



BALCH & BINGHAM LLP

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LABOR AND EMPLOYMENT BULLETIN

April 16, 2009

REMINDER: EMPLOYERS MUST USE NEW I-9 FORM

This is a reminder that all employers must now use the revised Form I-9 (Rev. 02/02/09) to document the employment eligibility of all new employees. Previous versions of the Form I-9 may no longer be used.

There are two primary changes in the new Form I-9. First, the biggest difference in the revised Form I-9 is that expired documents (*e.g.*, a U. S. passport that bears an expiration date in the past) may no longer be used to complete the I-9 process. Second, the new I-9 makes some changes to the types of acceptable documents that may be used to verify a new employee's identity and eligibility to work in the United States. Other than that, the new I-9 should be completed and stored just like the previous version.

However, the new I-9 fails to account for several situations concerning the employment of authorized foreign nationals. Employers who seek to employ or continue to employ foreign nationals that claim to have conditional permanent residency status, who are authorized to work under an interim work authorization, or foreign nationals authorized to work under temporary protected status (TPS), should consider seeking appropriate legal guidance.

For your convenience, we have attached the revised Form I-9 to this Bulletin. Additional I-9 Forms (in English and Spanish), instructions, Questions and Answers, and a "Handbook for Employers" may also be downloaded from <http://www.uscis.gov/I-9>.



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