



APRIL SHOWERS BRING... NEW I-9 FORM

Just when you thought you finally understood the I-9 form that went into effect in 2007, the U.S. Citizenship and Immigration Services (“USCIS”) produced a new form—one that went into effect on April 3, 2009. This new form supersedes all prior forms. You must use this new form for individuals that become employed after April 3, 2009. Visit <http://www.uscis.gov/I-9>, or click [here](#) for the new form and its instructions.

Employers must complete their part of the I-9, Section 2, no later than three business days of the employee’s employment. Employers are required to visually inspect all documents an employee provides to establish their identity and work eligibility in the United States. Employers cannot specify which documents the employee must produce to establish his or her identity and work authorization. The major difference noted in the new form is that employees are no longer permitted to present expired documents, such as U.S. passports or driver’s licenses, to establish these criteria. Other differences are: (1) a distinction in Section 1 between U.S. citizens and “noncitizen nationals of the United States,” including individuals born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad; and (2) the removal of certain obsolete versions of the Employment Authorization Document (“EAD”).

Errors in I-9 forms can be costly to companies, both in terms of government fines and allegations by other employees or the government pertaining to the employment of unauthorized workers. Therefore, ensuring strict compliance from the start can be extremely beneficial.

– [Laurie M. Chess](#)



Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

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