

Special Bulletin

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Employment Law - Immigration Alert

by Durga M. Bharam

The U.S. Immigration and Customs Enforcement (ICE) has undertaken an extensive nationwide immigration audit to inspect Form I-9 records to ensure compliance with federal employment eligibility verification laws. The 652 businesses targeted for the most current audit were chosen as a result of leads and other information obtained through ICE's investigative means.

It is imperative for employers to check their I-9s records to ensure that they are in compliance with the law so as to avoid costly fines and penalties. Federal law requires that all employers complete an I-9 Employment Eligibility Verification Form within three days of hiring any worker hired after November 6, 1986, including U.S. citizens, and to retain the I-9 for each employee either for three years after the date of hire or

for one year after employment is terminated (whichever is later) to show that the employee is authorized to work in the United States. An employer 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 and record the document information on the Form I-9. The list of acceptable documents can be found on the last page of the form.

Recently, the United States Citizenship and Immigration Services announced that the Form I-9 Employment Eligibility Verification (Rev. 02/02/09) will continue to be valid. This version of the Form I-9 was set to expire on June 30, 2009. Therefore, employers should use Form I-9 with the 02/02/09 revision

date and ignore the expiration date on the top of the form. A copy of this form is attached.

If you need any assistance in reviewing your I-9 forms, please feel free to contact the undersigned.



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