

Key Changes in the New Version (6/1/11) of the I-9 Handbook for Employers (M-274)

I. Completion Requirements

Section 2 provides additional guidance for completing the employee's name. (pg. 4) If the employee has two last names (family names), include both.

- If the employee hyphenates the last name, include the hyphen (-) between the names.
- If the employee has two first names (given names), include both.
- If the employee hyphenates the first name, include the hyphen (-) between the names.
- Include a middle initial, if applicable

II. Special Situations Regarding Employee Immigration Status and Documents

Reverification and Evidence of Status for Certain Categories including Guidance for recording Temporary Protected Status (TPS) EAD auto-extensions for existing employees. (pg. 11)

- Includes sample images of an EAD issued under either the A-12 (Temporary Protected Status) or C-19 (Temporary Treatment Benefits) categories. A TPS beneficiary may continue to work after the expiration date if the Federal government has temporarily extended the validity date of the EAD through a notice published in the Federal Register. New guidance explains how this is done.
- While not included in the Handbook the employee must also make corrections to section 1 to indicate his or her TPS status has been extended.

III. Completing an I-9 for a rehired employee who has been rehired several times (pg. 19)

- The rule for rehired employees has always been that if the employer is rehiring an employee within 3 years of the original hire date, the employer can complete a new I-9 or rely on a previously completed Form I-9 and update section 3.
- The June 2011 M-274 changes this rule slightly to account for "revolving door" employees who are hired several times over a span of years. Under the new guidance, employers who rehire an employee within three years of the date that his or her previous Form I-9 was completed may complete a new Form I-9 or may be able to rely on the previously completed Form I-9 in certain circumstances.

IV. Completing Section 3 when a new form version is available (pg. 19)

- If an employee is rehired within 3 years of the previous I-9, and in the meantime a new form version has been released, it is not necessary to complete a new I-9 if the employer is merely "updating" the form and the previous form indicates that the employee is still eligible to work.
- However, if an employer is reverifying an employee's work authorization and a new form has been released since the previous verification, the employer must reverify on the new form. This rule ensures that the employer consults the latest list of acceptable documents during the reverification process.
- It appears mere updating of a change of name does not require use of the most current version of the form.

V. Verification and completion of section 1 for Refugees and Asylees (pg. 10)

- The January M-274 provided guidance indicating refugees and asylees, are authorized to work pursuant to their immigration status. The June M-274 now clarifies that asylees and refugees should “check an alien authorized to work, write the Alien Number or Admission Number in the first space, and N/A in the second space, because their employment authorization does not expire.”

VI. Other Changes for Employers and Employees Located in the Commonwealth of the Northern Mariana Islands (CNMI) (pg. 49)

- An additional Umbrella Permit (Category 240P) for Employers and Employees Located in CNMI puts them in the same position as refugees and asylees in not having to worry about or calendar work authorization expiration dates.

VII. Additional information and document examples added including:

- A list of the legends that may be found on an Employment Authorization Documents (EAD). Specifically, they include “Not Valid for Reentry to U.S.,” “Valid for Reentry to U.S.” or “Serves as I-512 Advance Parole.” The newly issued combination EAD and advance parole travel document was confusing to both employers and immigration inspectors where only work authorizations was issued, and not advance parole travel permission based.
- Examples of the new “combo-card” that combines employment authorization and travel authorization in one document (page 56) One example shows the EAD with only the work authorization option, whereas the other includes the right to work, and to travel.
- An example of a Form I-94 that contains an F-1 and “D/S” notation (page 58)
- An example of a passport from the Republic of the Marshall Islands (page 58)
- References to Form I-797C have been removed (pg. 18 and pg. 41)
- References to Q-1 have been removed from the list of employees eligible for a 240-day extension (pg. 18).

For more information on recent I-9 news and best practices, please visit the LawLogix I-9 and E-Verify blog at www.electronici9.com. You may also want to visit www.lawlogix.com/i-9-and-e-verify-compliance or <http://wolfsdorf.com> for additional information.

For direct questions about the revised M-274 Handbook or electronic I-9’s, please contact LawLogix at 877-725-4355 ext. 1 or Wolfsdorf Immigration Law Group at I-800-VISA-LAW.

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