

## **I-9 Update Tool Kit**

The United States Citizenship & Immigration Service (“USCIS”) has just released a new Form I-9, *Employment Eligibility Verification*, the document used to verify the employment eligibility of workers in the United States. (The new form contains “Form I-9 (Rev. 02/02/09) N” in the lower right-hand corner). Beginning April 3, 2009, all employers must use the new Form I-9. All previous versions will cease to be valid as of this date. A copy of the new I-9 Form is attached.

Employers must complete a Form I-9 for all employees within the first three days of employment. The completed form must be retained for either one year after termination of employment or three years after completion, whichever is longer.

### **What Changed?**

The most significant change to Form I-9 is a requirement that all documents presented during the verification process be unexpired. The previous Form I-9 allowed employers to accept expired U.S. Passports and List B documents to verify identity and work authorization.

In accordance with this change, the following documents were eliminated from List A of the List of Acceptable Documents because they are no longer issued and, as such, have expired:

- Form I-688, Temporary Resident Card;
- Form I-688A, Employment Authorization Card; and
- Form I-688B, Employment Authorization Card.

Certain documents, though, were added to List A of the List of Acceptable Documents:

- U.S. Passport Card;
- Foreign passports containing a temporary I-551 printed notation on a machine-readable immigrant visa; and
- Passports from the Federated States of Micronesia (“FSM”) or the Republic of the Marshall Islands (“RMI”) 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.

### **Additional changes regarding the completion of Form I-9:**

- Employees can now attest to being *either* a citizen or noncitizen national of the United States. (The previous Form I-9 combined “citizen” and “national” into one category.) Noncitizen nationals are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
- Employers must use the new Form I-9 with new employees but need not complete one for existing employees for whom a Form I-9 already has been completed. However, when re-verifying employees, employers must use the new Form I-9 with its updated list of acceptable documents.
- The new Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may have employees complete the Spanish version for their records. Employers in the 50 states and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but must complete the English version for their records.

If you need assistance with HR compliance issues, such as completing the new I-9 Form, please feel free to contact Susan Looney or Kim Jones with Credit Union Employment Resources (CUER). Susan can be reached at 800-442-5762, ext. 6431, Kim at ext. 6432.