



Fact Sheet

November 7, 2007
(Revised)

USCIS Revises Employment Eligibility Verification Form I-9 *Revision will eliminate certain documents for employment verification*

U.S. Citizenship and Immigration Services (USCIS) has issued a revised Form I-9, *Employment Eligibility Verification*, and M-274, *Handbook for Employers, Instructions for Completing the Form I-9*. The revised form is now available for use.

BACKGROUND

The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) mandated a reduction in the number of documents that employers may accept from newly hired employees during the employment eligibility verification process. In 1997, the former Immigration and Naturalization Service (INS) published an interim final rule in the *Federal Register* eliminating some of the documents IIRIRA slated for removal. However, Form I-9 was not updated to reflect the revised List of Acceptable Documents at that time. USCIS has revised Form I-9

One document was added to List A of the List of Acceptable Documents:

- *Unexpired Employment Authorization Document (I-766)*

All the Employment Authorization Documents with photographs that are in circulation are now included as one item on List A:

- *I-688, I-688A, I-688B, I-766*

Instructions regarding Section 1 of Form I-9 now indicate that the employee is not obliged to provide the Social Security Number in Section 1 of Form I-9, unless he or she is employed by an employer who participates in E-Verify. The section on Photocopying and Retaining Form I-9 now includes information about electronically signing and retaining I-9 forms.

The estimated reporting burden under the *Paperwork Reduction Act* has changed to reflect the latest estimates and, finally, the format, font, organization, and grammar of the text have been improved to make Form I-9 more readable and user-friendly.

Q: Can I accept documents that used to be on the Form I-9 but aren't now?

A: No. Employers may only accept documents listed on the List of Acceptable Documents on Form I-9. When re-verifying employees, employers should ensure that they use the new Form I-9 with its updated list of acceptable documents.

Q: Are there any changes in the way the new Form I-9 estimates and 2iB/T ID T0 W 0.980 0 0.982 52 I-9[Q: Are th

A: Employers must use the amended Form I-9 (Rev. 06/05/07)N for all individuals hired on or after November 7, 2007. However, DHS recognizes that employers should be afforded a period of time to transition to the amended Form I-9. DHS will publish a Notice in the *Federal Register* announcing that it will not seek penalties against an employer for using a previous version of the Form I-9 during a 30 day transition period that begins on date of publication of the Notice. After the transition period, employers who fail to use Form I-9 (Rev. 06/05/07)N may be subject to all applicable penalties under section 274A of the INA, 8 U.S.C. 1324a, as enforced by U.S. Immigration and Customs Enforcement (ICE).

Q: Do I need to complete the new version of Form I-9 for all my employees or just the new ones?

A: Employers only need to complete the new version of Form I-9 (Rev. 06/05/07)N for new employees. Employers do not need to complete new forms for existing employees. However, employers must use the Form I-9 (Rev. 06/05/07)N when their employees require re-verification.