

EFFECTIVE SEP. 18 – Employers Must Use New I-9 Form

By Jessica Summers

SUMMARY: Effective September 18, 2017, employers must start using the new version of the Form I-9.

On July 17, 2017, the U.S. Citizenship and Immigration Services, (USCIS) issued a new version of the Form I-9 that employers are required to use to verify the identity and authorization to work for employees in the United States. Employers can choose to begin to use this form immediately and must begin to use it by September 18, 2017.

If you are asking yourself - didn't we just get a new I-9 form? – the answer is, yes. In November of 2016, the outgoing Obama Administration issued a newly revamped I-9 that employers were required to start using by January 22, 2017.

The latest I-9 contains significantly fewer changes than the one that was rolled out last fall (though the changes that were presented in that form carry forward to the new one). The new form I-9 that employers must start using in September, and the instructions that accompany it, only differ from those that preceded them in three ways:

1. The instructions update the name of the office that was formerly the "Office of Special Counsel for Immigration-Related Unfair Employment Practices" to its new name the "Immigrant and Employee Rights Section."
2. The instructions were changed to remove the pre-existing reference to the "end of" the "first day of employment." Now the instructions simply state that "[n]ewly hired employees must complete and sign Section 1 [of the Form I-9] no later than the first day of employment" without any reference to when during the first day of employment this must occur.
3. The I-9 adds the Form FS-240 (Consular Report of Birth Abroad Form) to the list of acceptable documents in List C on the Form and consolidates the various forms of "Certification of report of birth issued by the Department of State" into a single item on that list, thereby renumbering the other items on the list.

Although these changes might not sound very significant employers must begin using the new form by September 18. Failure to use the latest version of the Form I-9 is a legal violation that can result in fines, criminal prosecution and/or debarment from federal contracts. With the Trump Administration cracking down on immigration enforcement, employers should be taking compliance with federal immigration law very seriously, including ensuring that the new I-9 form is put into use.

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