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Important Compliance Update for I-9/E-Verify

The United States Citizenship and Immigration Services (USCIS) [announced October 25, 2011](#) that the agency is now issuing an enhanced Employment Authorization Document (EAD) and a redesigned Certificate of Citizenship (Form N-560) with new features to strengthen security and deter fraud. According to the alert, the state-of-the-art technology incorporated into the new documents will deter counterfeiting, obstruct tampering, and facilitate quick and accurate authentication (where required).

The Employment Authorization Document (Form I-766)

The USCIS worked closely with the Immigration and Customs Enforcement Forensic Document Laboratory to incorporate technology and tactile features to better equip workers, employers and law enforcement officials to recognize the EAD as definitive proof of work authorization (for certain qualifying foreign nationals). The USCIS began issuing the new EAD cards on October 25, 2011, and the agency will replace EAD cards already in circulation as individuals apply for their renewal or replacement. It's important to note that all previously issued EADs remain valid until the expiration date printed on the card.

The Certificate of Citizenship (Form N-560)

The Certificate of Citizenship is issued to individuals who have: 1) derived citizenship through parental naturalization; 2) acquired citizenship at birth abroad through a United States parent or parents; or 3) acquired citizenship through application by United States citizen adoptive parent(s); and who, pursuant to section 341 of the Act, have applied for a certificate of citizenship.

How does this affect the Form I-9 Process?

In the I-9 context, the EAD (or Form I-766) is an acceptable List A document, which establishes both identity and work authorization for qualifying foreign nationals (for a complete list of eligibility categories, please see the [Form I-765 instructions here](#)). Employers with I-9 responsibilities, while not expected to become document experts, should review the new look of the card to better assess the authenticity of the document.

It's also important to remember that the EAD is evidence of "temporary" work authorization, which means it expires at some point in time. Before that expiration occurs, employers need to re-verify the employee's continuing eligibility to the work in the U.S. (using Section 3 of the form or by completing a new form) in order to avoid penalties and other more serious issues. If you store pen and paper I-9s, you probably use a ticker or calendar system for reminders, while employers using [electronic I-9/E-Verify management systems](#) enjoy automatic email reminders, dashboard prompts, and re-verification reports on demand.

The EAD is also noteworthy for employers participating in E-Verify, since it is one of three documents which must be photocopied and retained by the employer during the I-9 process for purposes of E-Verify photo matching (the I-551 green card and US Passport are the other two documents).

For more information about how Accutrace can streamline your I-9/E-Verify process, please contact an Accutrace screening specialist at 888-548-7223 (888-54 TRACE) or sales@accu-trace.com

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