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Employers Must Use New “Smart” Form I-9 on January 22, 2017

Legal Update

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On November 14, 2016, USCIS issued a revised version of the I-9, Employment Eligibility Verification Form. USCIS provided a transition period which ends on January 22, 2017. As of January 22, all employers must begin using the revised Form I-9, with a revision date of “11/14/2016 N.” Additional changes were designed to streamline certification for certain foreign nationals and to make completion of the form more computer friendly.

When Must Employers Begin Using the New Form I-9?

Starting January 22, 2017, only the revised version will be accepted. Employers will be unable to use any other version of the Form I-9 – (Rev. 03/08/2013) N, (Rev. 08/07/2009) Y, or (Rev. 02/02/2009) N -- to confirm the identity and employment eligibility of new employees hired in the United States. Employers have the choice of using the fillable Form I-9 or the Form I-9 Paper Version.

What Are the Changes to the Form I-9?

The layout of the revised Form I-9 is similar to the 03/08/2013 version. Form I-9 is now an online fillable form. It is important for employers who use the online fillable form to know that they must still print out the Form I-9 to sign and retain as required. Employers can still print out the Form I-9 and complete it manually if they choose.

Streamline Foreign National Certification: Section 1 now asks for “other last names used” rather than “other names used.” If multiple preparers or translators assisted the employee in completing Section 1, the new Form I-9 Supplement provides a dedicated space for this information. Employers now have a dedicated area for including additional information in Section 2 to avoid writing in the margins, such as an E-Verify case number. The Form I-9 instructions have also been updated.

Protection for Crime Victims: Section 1 now permits employees who participate in state address confidentiality programs (ACP) to list a P.O. Box as their address. This important change helps protect survivors of domestic violence, sexual assault, stalking and other crimes. Individuals who would like to take advantage of this new option must be enrolled in a state ACP and use an agency-approved substitute

address.

Smart Updates: The most helpful changes to the Form I-9 are the technological updates which include the ability to complete a fillable Form I-9 online and helper text for each I-9 field. Form I-9 is now easier to complete electronically due to the following enhancements: Drop-down lists in several fields, including country and acceptable documents for Lists A, B, C and section 3 reverification; calendars for filling in dates; on-screen information icons for each field; automatic checks on certain fields to ensure information is entered completely or correctly; one-click access to the full instructions; an option to clear the form and start over; and an automatically-generated quick response (QR) code which can be read by most QR readers.

Handbook for Employers Guidance for Completing the Form I-9 (M-274)

USCIS is in the process of updating *The Handbook for Employers Guidance for Completing the Form I-9* (M-274). Until it is issued, employers should follow the new Form I-9 instructions.

For further information regarding I-9 compliance, please contact Fredrikson & Byron's Immigration Group at 612.492.7648.

Join us for a webinar presentation on the new Form I-9 on January 24, presented by attorneys from Fredrikson's Immigration Practice.

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