



Fact Sheet

November 7, 2007

USCIS Revises Employment Eligibility Verification Form I-9 *Revision will eliminate certain documents for employment verification*

U.S. Citizenship and Immigration Services (USCIS) has issued a revised Form I-9, *Employment Eligibility Verification*, and M-274, *Handbook for Employers, Instructions for Completing the Form I-9*. The revised form is now available for use.

BACKGROUND

The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) mandated a reduction in the number of documents that employers may accept from newly hired employees during the employment eligibility verification process. In 1997, the former Immigration and Naturalization Service (INS) published an interim final rule in the *Federal Register* eliminating some of the documents IIRIRA slated for removal. However, Form I-9 was not updated to reflect the revised List of Acceptable Documents at that time. USCIS has revised Form I-9 to bring it into compliance with the 1997 regulation as a first step toward achieving the document reduction goals set out in IIRIRA and as a further step in its ongoing work toward reducing the number of documents used to confirm identity and work eligibility. The most significant change to the revised Form I-9 is the elimination of five documents from List A of the List of Acceptable Documents. This and other minor revisions are detailed below.

Questions and Answers:

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

A: Both Form I-9 and the Employer Handbook are available as downloadable PDFs at www.uscis.gov. Employers without computer access can order USCIS forms by calling our toll-free number at 1-800-870-3676. Individuals can also request USCIS forms and information on immigration laws, regulations, and procedures by calling the National Customer Service Center toll-free at 1-800-375-5283.

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

A: Five documents have been removed from List A of the List of Acceptable Documents:

- *Certificate of U.S. Citizenship (Form N-560 or N-561)*
- *Certificate of Naturalization (Form N-550 or N-570)*
- *Alien Registration Receipt Card (I-151)*
- *Unexpired Reentry Permit (Form I-327)*
- *Unexpired Refugee Travel Document (Form I-571)*

One document was added to List A of the List of Acceptable Documents:

- *Unexpired Employment Authorization Document (I-766)*

All the Employment Authorization Documents with photographs in circulation are now included as one item on List A:

- *I-688, I-688A, I-688B, I-766*

Instructions regarding Section 1 of Form I-9 now indicate that the employee is not obliged to provide the Social Security Number in Section 1 of Form I-9, unless he or she is employed by an employer who participates in E-Verify. The section on Photocopying and Retaining Form I-9 now includes information about electronically signing and retaining I-9 forms.

The estimated reporting burden under the *Paperwork Reduction Act* has changed to reflect the latest estimates and, finally, the format, font, organization, and grammar of the text have been improved to make Form I-9 more readable and user-friendly.

Q: Can I accept documents that used to be on the Form I-9 but aren't now?

A: No. Employers may only accept documents listed on the List of Acceptable Documents on Form I-9. When re-verifying employees, employers should ensure that they use the new Form I-9 with its updated list of acceptable documents.

Q: Are there any changes in the way the new Form I-9 is completed?

A: No. The updated form should be completed exactly the same way as the old one was. The only difference is the types of documents that employers may accept in Section 2.

Q: Is the Form I-9 available in different languages?

A: The 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 and keep it in the employer's records. Employees may also use or ask for a translator/preparer to assist them in completing the form.

Q: Are employers in Puerto Rico required to use the 2007 Spanish version of Form I-9?

A: No. Employers in Puerto Rico may use either the Spanish or the English version of the 2007 Form I-9 to verify employees. Employers in Puerto Rico may not use the expired 1988 Spanish edition of Form I-9.

Q: May I continue to use earlier versions of Form I-9?

A: No. Employers must use the 2007 edition of Form I-9, approved on June 5, 2007. All previous versions of Form I-9, in English or Spanish, are no longer valid. The 1988 version of Form I-9 in Spanish expired in 1991. Employers who continue to use the outdated editions of Form I-9 are subject to fines and penalties.

Q: When do I need to begin using the 2007 edition of Form I-9?

A: The revised Form I-9 is available now and will become effective once the notice is published in the *Federal Register*. Employers are encouraged to start using it as soon as possible. After the effective date, employers may incur fines and penalties for failing to use the new Form I-9.

Q: Do I need to complete the 2007 Form I-9 for all my employees or just the new ones?

A: Employers only need to complete the 2007 Form I-9 for new employees. Employers do not need to complete new forms for existing employees. However, employers must use the 2007 Form I-9 when their employees require re-verification.

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