

February, 2009

**IMPLEMENTATION OF INTERIM FINAL RULE AMENDING FORM I-9
IS DELAYED TO APRIL 2009**

By: Laurie A. Petersen

On December 17, 2008, the Department of Homeland Security (DHS) published an interim final rule related to documents acceptable for employment eligibility verification (I-9). The rule was to be effective, including the use of the new I-9 form, on February 2, 2009.

However, on January 30, 2009, the U.S. Citizenship and Immigration Services (USCIS) delayed implementing the rule until April 3, 2009. The public comment period has been reopened to March 4, 2009 and the DHS will reconsider the rule and additional comments.

In the interim, employers should not use the new proposed I-9 that accompanied the December 17, 2008 notice, but rather continue to use the I-9 form revised June 5, 2007. There is a possibility of civil penalties for use of the wrong I-9 form.

Attached is the text of the Notice published in the federal register delaying the implementation. The link to the relevant notices and related files can be found at http://www.uscis.gov/files/article/I-9delay_30jan08.pdf

If you have any questions about the issues raised by this e-alert, please feel free to contact Laurie A. Petersen at (414) 273-3910 or by e-mail at lpetersen@lindner-marsack.com

Lindner & Marsack, S.C. represents management exclusively in labor, employment, and employee benefits law, including the administration of employee health and retirement programs. Established in 1908, Lindner & Marsack, S.C. is consistently rated among the top labor and employment law firms in the nation. We are located at 411 East Wisconsin Avenue, Suite 1800, Milwaukee, Wisconsin, 53202. Call us at (414) 273-3910 or visit our website, www.lindner-marsack.com, to learn more about our firm and its talented and innovative legal professionals.