

I-9 UPDATE – NEW FORM

On July 17, 2017, the U.S. Citizenship and Immigration Services (USCIS) released a revised version of the Form I-9, used to verify employment eligibility. The new Form I-9 becomes mandatory on **September 18, 2017**. While employers may continue to use the current Form I-9 until September 17, 2017, it is recommended that employers switch over to the newest version right away as failure to comply by the September 18th deadline can result in significant fines. It is available for download at <https://www.uscis.gov/i-9>.

While this may seem like a minor issue, employers should not underestimate its importance. The Trump administration has announced that compliance with verification of employment eligibility is a priority. Further, Immigration and Customs Enforcement (ICE) announced increases in fines for Form I-9 violations. Employers should note that the old Form I-9 will not look as if it has expired – it contains an expiration date of 8/31/2019 just as the new Form I-9. Additionally, the forms themselves do not look that different. To verify that you're using the proper form, look at the bottom left hand corner, which will contain the date 7/17/17 N.

The most significant changes in the new Form I-9 include revisions to the form's instructions and the USCIS's List of Acceptable Documents. The new form modifies the instructions by removing "the end of" from the phrase "the first day of employment" in reference to completing Section 1. This change was likely made to ensure consistency with federal regulations which indicate that Section 1 must be completed "at the time of hire," without any reference to the time of day. A similar change was made with regard to completion of Section 2 for employees who are hired for less than three business days. **With that in mind, employers must take steps to ensure that the Form I-9 is completed no later than when the employee starts work.** In addition, the new version modifies the documents on List C by merging two categories relating to certificates of birth issued by the Department of State and adding the Consular Report of Birth Abroad.

Notably, employers must continue to follow existing retention and storage requirements for the Form I-9, as those remain the same.

The USCIS also revised its Handbook for Employers: Guidance for Completing Form I-9 (M-274) to include the above changes and make it easier for users to navigate.