

# Immigration Update

Issue 003 - November 27, 2007

## New I-9 Form Becomes Mandatory

On November 26th 2007, the U.S. Citizenship and Immigration Service (“USCIS”) published in the Federal Register that use of the new I-9 form will become mandatory on any I-9 forms completed on or after December 26th, 2007. On November 7th, 2007, the USCIS announced they were releasing to the public a revised I-9 form. The revisions brought the I-9 form into compliance with immigration laws passed after the last substantive revisions were made to the form in 1991. The main revisions to the I-9 form include elimination from list A of “acceptable documents” (that prove both identity and employment authorization) documents that are either no longer issued by USCIS or that do not contain security features that would deter counterfeiting or fraudulent use.

Although the revised form was only released this month, it bears a revision date of 06/05/2007. Although we encourage use of the new I-9 form now, employers and employees hired on or after December 26, 2007 will be required to complete the revised I-9 form. Failure to use the revised I-9 form for persons hired on or after that date will subject the employer to liability for civil penalties and paperwork violation fines.

Only employees hired or rehired on or after December 26, 2007 will need to complete the revised I-9 form. Do not ask current employees who have previously completed an I-9 form to now complete the revised form. Doing so will be considered “document abuse” under the Immigration Reform Control Act (IRCA) and will expose the employer to civil liability. The revised form is available on the USCIS website: <http://www.uscis.gov> and a pdf version of the form is attached to this Alert. USCIS has also released an updated “Handbook for Employers” (M-274) which is now available for downloading from the USCIS website: [www.uscis.gov](http://www.uscis.gov).

Other changes to the form and its completion include instructions for electronically signing and storing the forms that became permissible in 2006. Additionally, to comply with the Privacy Act, employees completing Section 1 no longer have to provide their social security number in Part 1 unless the employer participates in the US Government’s E-Verify program. The E-verify program is a voluntary electronic document verification process employers may enroll in to confirm a new hire’s eligibility to work in the United States. Information on the E-verify program is available from the E-verify website at: <https://www.vis-dhs.com/EmployerRegistration/StartPage.aspx?JS=YES>

There are advantages and disadvantages to enrolling in E-verify that affect each company differently. We recommend speaking with immigration counsel prior to enrolling in the E-verify program.

We will continue to monitor all Federal Regulations regarding I-9 use and compliance enforcement and will provide you with updates as they occur. If you have any questions, please call or email your contact on the MVA Immigration Team.

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