



Immigration Update:

United States Citizenship and Immigration Services Issues Revised Employment Eligibility Verification Form I-9

The Federal Immigration and Nationality Act (“INA”) requires all employers to complete an Employment Eligibility Verification Form I-9 for all new hires within the first three (3) days of employment, and to retain the form for three (3) years after the date of employment, or one (1) year after the date of termination of employment, whichever occurs later.

On November 7, 2007, the United States Citizenship and Immigration Services (“USCIS”) issued a revised Form I-9, Employment Eligibility Verification (revision date June 6, 2007), for immediate use. Notwithstanding, employers will be granted a thirty (30) day transition period beginning on the date of the publication of the notice. Thereafter, failure to use the revised Form I-9 may result in penalties.

The only change to Form I-9 is that it has been revised to reflect the changes in the acceptable “List A” documents, which were informed by the USCIS together with the last revision to Form I-9 on May 31, 2005, though at that time the form was not amended to include said changes.

To wit, the following documents have been removed from “List A” on the latest Form I-9:

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

The following document was added to “List A”:

- Unexpired Employment Authorization Document with Photograph (I-766; I-688, I-688A, I-688B)

This means that this document may now be used to verify both the employee’s identity and authorization to accept employment in the United States.

It must be noted that the employer CANNOT specify which documents it will accept from the employee, so long as the employee provides at least one (1) document from “List A” or one (1) document from “List B” together with one (1) document from “List C”.

The employer may retain a photocopy of the documents reviewed (this is highly recommended). However, retaining a photocopy of the documents reviewed does not discharge the employer’s responsibility for completing and retaining Form I-9.

All employers should make sure to use the latest version of Form I-9, available at <http://www.uscis.gov>.

Please contact Mariel Y. Haack, Esq., at (787) 281-1951, mhaack@amgprlaw.com, or Patricia R. Limeres, Esq., at (787) 281-1965, plimeres@amgprlaw.com, if you have any further questions regarding the revised Form I-9.

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Adsuar Muñoz Goyco Seda & Pérez-Ochoa, P.S.C

ADSUAR MUÑIZ GOYCO SEDA & PÉREZ-OCHOA, P.S.C.

Attorney and Counselors at Law

Westernbank World Plaza
268 Muñoz Rivera Ave. Suite 1400
San Juan, PR 00918

PO Box 70294
San Juan, PR 00936-8294

Telephone: (787) 756-9000 & (787) 474-0004
Fax: (787) 756-9010 & (787) 474-0005