



IMMIGRATION

ALERT

NEW I-9 FORM RELEASED VALID FOR IMMEDIATE USE

By The Fox Rothschild Immigration Practice Group

On March 8, 2013, the U.S. Citizenship and Immigration Services (USCIS) issued a revised Employment Eligibility Verification Form I-9. The new Form, which replaces all other forms, is available for immediate use. The previous editions of the Form (with an OMB control number expiration date of August 31, 2012) will remain valid for 60 days (until May 7, 2013). After this date, only the new Form ("Rev. 03/08/13") is acceptable.

All U.S. employers are required to complete a Form I-9 for every employee hired in order to verify that the individual is authorized for employment in the United States under the Immigration Reform and Control Act of 1986 (IRCA).

The new I-9 is now nine pages long, including the form, instructions and the List of Acceptable Documents. The I-9 Form itself has been reformatted and expanded from one page to two and includes additional data fields. The instructions have been revised and are intended to be clearer to both employees and employers.

Beginning on May 7, 2013 employers must use the new version of the Form for all new hires and for re-verifying current employees with expiring employment authorization documentation. As a best practice, employers should begin using the new edition of the Form immediately (beginning as early as March 8, 2013) for all new hires and for reverifications of current employees, even though the previous editions of the Form (with an August 31, 2012, OMB control number expiration date) will remain valid for 60 days (i.e., until May 7, 2013). Employers should not execute new Forms for existing employees who do not require reverification.

USCIS has also updated its Handbook for Employers,

Guidance for Completing Form I-9 (Employment Eligibility Verification Form) (Form M-274), its companion instruction booklet for the I-9 process. The new M-274 Handbook for Employers is available on USCIS' website.

The new Form I-9 and List of Acceptable Documents is available on USCIS' web site in English and in Spanish. The Spanish version of the Form may only be executed by employers in Puerto Rico. Employers in the 50 states, Washington, DC, and other U.S. territories may use the Spanish version of the Form only as a translation guide and must complete the English version of the Form.

IRCA compliance can be a complicated process for employers, and although employers can select from a variety of service providers to meet their I-9 training needs, legal professionals with experience with immigration, employment and labor law are better equipped to handle IRCA compliance issues.

For more information regarding the information in this Alert, or if you require assistance with your company's immigration or employment issues, including IRCA compliance, I-9s, audits, visa processing or comprehensive immigration strategy, please contact any member of our Immigration practice group:

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