



Alerts

USCIS Issues New Version of Form I-9 for Immediate Use

March 11, 2013

Employment Practices Alert

On March 8, 2013, U.S. Citizenship and Immigration Services (USCIS) published a new version of Form I-9, the Employment Eligibility Verification Form. As most employers are aware, Form I-9 must be used to verify the identity and employment authorization of all new employees. The new version of the Form I-9 ([available for download by clicking here](#)) can be identified by the date located at the bottom left-hand side of the form — the new Form I-9 shows the date “03/08/13.”

Employers are instructed to begin using the new Form I-9 immediately or as soon as practicable for all new employees. Employers who utilize a version of the Form I-9 older than the 03/08/13 version after May 7, 2013, may be subject to fines and penalties. USCIS has provided this 60-day “grace period” in recognition of the fact that “some employers may need additional time in order to make necessary updates to their business processes.” Employers should not complete the new Form I-9 for current employees for whom there is already a Form I-9 on file.

Notably, most of the changes to the form are cosmetic and are “designed to minimize errors in form completion.” The new Form I-9 has been revised and expanded to two pages, and the Form Instructions have been revised to include additional detail. (The new detail in the Form Instructions is not actually “new”; it has all previously been included in the [Form M-274, Handbook for Employers](#).) The only substantive changes to the Form I-9 are the addition of data fields for the employee’s foreign passport information, telephone number and e-mail address.

Employers should be aware that software vendors often seek to exploit Form I-9 changes by offering “new” tracking services. In this instance, the cosmetic changes should not require any new software or services. Any offers for such services should be carefully considered. If you have any questions about the new form or about documenting the hiring process in general, please contact your regular [Hinshaw attorney](#).

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