

DHS Delays New Form I-9 Changes

Late Friday, January 30, 2009, the Department of Homeland Security (“DHS”) announced that it would be delaying the implementation of the employment eligibility verification changes it proposed in December 2008. Originally, those changes -- along with the revised Form I-9 (Rev. 02/02/09; Exp. 06/30/09), Employment Eligibility Verification -- were scheduled to take effect today. According to the DHS, the new effective date for those changes is April 3, 2009.

In light of these new developments, employers **SHOULD NOT** use the revised Form I-9 or enforce any of the proposed employment eligibility verification changes for any employee hired on or after February 2, 2009 but before April 2, 2009. An employer who uses the revised Form I-9 before April 3, 2009 risks: (a) discriminating against newly hired employees; and (b) civil monetary penalties up to \$1,100 per violation.

As a result, for any new employee hired on or after February 2, 2009 but before April 3, 2009, you **SHOULD** use the previous Form I-9 (Rev. 06/05/07; Exp. 06/30/09). We have attached a courtesy copy of that previous Form I-9 for your convenience. You may also use the previous Form I-9 (Rev. 06/18/08; Exp. 06/30/09).

We appreciate the inconvenience that these new developments may cause, and understand your frustrations with this process. We will do our best to continue to inform you of further changes as soon as they occur. As always, if you have any questions or concerns about this new Form I-9, or about other employment issues in general, please contact the Employment and Benefits Group of Robison, Curphey & O'Connell.

Mark C. Abramson	mabramson@rcolaw.com
C. Philip Baither, III	pbaiter@rcolaw.com
William V. Beach	bbeach@rcolaw.com
Carl E. Habekost	chabekost@rcolaw.com
Peter N. Lavalette	plavalette@rcolaw.com
Lisa L. Nagel	lnagel@rcolaw.com
Stephen J. Stanford	sstanford@rcolaw.com



Toledo
Four SeaGate, Ninth Floor
Toledo, Ohio 43604
419-249-7900/phone
419-249-7911/fax

Findlay
330 South Main Street
Findlay, Ohio 45840
419-429-7900/phone
419-429-7911/fax

Waterville
204 Farnsworth
Waterville, Ohio 43566
419-878-2931/phone
419-878-4727/fax

Adrian
123 East Maumee Street
Adrian, Michigan 49221
517-263-8811/phone
517-263-8733/fax

Monroe
23 East Front Street, Suite 101
Monroe, Michigan 48161
734-457-1092/phone
734-457-1094/fax