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LEGAL UPDATE

July 19, 2010

To: Superintendents\Presidents, Member Community College Districts

From: Janna L. Lambert, Senior Associate General Counsel

**Subject: Use of Current Form I-9 for Employment Eligibility Verification
Memo No. 10-2010 (CC)**

It has come to our attention that some clients may not have adjusted to using the updated Form I-9 (Employment Eligibility Verification) issued by the U.S. Citizenship and Immigration Services (USCIS) in 2009. This is a reminder that use of the most current Form I-9 is necessary under the law.

As you may recall, employers must complete a Form I-9 for all newly hired employees, whether they are citizens or noncitizens, to verify their identity and authorization to work in the United States. On the Form I-9, employers must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and relate to the individual, record the document information on the Form I-9 and retain it for the periods required by law. The list of approved documents that employees can present to verify their identity and employment authorization is divided into three sections:

- 1) List A documents verify identity and employment authorization;
- 2) List B documents verify identity only; and
- 3) List C documents verify employment authorization only.

Changes on the revised Form I-9 include the addition of the U.S. Passport Card and two other documents to List A, the deletion of several other documents that are no longer issued from List A, and the rule that employers may no longer accept expired documents as verification documents. The updated Form I-9 is available at <http://www.uscis.gov/files/form/i-9.pdf>.

An updated Handbook for Employers has also been released by the USCIS, which provides instructions to employers on the completion of the revised Form I-9 and answers frequently asked questions about the law as it relates to Form I-9. A copy of the updated Handbook is available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

If you have any questions, please contact one of the attorneys in our offices.