

I-9 ALERT

December 2007

USE OF EXPIRED OR UNDATED GREEN CARDS AS U.S. WORK AUTHORIZATION DOCUMENTS ON FORMS I-9'S

A new hire may not use an expired Green Card, officially known as a Permanent Residence Card or Form I-551, **to complete the Form I-9**. If a new hire presents an expired Green Card, encourage him or her to present other documents on the list of acceptable Form I-9 documentation. Or, the new hire may go to the local U.S. Citizenship and Immigration Services ("USCIS") office (including the office in Hartford, Connecticut) and obtain a temporary Form I-551 stamp in his or her passport.

Despite the presence of an expiration date on a Green Card, **employees who complete their Forms I-9 through presentation of a valid Green Card do not have to be re-verified for employment authorization upon expiration of the card**. Although the Green Card may expire, lawful status as a U.S. permanent resident does not. So long as the permanent resident continues to reside in the United States, he or she remains in lawful status, authorized for work in the United States, even if his or her Green Card has expired. Despite the expiration date on a Green Card, a lawful permanent resident can only lose resident status through formal revocation proceedings in Immigration Court or complete abandonment of residency by moving abroad. Therefore, employees whose Green Cards have expired do not need to be re-verified through a new Form I-9.

Similarly, Green Cards with no expiration dates are valid and may be used to complete the Form I-9. USCIS has discussed implementing a rule requiring the replacement of Green Cards that lack expiration dates, but no such rule is yet in effect. While more recent versions of the Green Card expire every ten (10) years, valid Green Cards issued in the 1970's and



1980's may not have an expiration date. **Until notified differently through release of an official, final rule by USCIS, employers should continue to accept a Green Card lacking an expiration date if presented with one by a new hire when completing the Form I-9 as long as the document appears to be genuine and reasonably relates to the new hire.**

QUESTIONS OR ASSISTANCE?

If you have any further questions, please contact Brenda A. Eckert at 860-251-5712 or Lesley N. Salafia at 860-251-5055.

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