

USCIS Proposes New Form I-9

Labor & Employment Law Update

By Sara Zorich on December 11, 2015

The current version of the Form I-9 is set to expire on 3/31/16. In advance of the expiration, USCIS has issued proposed changes to the Form I-9 for public comment. The new version would allow employers to complete the form on their computer with some imbedded prompts assisting them in the completion of the form. This is an attempt to reduce technical errors commonly made on the Form I-9. Employers would still be able to complete the form by hand if they choose to do so.

Some of the proposed changes included are:

- Electronic checks on certain fields to ensure accuracy
- Drop down lists for documents and calendars
- Additional instructions to assist in completing fields
- Streamlining the certification for foreign nationals
- Separating the instructions from the form itself

Note, this new proposed Form I-9 is NOT an electronic I-9 as defined by the regulations. Thus, if a company uses this new form on their computer, they would still need to print the form, have the employee sign Section 1 and the employer would sign Section 2 and retain the original form.

The public comment period for the proposed changes ends on January 25, 2016. The proposed regulation and comment link can be found at <http://www.regulations.gov/#!docketDetail;D=USCIS-2006-0068>.

Employers should continue to use Form I-9 version 03/18/13N with expiration date 3/31/16 until a new version of the form is approved. The current version of the form may be found at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>.