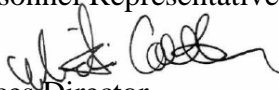


**MEMORANDUM**
DHR No. 03-2008

DATE: February 6, 2008

TO: Department Heads
Departmental Personnel Officers
Payroll and Personnel Representatives

FROM: Micki Callahan 
Human Resources Director

SUBJECT: Changes to the Federal Employment Eligibility Form (I-9 Form)

As you are aware, federal law requires employers to verify within three days of employment that each employee is authorized to work in the United States. This is accomplished by completing the "Employment Eligibility Form," commonly known as the "I-9 Form." The Department of Homeland Security (DHS) has amended the I-9 Form to bring it into compliance with federal law and, **effective immediately**, departments are required to utilize the updated version and accept only the approved documentation to verify identity and eligibility for employment. The required documentation is described in the appendix to the form.

The purpose of this memorandum is to provide departments with the new I-9 Form, to highlight the recent changes, and to ensure that the City remains in compliance with federal law.

Overview of Employment Eligibility Requirements

Federal law mandates the following:

1. All employees must complete Section 1 of the I-9 Form and provide documentation to establish both their identity and their eligibility to work within three days of employment.

There are three lists in the appendix that describe the types of documentation that will satisfy this requirement: List A reflects documents that may be used to establish both identity and eligibility; List B reflects documents that may be used only to establish identity; and List C reflects documents that may be used only to establish eligibility for employment.

2. Departments are required to examine the documentation to ensure authenticity and complete Section 2 of the I-9 Form, listing the title of the document(s), the issuing authority, the number (if any), expiration date (if any) and the employee's hire date.
3. Departments must retain the employee's I-9 Form for three years after the start work date or one year after the employee's employment is terminated, whichever is later.
4. Upon request, departments must provide I-9 Forms to authorized officers of the DHS, the U.S.

Department of Labor or the Office of Special Counsel for Immigration Related Unfair Employment Practices for inspection.

Note that independent contractors are not required to complete an I-9 Form.

Changes to the I-9 Form

The most significant change to the I-9 Form is the elimination of five documents from List A. The following documents are no longer acceptable for establishing identity and employment eligibility:

- (1) Certificate of United States Citizenship (Form N-560 or N-561);
- (2) Certificate of Naturalization (Form N-550 or N-570);
- (3) Form I-151, a long out-of-date version of the Alien Registration Receipt Card (“green card”);
- (4) Unexpired Reentry Permit (Form I-327); and
- (5) Unexpired Refugee Travel Document (Form I-571).

However, the following five types of documentation are still acceptable as reflected in List A:

- (1) U.S. Passport whether unexpired or expired—retained from the previous version;
- (2) An unexpired Permanent Resident Card or Alien Registration Receipt Card (Form I-551)—retained from the previous version;
- (3) An unexpired foreign passport with a temporary I-551 stamp—retained from the previous version;
- (4) An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)—retained from the previous version but now includes Form I-766;
- (5) An unexpired foreign passport with an unexpired Arrival-Departure Record (Form I-94) bearing the same name as the passport and containing an endorsement of the alien’s nonimmigrant status, if that status authorizes the alien to work for the employer—retained from the previous version but modified.¹

The I-9 Form has also been reformatted and reorganized in order to ensure consistency with standard DHS practices. Please be sure to carefully review the attached new I-9 Form and instructions to ensure that all DHS requirements are met.

For more information and examples of acceptable documentation, you can access the handbook for employers located on the DHS website at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

¹ This language replaces the following language in the previous version: “An unexpired foreign passport with an attached Form I-94 indicating unexpired employment authorization.”