

Employers Must Complete Revised Form I-9 Starting in May

03.12.13

Following 12 months of public comment, U.S. Citizenship and Immigration Services (USCIS) issued a revised Form I-9 on Friday, March 8, 2013. The form has a new look, contains more specific instructions and solicits additional information. Although the form is available for use now, it becomes mandatory in May 2013.

Every U.S. employer is required to record on Employment Eligibility Verification Form I-9 the employment authorization and identity of every person hired in the U.S. High profile enforcement actions by Immigration and Customs Enforcement (ICE), growing employer experience with high administrative fines resulting from ICE I-9 audits, and the public debate over illegal immigration have combined to raise awareness in recent years of the importance of Form I-9 to all employers. These factors all make it vital that employers have a clear understanding of the form itself and how to complete it.

The new form contains additional data fields, such as those asking for the email address, telephone number (both optional) and foreign passport number for the employee in Section 1. The new form includes a prominent warning to new employees of the consequences of using false documents or making false statements when completing Form I-9. This is an important addition, as ICE has pursued remedies against individuals for using false documents and for making false claims of citizenship on Form I-9. There are also overall improvements in the form's layout, making the employer's Section 2 easier to read and understand. Perhaps the most obvious change is that the form has expanded to two pages.

USCIS is encouraging employers to copy the form as a two-sided document so that the two pages do not become separated. The form instructions now comprise six pages and address some of the most common questions raised by employers and employees in completing this form, moving this information from other sources directly into the instructions. The list of acceptable documents has not been amended, except to clarify some points of common misunderstanding about the documents themselves.

Along with changes to the form, USCIS has issued changes to the Handbook for Employers, Guidance for Completing the Form I-9 (M-274) to include more helpful illustrations and explanations for common questions, such as how to deal with name changes for existing employees. **Both the new Form I-9 and the revised Handbook for Employers are available on the USCIS website for immediate use by all employers.** Former versions of Form I-9 (Rev. 08/07/09)Y and (Rev. 02/02/09)N may be used until May 7, 2013. After that date, only the new March 8, 2013, version is acceptable. The revision date is located in the bottom left hand corner of the form.

This information is intended only to provide general information in summary form on legal and business topics of the day. The contents hereof do not constitute legal advice and should not be relied on as such. Specific legal advice should be sought in particular matters.

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In addition to downloading the forms, employers may obtain USCIS forms at 1-800-870-3676. A Spanish language version of Form I-9 is available on the USCIS website for reference purposes only in the United States; it may be used for employment verification purposes only in Puerto Rico.

What This Means to You

All U.S. employers are required to familiarize themselves with the newly revised Form I-9 and put it into exclusive use by May 7, 2013. The form has a new look, includes more specific instructions and solicits additional information. Careful study of the new form, of the six pages of instructions and the Handbook for Employers will be important in training personnel responsible for completing Form I-9 for new hires and for re-verification purposes.

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Contact Information

For additional information, please contact your Husch Blackwell attorney.

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