

VERCRUYSSSE MURRAY & CALZONE

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

Robert M. Vercruyssen
Gregory V. Murray
David B. Calzone
Bernice McReynolds
Daniel J. Bernard
Dorothy Hanigan Basmaji
Susan Hartmus Hiser
Debra Auerbach Clephane
James E. Roach
Patricia Bordman
Ann M. Nicklas
William E. Altman
Gary S. Fealk
Louis B. Eble
Kathleen Saenz Poppenger
Jesse Goldstein

SUITE 200, 31780 TELEGRAPH ROAD
BINGHAM FARMS, MI 48025-3469

Telephone
248-540-8019

Facsimile
248-540-8059

Website
www.vmclaw.com

Retired:
Virginia F. Metz

November 16, 2007

THE NEW I-9 HAS ARRIVED

On November 7, 2007, the United States Citizenship and Immigration Services ("USCIS") of the Department of Homeland Security ("DHS") released a new Employment Eligibility Verification Form I-9 and M-274 Handbook for Employers, Instructions for Completing the Form I-9 in an effort to reduce the number of documents used to confirm identity and employment eligibility. USCIS believes that amending the List A documents will assist employers to better conform their document acceptance practices to the requirements of the law. All employers are required to complete the Form I-9 for each employee hired in the United States after November 6, 1986.

Employers should start using this new form immediately; the new Form I-9, with a revision date of June 5, 2007, is the only version of the form that is valid for use. However, the DHS will publish a notice in the Federal Register which provides employers an additional 30-day grace period, beginning on the date of publication of the notice, to transition to the new Form I-9. The revision date of the Form I-9 is printed on the lower right corner of the form and states "(Rev.06/05/07)N."

Employers who do not comply with the new regulatory requirements, as indicated on the new Form I-9, may be subject to penalties. Both the revised Form I-9 and the Handbook for Employers, Instructions for Completing the Form I-9, are available on-line at www.uscis.gov.

CHANGES TO THE I-9

The most significant change to the new Form I-9 is the removal of five List A documents which show proof of both identity and employment eligibility because they lack sufficient features to help deter counterfeiting, tampering, and fraud. They include:

- Certificate of U.S. Citizenship (Form N-560 or N-561)
- Certificate of Naturalization (Form N-550 or N-570)
- Alien Registration Receipt Card (Form I-151)

November 16, 2007

- Unexpired Reentry Permit (Form I-327)
- Unexpired Refugee Travel Document (Form I-571)

In addition, one document was added to List A of the Lists of Acceptable Documents:

- Unexpired Employment Authorization Document (I-766)

The amended List A documents now include all unexpired Employment Authorization Documents that contain photographs in one category and include:

- Form I-688
- Form I-688A
- Form I-688B
- Form I-766

Changes to the new Form I-9 Instructions and USCIS guidance now indicate that:

- Employees are **not** obligated to provide the Social Security Number in Section 1 of Form I-9 unless the employer participates in E-verify.
- Employers only need to complete the new version of Form I-9 for new employees. Employers do not need to complete new forms for existing employees for whom an I-9 has been completed. However, when re-verifying employees, employers should ensure they use the new Form I-9 with its updated list of acceptable documents.
- The Form I-9 is available in the English and Spanish languages. 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 for their records.

This new Form I-9 will have a direct impact on every U.S. employer. The immigration team at Vercruysse Murray & Calzone appreciates this opportunity to immediately inform you of relevant changes to the laws as they are promulgated by the United States government. We will continue to keep you informed of any developments in immigration law.

Very truly yours,

VERCRUYSSSE MURRAY & CALZONE

Dorothy Hanigan Basmaji

Debra Auerbach Clephane

David B. Calzone

Kathleen Saenz Poppenger

Jesse Goldstein