



## Employee Identity and Verifications: About the New Form I-9

One of the documents most often used by employers is the I-9. The U.S. Citizenship and Immigration Services (USCIS) form must be submitted to verify the identity and employment authorization of all new hires in the U.S. The newest version of the Form I-9 was officially released in November of last year but employers were given until January 21, 2017 before having to use it. **As of January 22, 2017, the new form must be used for all new hires, though employers are not required to complete new I-9s for any existing employees.**

The updates to the I-9 are primarily designed to make it easier for employers to complete the form and avoid common mistakes and the potential fines that can go with them. Enhancements include additional instructions, a number of “smart form” error checking features and structural changes that all employers should take the time to review.

### **Updates to the new Form I-9 include:**

#### General:

- User-friendly drop down menus and calendars.
- The ability to access instructions electronically, clear the form to start over and print the form.
- To help ensure information is entered correctly, some fields must now be validated before they can be submitted. For example, the new form will confirm the correct number of digits for a Social Security number or an expiration date on an identity document.
- When the form is printed, a quick-response barcode (QR code) is generated which will help streamline any enforcement audits.
- Form instructions, now 15 pages, are separate from the form and must still be presented to the employee completing the I-9.

Section 1:

- Employees must now indicate if they did not use a preparer/translator to complete the form. Additional lines for multiple preparer/translators have also been added.
- To avoid possible discrimination issues and to protect privacy, employees will now provide only “other last names used” rather than “all other names used.”
- Immigrants authorized to work are no longer required to provide both their Form I-94 number and their foreign passport number.
- Fields can no longer be left blank. If a field does not apply, the employee must indicate, “N/A.”

Section 2:

- A new "Citizenship/Immigration Status" field has been added.
- A dedicated area to input additional information (such as Temporary Protected Status or termination dates) replaces the cumbersome notation areas in the margins of the previous form.

**Mistakes can still happen.**

Even with these new “smart” improvements, the I-9 process is still time consuming and mistakes are still possible. Handwritten signatures must still be gathered and the forms need to be printed and stored in a secure place. Any updates must be tracked and information re-entered to the E-Verify system. The timelines associated with the form have not changed. Employees must complete Section 1 by their first day of employment and employers must complete Section 2 by the worker’s third day of employment.

Employers must retain I-9s for terminated employees for one year after their termination date or three years after their hire date, whichever is later. The government can inspect or audit completed I-9s at an employer’s worksite at any time with short notice. **Fines for incomplete forms or other errors can range from \$175 to more than \$2000 per infraction, so it’s a good idea to be familiar with some common I-9 mistakes and how to avoid them:**

- **Failing to examine unexpired, original documents in the employee’s physical presence:** Employers should view only originals not copies of required documents (unless it is a Certified Copy of a Birth Certificate). When hiring a remote employee, do not use Skype, rather use a knowledgeable agent/representative to administer the form to the new hire in person.
- **Requiring a Social Security number:** Only employers using E-Verify can require the inclusion of a Social Security number on the I-9.
- **Inconsistent copies of supporting documentation:** Except for certain E-Verify documents, employers are not required to keep copies of the documents shown for I-9 verification. However, if the employer chooses to keep copies, then it must keep a copy for every I-9. If an employer wants to change its policy in the future, it should document the policy change and effective date.
- **Document abuse:** Many employees overproduce documents from the Lists of Acceptable Documents – Lists A, B, and C. Retaining more than the minimum required may be considered “document abuse” and result in a liability.

- **Telling the employee what documents to produce or failing to provide the instructions:**

Employers cannot tell an employee which documents to produce. Instead, employers should provide the complete I-9 instructions to the employee in advance and advise the employee that they can choose from List A documents or a combination of List B and C documents.

**I-9 help and resources:**

I-9 support is available on the USCIS website, *I-9 Central*, at [www.uscis.gov/i-9-central](http://www.uscis.gov/i-9-central).

If you have any questions about the new I-9 or employee verifications, please contact your Engage Account Business Partner.

**QUESTIONS? CALL JOHN CATALDO, ENGAGE PEO**

**732-718-0219 [jcataldo@engagepeo.com](mailto:jcataldo@engagepeo.com)**

**[WWW.ENGAGEPEO.COM](http://WWW.ENGAGEPEO.COM)**

*This communication should not be considered legal advice. Copyright © 2017. All Rights Reserved.*