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NEW I-9 FORM DELAYED UNTIL APRIL 3, 2009 AND E-VERIFY DELAYED UNTIL MAY 21, 2009

The U.S. Citizens and Immigration Services (USCIS) recently announced that Employers are not to begin use of the I-9 Forms until April 3, 2009. USCIS officials stated that the 60-day delay will provide adequate time to complete a full review of the new form and employment verification requirements. Employers use of the new I-9 form prior to April 3, 2009 are subject to civil monetary penalties.

Briefly, the proposed revised I-9 form will include three important changes:

- *Require that all documents presented for verification be current (not expired);
- *Eliminates form I-688, I-688A and I-688B from List A. These documents establish both identity and employment authorization. The elimination of these documents was due in part to the fact that these documents are no longer issued and have now expired.
- *Expands List A by adding two documents:
 - *A Temporary I-551 printed notation on a machine readable immigrant visa reflects the fact that the State Department has used machine-readable immigrant visas for several years, and
 - *A Passport from the Federal States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) with a valid Form I-94 or I-94A. This change reflects an agreement under the Compact of Free Association between the USA and FSM or RMI.

The proposed I-9 form is available online from the USCIS web site (www.uscis.gov).

The E-Verify requirement, which requires federal contractors and subcontractors to use E-Verify – the electronic verification system operated by the USCIS - has been delayed another 90 days until May 21, 2009. The additional 90 days delay will allow the White House to review several new and pending regulations, which the Bush administration promulgated at the end of 2008. This delay was in part sought after several lawsuits were filed seeking to block the new requirements for federal contractors alleging that Congress originally established the electronic verification system as a voluntary program and that the Bush administration overstepped its

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bounds by mandating federal contractors to use the system to verify employees within thirty (30) days after the award of a federal contract.

For more information on the I-9 form or E-Verify requirements please contact Dawn Alderucci, Esq. at (860) 548-2621 or dalderucci@uks.com or Christopher Brigham, Esq. at (203) 786-8310 or cbrigham@uks.com

Sources:

USCIS web site, www.uscis.gov

Society for Human Resource Management, Express Request Service

Association of Legal Administrators, Nutmeg Chapter, email alert dated February 3, 2009