



## TALX Compliance Update

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### **District Court strikes down Illinois law blocking use of E-Verify**

In a recent decision, the U.S. District Court for the Central District of Illinois struck down an attempt by Illinois lawmakers to block use of E-Verify in the state.

The court granted Summary Judgment in favor of the U.S. and against the State of Illinois with regard to Illinois Public Act 95-138, which sought to prohibit Illinois employers from enrolling in any employment eligibility verification program, including the federal E-Verify program. The U.S. had sued to invalidate the act.

The District Court judge found the state law invalid under the Supremacy Clause, which essentially says no state may pass laws intended to obstruct Congressional objectives and purposes.

The court ruled that Congress intended to make the Federal E-Verify program available to all employers and that the State may not dictate what statistical standards such a program must meet. The court also dismissed the Illinois argument that the situation is moot because the program may cease to exist, among other findings.

For a copy of the complete Circuit Court ruling, please send an e-mail to [compliance.bulletin@talx.com](mailto:compliance.bulletin@talx.com) with "Illinois ruling" in the subject line.

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### **New Form I-9 takes effect Apr. 3**

As reported earlier, U.S. Citizen and Immigration Services (USCIS) has published a new Form I-9. Employers are required to use the new form starting Apr. 3.

The TALX I-9 service will be live with the required changes on that date.

A key point for employers to bear in mind: Rules have changed to disallow the use of expired documents. For example, you will no longer be able to accept expired passports as proof of eligibility to work when filling out a Form I-9. Also no longer acceptable are Forms I-688, I-688A, and I-688B. These "Temporary Resident Cards," and "Employment Authorization Cards" are no longer issued and have all expired. The new Form I-9 has been revised to reflect the rule changes.

The new rule makes other, technical changes to update the list of acceptable documents.

In conjunction with the rule change, USCIS has published a new version of the Handbook for Employers M-274 (Rev. 04/03/09) N. The new handbook is available at [www.uscis.gov](http://www.uscis.gov) and will be posted on the TALX I-9 service page for clients to view when the new rule takes effect.

For a copy of the complete rules as printed in the Dec. 17 Federal Register, please send an e-mail to [compliance.bulletin@talx.com](mailto:compliance.bulletin@talx.com) with "expired I-9 documents rule" in the subject line.

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To learn more about solutions for I-9 compliance with the ability to integrate with E-Verify please send an e-mail to [moreinfo@talx.com](mailto:moreinfo@talx.com) with "I-9 compliance" in the subject line.

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