

November 7, 2007

BUSINESS IMMIGRATION ALERT

A complimentary service of the McCandlish Holton Immigration Practice Group

DHS issues a new Form I-9 Employment Eligibility Verification and M-274 Handbook for Employers.

On November 7, the Department of Homeland Security issued a new Form I-9. All employers are required to complete a Form I-9 to verify the employment eligibility of every employee hired in the United States. The primary change to the Form I-9 is the removal of five List A Documents that Establish Both Identity and Employment Eligibility. List B and List C remain unchanged. The removed List A documents are:

- Certificate of U.S. Citizenship (Form N-560 or N-570)
- Certificate of Naturalization (Form N-550 or N-570)
- Alien Registration Receipt Card (Form I-151)
- Reentry Permit (Form I-327)
- Refugee Travel Document (Form I-571).

The new Form I-9 adds the current Employment Authorization Document (Form I-766) to List A. In addition, the Form I-9 instructions now state that an employee does not have to provide a Social Security Number for Section 1 of the form unless the employer participates in E-Verify.

DHS encourages employers to start using the new Form I-9 immediately. The form will become effective once the required notice is published in the Federal Register. After the effective date, employers will be subject to sanctions for failing to use the new Form I-9.

The DHS also released a new M-274 Handbook for Employers, which contains detailed instructions for completing Form I-9 and provides sample copies of the acceptable documents for the employment eligibility verification process.

The new I-9 form is available at <http://www.uscis.gov/files/form/I-9.pdf>

The new M-274 Handbook is available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>

Employers should contact a member of the McCandlish Holton Immigration Practice Group with any questions regarding how the new Form I-9 changes the employment eligibility verification process.