

The most significant proposed change to the I-9 Form is that employers will no longer be permitted to accept expired documents to verify employment authorization. However, if a document does not have an expiration date it is considered unexpired.

The newly proposed rule would make several changes to the documents included on List A of the I-9 Form, documentation that establishes both identity and employment authorization of employees. If the proposed rule is implemented without change, the following documents would be eliminated from List A:

- Form I-688, Temporary Resident Card
- Form I-688A, Employment Authorization Card
- Form I-688B, Employment Authorization Card.

The following documents would be added to List A:

- A temporary I-551 printed notation on a machine-readable immigrant visa in addition to a foreign passport with a temporary I-551 stamp
- A passport from the Federated States of Micronesia or the Republic of the Marshall Islands with a valid Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association between the United States and these countries.

QUESTIONS OR ASSISTANCE? We will keep you informed of any change in the underlying rule and upcoming version of the Form I-9. If you have any questions about the application of the new I-9 regulations or form, please feel free to contact Brenda Eckert at 860.251.5712 or beckert@goodwin.com or Matthew Venhorst at 860.251.5334 or mvenhorst@goodwin.com.



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