



November 14, 2007

Hello,

IMMIGRATION LAW UPDATE:

New I-9 Form Released - Must Be Used On Or Before December 7, 2007

US Citizenship and Immigration Services (USCIS) has released a **new I-9 Employment Verification Form** on November 7, 2007. This new form must be used for **all persons hired on or after December 7, 2007**. By way of background, the I-9 form must be completed by every employer for every employee hired to work in the US since November 6, 1986. The form is designed to ensure that only persons who have an appropriate immigration status are allowed to work in the US. The changes to this form are only to the second page, which lists the acceptable documents. Several documents were deleted under a 1996 law. The first page of the form, except for the version date, remains almost identical to earlier versions. A copy of the USCIS fact sheet is available [on the USCIS website](#). USCIS has also updated the [I-9 Employer Handbook](#).

Visa Process Changes For Applicants With Recent Drunk Driving Convictions

The Department of State recently issued a cable requiring consular offices to refer non immigrant visa applicants with prior drunk driving issues to panel physicians (these are approved doctors designated for each consulate) for a medical examination if: the applicant has a single arrest or conviction for drunk driving within the last three (3) calendar years, or if the applicant has two or more arrests or convictions for drunk driving in any time period. Consular officers must also refer applicants to panel physicians if there is any evidence that may suggest an alcohol problem. Most non immigrant visa applicants do not require medical exams prior to visa issuance.

The panel physician must determine whether (1) there has been a mental condition/disorder (alcohol abuse); (2) the condition has been associated with harmful behavior; (3) the mental condition is currently present; and (4) the harmful behavior is likely to recur. If the physician determines that there is a current condition, but there is no history of harmful behavior, or the condition is controlled by medication, the applicant will likely be found admissible. However, if the panel physician determines that the applicant's current condition is associated with harmful behavior and likely to recur, the applicant will be ineligible to receive a visa.

In addition, non immigrant visa applicants disclosing an alcohol related arrest in the US must undergo National Crime Information Center (NCIC) processing which requires an \$85 fingerprinting fee, and requires an additional wait time to obtain FBI records results. These changes are expected to increase visa delays for applicants who meet these criteria.

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