

# Questions and Answers Dec. 12, 2008

# USCIS REVISES EMPLOYMENT ELIGIBILITY VERIFICATION FORM

U.S. Citizenship and Immigration Services (USCIS) has submitted to the an interim final rule that revises the list of documents acceptable for the Form I-9, Employment Eligibility Verification, process. The revised form will improve the security of the employment authorization verification process. Employers will be required to use the revised form for all new hires and to reverify any employee with expiring employment authorization beginning 45 days after publication in the . The current edition of the Form I-9, dated 06/05/2007, will no longer be valid for use 45 days . The interim final rule and an informational copy of after publication of the rule in the the revised Form I-9 will be available for public comment at www.regulations.gov for 45 days after publication in the . The revised Form I-9 will be available at <a href="www.uscis.gov">www.uscis.gov</a> 45 days after publication in the . The y y y y is being updated to reflect these changes and will be published on the USCIS Web site in the near future.

#### **BACKGROUND**

All employers, agricultural recruiters and referrers for a fee are required to verify the identity and employment authorization of each person they hire for employment in the United States. This requirement is set forth by section 274A(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)(B)). USCIS has revised the Form I-9 to bring it into compliance with the governing statutes. The most significant change to the Form I-9 is the requirement that all documents presented during the Form I-9 completion process be unexpired. This and other revisions are detailed below.

#### **Questions and Answers**

#### Q. Why is a revised Form I-9 being released?

A The revised Form I-9 reflects changes made to the list of documents acceptable for the Form I-9 in accordance with the Department of Homeland Security's (DHS) recent interim final rule. The rule furthers DHS's ongoing effort to increase the security of the employment authorization verification process. The new rule:

- o Requires that all documents presented during the verification process be unexpired;
- o Eliminates List A identity and employment autho(h)10.8696(o(h)10

o Makes technical updates.

#### Q: What is the difference between the revised Form I-9 and the old one?

A The biggest difference in the revised Form I-9 is that all documents presented during the verification process must be unexpired. Other than several technical updates, the following documents have been added or removed:

Two documents have been added to List A (Documents that Establish Both Identity and Employment Authorization) on the List of Acceptable Documents:

- A temporary I-551 printed notation on a machine-readable immigrant visa in addition to the foreign passport with a temporary I-551 stamp; and
- A passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with a valid 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.

Although prior regulations refer to temporary I-551 "stamps," the Department of State for several years has been affixing machine-readable immigrant visas (MRIVs) that contain a pre-printed temporary I-551 notation in the foreign passports of aliens immigrating to the United States. DHS therefore is updating the of 1.669 alath (cp) (This has 2 da (Tha (pc) = 3.956670.8696(t)-4.60948(e)-17.7825(pr)-3.95667(i)-4.60948(nt) 6.te

## Q. Why is only one type of Employment Authorization Document left in List A?

A Forms I-688, I-688A and I-688B are older employment authorization documents. These are no longer issued and have now expired.

# Q. In Section 1 – Employee Information and Verification, of the revised Form I-9, an employee can now attest to being either a citizen or noncitizen national of the United States. Who is a noncitizen national?

A 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. More information on noncitizen U.S. nationals can be found on www.travel.state.gov.

### Q: Where can I get the revised Form I-9 and the Employer Handbook (M-274)?

A An informational copy of the revised Form I-9 and the interim final rule are available online through the \_\_\_\_\_\_. Beginning 45 days after publication in the \_\_\_\_\_\_, when the interim final rule takes effect, the revised Form I-9 will be available at <a href="www.uscis.gov">www.uscis.gov</a>. The

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