

PUBLICATION

USCIS Announces New Required Employment Eligibility Verification Form [Ober|Kaler]

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New required employment eligibility verification form, Form I-9, announced by the U.S. Citizenship and Immigration Services (USCIS)

On March 8, 2013, the Office of Management and Budget (OMB) approved the revised [Employment Verification Form I-9](#), which must be used starting May 8, 2013 for all hires of both citizens and non-citizens. Employers may continue to use the existing form through May 7, 2013, or can start using the new form immediately. The new form, available at the link above, may also be obtained at www.uscis.gov, or via a toll-free number (1-800-870-3676).

The form, which consists of 2 pages, is accompanied by 7 pages of instructions. The form has 3 sections. Section 1 gathers employee information and contains a place for an employee's signature or translator certification if that section is prepared by a person other than the employee.

Section 2 contains the employer review and verification where the employee provided documentation is listed. There is an attestation by the employer that it has examined the documents, that they appear to be genuine, and to the best of its knowledge, the employee is authorized to work in the United States.

Section 3 relates to re-verification and rehires, and contains a place for the employer to certify that to the best of the employer's knowledge that the employee is authorized to work in the United States, and the documents appear to be genuine. The last page in the package contains a list of acceptable documents which may be used in completing Section 2.

These forms must be maintained while the individual works for the employer and for a retention period of either 3 years after the date of hire or 1 year after the date employment ended, whichever is later. Failure to maintain the forms and/or failure to ensure that they were properly completed may subject the employer to civil money penalties and possible criminal penalties. These I-9 forms must be made available for inspection upon request by U.S. Immigration and Customs Enforcement (ICE) and by the Departments of Justice and Labor.

If you have any questions, please contact your Ober|Kaler attorney or a member of our Employment Group.