

Client Alert

Employment Practices Group

May 2011

Changes to Form I-9 Documentation

Recent Amendments Enacted to Help Combat Fraud

The U.S. Citizenship and Immigration Services (“USCIS”) recently issued updated rules to improve the integrity of the Employment Eligibility Verification (Form I-9) process. The Form I-9 requires every employee to present to a new employer documentation establishing identity and employment authorization. Effective May 16, 2011, employers are prohibited from accepting expired documents for completion of the Form I-9. In addition, several verification documents have been removed, added or amended from the list of acceptable documents that employers may accept as proof of eligibility. While employers may continue to use the current version of the Form I-9, employers must follow the new rules.

The most important changes made by the USCIS to the Form I-9 process include:

- Prohibition of accepting expired documents;
- Elimination from List A of the identity and employment authorization documentation Forms I-688, I-688A, and I-688B (Temporary Resident Card and outdated Employment Authorization Cards);
- Addition to List A of foreign passports containing temporary I-551 printed notations on certain machine-readable immigrant visas; and
- Addition to List A as evidence of identity and employment authorization valid passports for citizens of the Federated States of Micronesia (“FSM”) and the Republic of the Marshall Islands (“RMI”), along with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI.

The USCIS implemented these changes to the verification document requirements to establish clear standards for U.S. employers and to address document fraud concerns. Employers should immediately take steps to ensure compliance with the new Form I-9 requirements to comply with the USCIS rule when it becomes effective on May 16, 2011.

For more information on compliance with the Form I-9 requirements, or for any other employment matter, please contact one of the attorneys listed below.

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