

LABOR & EMPLOYMENT ALERT

This Alert is published by our Labor & Employment Section. Please feel free to contact any of our authors for more information.

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I-9 PROCEDURES HAVE CHANGED

Effective November 7, 2007, the U.S. Department of Homeland Security changed the rules on how to verify worker eligibility to work in this country.

Old I-9 forms are not permissible anymore. Only forms showing a 6/5/07 revision date (in the lower right hand corner) are current. These are available at www.uscis.gov in downloadable PDF format, as are new Employer Instructions.

The new form deletes five documents previously listed in Column A. Column A is the list of documents that can establish *both* identity and work authorization. The five documents that used to fit that bill but are no longer acceptable are:

- certificate of U.S. citizenship (Forms N-560 and N-561)
- certificate of naturalization (Forms N-550 and N-570)
- alien registration receipt card (I-151)
- unexpired reentry permit (Form I-327)
- unexpired refugee travel document (Form I-571)

The other change to Column A is that all the Employment Authorization Documents currently in circulation that include photographs are now gathered into one item on the list:

- unexpired Employment Authorization Document that includes a photograph (I-766, I-688, I-688A, I-688B)

One other change to the form is that the individual need not supply a Social Security number in Part 1 of the form unless the employer uses the E-Verify system to check credentials.

This new form must be used going forward, for new hires and for re-verifications of employees with expiring work authorizations. There is no need to require all current employees to fill out new I-9 forms or produce documentation again.

The Department of Homeland Security plans not to assert violations against employers who use outdated forms during the first 30 days of the new form's availability, that is, likely though December 6, 2007.