

Related Services

Immigration

USCIS Issues Newly Revised Form I-9 on March 8, 2013

Legal Update

03.08.2013

By Fredrikson's Immigration Group

On March 8, 2013, USCIS released its newly revised Employment Eligibility Verification Form, Form I-9. Employers should use the newly revised Form immediately, which is notated with a revision date of "(Rev. 03/08/13) N" and can be accessed at the following [here](#).

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

USCIS has stated that employers should begin using the new Form I-9 immediately; however, it will provide employers 60 days to make modifications to their I-9 process/systems to allow the use of the new Form I-9. After May 7, 2013, employers cannot use any other versions of the Form I-9 -- (Rev. 08/07/09) Y or (Rev. 02/02/2009) N -- to confirm the identity and employment eligibility of new employees hired in the United States.

What Are the Changes to the Form I-9?

The new Form I-9 contains extensive changes to the layout and data required on the Form.

- **Revised Layout:** Form I-9 has been expanded from one page to two pages (not including the Form instructions and the List of Acceptable Documents). This is due to additional new fields in Section 1 on the I-9 Form.
- **Additional Data Fields:** Section 1 of the I-9, which requires identifying information about the employee, includes new data fields for foreign passport information (where applicable), telephone number and email addresses. The data fields for telephone number and email addresses are optional and the instructions provide that the Department of Homeland Security (DHS) may contact employees if it learns there is a potential mismatch between information provided on the I-9 and information in DHS and Social Security Administration (SSA) records. There are also boxes for a 3-D barcode on both pages of the new Form I-9; however,

USCIS has not clarified the purpose for the barcode boxes.

- **Changes to Instructions:** The I-9 Form now contains more detailed instructions on completing the Form and to the Lists of Acceptable Documents. For example, it provides specific situations when a Social Security card cannot be used as a document to establish employment authorization.

Will the Handbook for Employers Guidance for Completing the Form I-9 (M-274) Be Updated?

The Handbook for Employers Guidance for Completing the Form I-9 (M-274) is in the process of being updated to correspond to the new Form and will be released within a week. In the meantime, employers should follow instructions on the new Form I-9.

For further information regarding I-9 compliance, please contact Fredrikson & Byron's Immigration or Employment & Labor Law team members at 612.492.7648.