

Employers Must Use New I-9 Form, Effective January 22, 2017

Article By:

Matthew P. Gunn

U.S. Citizenship and Immigration Services (USCIS) published a revised version of Form I-9, Employment Eligibility Verification, which became effective on January 22, 2017. Employers may no longer use prior editions of the form and must use the latest version dated 11/14/2016.

The new version of the Form I-9 is quite similar to the prior edition, although some fields have been updated and the instructions have been revised. For example, the new version of the form updates the “other names used” field to “other last names used,” provides additional space for multiple preparers and translators, and provides space for additional information.

USCIS also added “smart” fields and instructions to ease the completion of the form electronically. These “smart” enhancements include drop-down lists and calendars for filling in dates, on-screen instructions for each field, access to the full instructions, and an option to clear the form and start over. Additionally, when the employer prints the completed form, a quick response (QR) code is automatically generated, which can be read by most QR readers.

Failure to use the current version of the form may subject the employer to fines and/or penalties in the event of an audit. However, the Department of Homeland Security may provide opportunities to mitigate these fines and penalties if the employer completes a correct version of Form I-9, staples it to the previously completed form, and offers a signed and dated explanation for the oversight. Questions regarding these options should be directed to one of our immigration attorneys.

The new Form I-9 can be accessed on the USCIS website: <http://www.uscis.gov/i-9>. We caution employers who utilize electronic I-9 vendors to confirm with the vendor that their I-9 form has been appropriately updated.

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National Law Review, Volume VII, Number 24

Source URL: <https://natlawreview.com/article/employers-must-use-new-i-9-form-effective-january-22-2017>

