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## Employers Must Use New Form I-9 When Hiring Employees

Employers must soon use a new Employment Eligibility Form I-9 to document that each new employee (both citizen and noncitizen) is authorized to work in the United States. The new Form I-9 will officially become effective 30 days after notice is published in the Federal Register. After the effective date, employers who continue to use outdated versions of Form I-9 may be fined and penalized.

The new Form I-9 is available online through [www.hrlaw.com](http://www.hrlaw.com). Simply click on the "Hiring" button or the "Forms" button for a link to a fillable, saveable PDF from the United States Citizenship and Immigration Services (USCIS).

The new Form I-9 lists the following five documents that may be used to satisfy the requirements on List A's "Documents that Establish Both Identity and Employment Eligibility":

- 1) U.S. passport (unexpired or expired);
- 2) Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- 3) Unexpired foreign passport with a temporary I-551 stamp;
- 4) Unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, or I-688B); and
- 5) Unexpired foreign passport with an unexpired Arrival-Departure Record (Form I-94) bearing the same name as the passport and an endorsement of the person's nonimmigrant status, if that status allows the person to work for the employer.

The new form removes five documents from List A of Acceptable Documents:

- 1) Certificate of U.S. Citizenship (Form N-560 or N-561);
- 2) Certificate of Naturalization (Form N-550 or N-570);
- 3) Alien Registration Receipt Card (Form I-151);
- 4) Unexpired Reentry Permit (Form I-327); and
- 5) Unexpired Refugee Travel Document (Form I-571).

The instructions for Section 1 state that providing an employee's social security number in Section 1 is voluntary, unless the employer participates in the USCIS Electronic Employment Eligibility Verification Program (E-Verify).

Employers only need to use the new Form I-9 when verifying employment eligibility of new employees and re-verifying eligibility of existing employees. Employers do not need to complete the new Form I-9 for other existing employees.

*This information is provided as an educational service by Hoge Fenton's Employment Group for clients and friends of the firm. This update is an overview only, and should not be construed as legal advice or advice to take any specific action. We encourage readers with questions to contact us or consult an expert in the field of employment law in your jurisdiction.*

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