

## New Form I-9 and Instructions Released with May 1, 2020 Deadline for Implementation

Alert

02.03.2020

By Alisa Nickel Ehrlich

The long-awaited revision of the Form I-9 was released by the U.S. Citizenship and Immigration Services (USCIS) on January 31, 2020. While the form itself underwent no substantive changes, the Form I-9 Instructions have been updated to provide additional and clarifying information. The revised Form I-9, bearing an October 31, 2022 expiration date in its upper right corner, is available for use beginning January 31, 2020 and its use is mandatory beginning May 1, 2020 (employers may continue to use the prior version of Form I-9 (Rev. 07/17/17 N) until April 30, 2020).

Changes to the revised Form I-9 Instructions include clarification concerning who an employer may use as an authorized representative and acceptable document clarifications (though the Lists of Acceptable Documents has not changed). USCIS also updated the Department of Homeland Security Privacy Notice in the Form I-9 Instructions.

The new Form I-9 can be accessed on the USCIS website along with the following related forms:

- The "Smart" Form I-9, which is a fillable version with dropdown information and instructions in each field, and some error-checking capabilities. The Smart version is not an electronic I-9, and must be printed and signed
- The Form I-9 Paper Version, which is the traditional form to be completed by hand
- The Form I-9 Supplement, Section 1 Preparer and/or Translator Certification, which must be used if your new hire had more than one preparer and/or translator provide assistance
- The Form I-9 Instructions, which is a separate document that must be provided to each employee

# New Form I-9 and Instructions Released with May 1, 2020 Deadline for Implementation

- The [New Form I-9 in Spanish](#), which can only be used by employers and employees in Puerto Rico, but can be used as a translation tool elsewhere
- The Spanish Form I-9 Supplement
- The Spanish Form I-9 Instructions

The [Handbook for Employers M-274](#), providing guidance for completing the Form I-9, has not been updated since January of 2018, but may see a revision soon. Many believe that the USCIS did not go far enough in building a better Form I-9 process, which remains an area of compliance headaches for many employers.

U.S. employers are facing an unprecedented era of worksite enforcement with Immigration and Customs Enforcement (ICE) making worksite investigations and employer I-9 inspections a priority in their enforcement arsenal as described in the [Form I-9 Inspection Overview](#). Fines for paperwork errors for a first offense can be as high as \$2,292 per Form I-9 containing one or more substantive or uncorrected technical violations. Employers can minimize their potential liability by creating Form I-9 (and E-Verify) compliance policies, holding annual training sessions, and undertaking a Form I-9 self-audit and remediation.

## CONTACTS

Volha (Olga) Andreyeva

Elizabeth S. Chatham

Alisa Nickel Ehrlich

Renée Mueller Steinle

## RELATED CAPABILITIES

Immigration

Labor, Employment & Benefits

STINSON

STINSON LLP \ STINSON.COM