

NOVEMBER 21, 2016 BULLETIN TO ALL IMMIGRATION CLIENTS

New I-9 Employment Eligibility Verification Form

On November 14, 2016, the U.S. Citizenship and Immigration Services (USCIS) published a revised Form I-9, Employment Eligibility Verification. The new form will replace the 2013 version and will be valid until August 31, 2019.

New Form I-9

Form I-9 requirements were established by Congress in November 1986 through the Immigration Reform and Control Act (IRCA), which prohibits employers from hiring people, including U.S. citizens, for employment in the United States without verifying their identity and employment authorization through the completion of Form I-9. All employers must complete a Form I-9 for each employee hired in the United States after November 6, 1986.

Starting on January 22, 2017, employers must use only the new version of Form I-9 (dated 11/14/2016). Employers can continue to use the previously accepted version (dated 03/08/2013) until January 21, 2017. Please note, however, that after January 21, 2017, employers must use the revised Form I-9 both for new hires and to re-verify the employment authorization of current employees (as required). If a current employee requires re-verification after January 21, 2017, employers must complete Section 3 of the *new* Form I-9 and attach it to the employee's existing Form I-9.

The new Form I-9 has been redesigned to reduce the number of errors in the employment verification process and to be more electronically compatible than the old form. Enhancements to the new Form I-9 include drop-down lists and calendars for filling in dates, on-screen instructions for each field, easy access to the full instructions page, and an option to clear the form and start over. The new Form I-9 version can be found here: <https://www.uscis.gov/sites/default/files/files/form/i-9.pdf>.

Changes to the new version of Form I-9 include:

- Section 1 now asks for "other *last* names used" rather than "other names used;"
- Removal of the requirement that immigrants authorized to work provide both their Form I-94 number and foreign passport information in Section 1;
- A new "Citizenship/Immigration Status" field at the top of section 2;
- New prompts to ensure that information is entered correctly (i.e., validation of the correct number of digits for a Social Security number or an expiration date on an identity document);

- The ability to enter multiple preparers and translators. If the employee did not use a preparer or translator to assist in completing section 1, he or she must now indicate that on a new check box;
- A dedicated area for including additional information rather than having to add it in the margins; and
- Generation of a quick-response matrix barcode ("QR" code) upon completion, which can be used to streamline enforcement audits.

In addition, and consistent with other USCIS forms, Form I-9 instructions have now been separated from Form I-9 itself and include specific advice for completing each field of the Form I-9.

Please note that employers should not consider the new "smart" Form I-9 as an electronic form as described in the USCIS Form I-9 regulations. While the new Form I-9 can be completed electronically, **employers must still print the form, obtain the employee's original signature on the form, file and maintain the form, and track the employee's employment authorization expiration dates for re-verification, as required by law.**

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins, please send an e-mail to bulletins@cohenlaw.com

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