



# Alert

Labor & Employment Client Service Group

To: Our Clients and Friends

April 27, 2011

## Form I-9: Changes to Accepted Documentation

As of May 16, 2011, the documents employees present to employers for I-9 verification are subject to new regulations. The U.S. Citizenship and Immigration Services of the Department of Homeland Security issued a final rule which was published on April 15, 2011 concerning the list of acceptable documentation for the I-9 verification process. Form I-9 requires an employee to present to a new employer documentation establishing identity and employment authorization.

Under the final rule, employers can no longer accept certain documentation for I-9 verification, such as expired documents. The final rule also prohibits employers from accepting Forms I-688, or I-688A and I-688B, "Employment Authorization Cards." In addition to prohibiting certain types of documentation, the final rule also allows employers to accept new List A documents. For example, the rule allows employers to accept the new U.S. passport card and the temporary Form I-551, "Permanent Resident Card" as List A documentation.

### The Changes are Effective Beginning May 16, 2011

The final rule becomes effective and applies to employees hired on and after May 16, 2011. Employers must be proactive to ensure their new employee procedures reflect the Form I-9 documentation changes by May 16, 2011.

The changes to the verification document requirements were designed to establish clear standards for U.S. employers and to address document fraud concerns. Although the final rule necessitates employers to adjust their new employee hire procedures, the changes should make the verification process easier for employers than it is currently.

### New Rule = New Employee Intake Procedures

Employers should immediately take steps to ensure compliance with the I-9 requirements to comply with the final rule when it becomes effective on May 16, 2011. Employers should develop guidance for their human resource personnel or any individuals processing new employee documentation, educating

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them of the I-9 changes. Employers may find it helpful to develop checklists for their personnel describing acceptable and prohibited I-9 documentation under the final rule.

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For further information, contact Bryan Cave LLP's [Labor and Employment Client Service Group](#).