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CLIENT ALERT: Employers Must Use Updated Form I-9 No Later than September 18, 2017 – By Gabriel Gladstone

On July 17, 2017, United States Citizenship and Immigration Services ("USCIS") released a revised Employment Eligibility Verification Form I-9 for employer use. Employers should be familiar with this Form I-9 employment verification process, which has been in effect since 1986, requiring employers to complete and keep on file a Form I-9 for all employees hired in the United States. Employers must use the updated Form I-9, starting no later than September 18, 2017.

Among the changes, the Form I-9 reflects the name change of Office of Special Counsel for Immigration-Related Unfair Employment Practices to its new name, the Immigrant and Employee Rights Section. The updated Form I-9 removes "the end of" from the phrase "the first day of employment." The Consular Report of Birth Abroad (Form FS-240) was added to List C of acceptable documents, and certifications of report of birth issued by the Department of State were combined into selection C-2 in List C. As a result of these changes, List C was renumbered, except for the Social Security card, which remains C-1. The USCIS also updated its handbook for employers.

The revised form does not change an employer's obligation to collect or retain Form I-9s.

Employers may download the updated Form I-9 (revision date 7/17/2017) from the USCIS website.

Employers should speak to their MBJ attorney to discuss any specific questions about the implementation of the new Form I-9, or about the employment eligibility verification process generally.

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