

USCIS Has Released the New Form I-9

Labor & Employment Law Update

By Sara Zorich on November 17, 2016

On November 14, 2016, the U.S. Citizenship and Immigration Services (USCIS) released the new version of the Form I-9. The Form I-9 is the form employers are required to complete for each newly hired employee in the United States to verify the employee's identity and eligibility to work in the United States.

Employers may continue using the Form I-9 dated 03/08/2013 N only through January 21, 2017. **NO LATER THAN January 22, 2017**, employers **MUST** use the revised form (dated 11/14/2016 N) for all new hires and any employee that requires reverification of employment eligibility.

The new Form I-9 contains some revisions that should be noted:

1. The instructions are now a separate document containing 15 pages (including more in depth instructions for employees/employers and a list of proper abbreviations for Section 2 documents);
2. A field in Section 1 has been changed from "other names used" to "other last names (if any);"
3. Section 1 was changed for some foreign nationals to enter EITHER the Alien Registration Number/Form I-94 Number OR Foreign passport number/ Country of Issuance (not both);
4. **New Section 1 requirement for employees** – employees **MUST** indicate whether or not they used a preparer/translator in a new field;
5. There is now the ability for multiple translators/preparers if such were used;
6. The instructions indicate there should be **NO blank fields in Section 1**; thus, if an employee does not complete a field in Section 1 because they are not required to or it is not applicable to them they **MUST** put N/A in the field;
7. **New Section 2 requirement for employers** – employers **must** complete a new Citizenship/Immigration Status field at the top of Section 2 where the employer needs to input the number corresponding to the employee's citizenship/immigration status from Section 1 (i.e. #1 = citizenship);
8. The new instructions relating to Section 2 indicate that when a document presented by an employee does not contain a document number and/or expiration date, the employer **MUST** put N/A in the applicable field;
9. The new form is a "smart form" with enhanced dropdown features to assist in completion. However note, the new form is **NOT** an electronic form in

compliance with Form I-9 electronic regulations. Thus, anyone completing any part of the new smart form using adobe acrobat will still need to print the form, have the employee/employer provide a handwritten signature and maintain a copy of the original Form I-9. Remember, employees must complete Section 1 and employers complete Section 2. Thus, employers may NOT pre-populate any portion of Section 1.

The revised Form is available [here](#).

Employers should review their current Form I-9 policies and practices to ensure they have proper Form I-9 compliance procedures in place. Furthermore, employers should plan on how and when they will implement the new Form I-9 prior to the January 22nd deadline.

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