

CLIENT ALERT: USCIS Requires Employers to Use Revised Form I-9 Immediately

On March 8, 2013, the U.S. Citizenship and Immigration Services (the "USCIS") released a revised Employment Eligibility Verification Form I-9 for employer use. Employers should be familiar with the Form I-9 employment verification process, which has been in place since 1986, requiring employers to complete and keep on file a Form I-9 for all employees hired in the United States. The new form is designed to make the process more user-friendly and less susceptible to error.

According to the USCIS, the revised Form I-9 "makes several improvements designed to minimize the errors in form completion." The revised form includes new data fields with space for an employee's foreign passport information (if applicable), and an employee's phone number and e-mail address. The new form contains revised instructions that are intended to be clearer for both employers and employees to understand. The revised form has also been reformatted and expanded from one to two pages (excluding the instructions and list of acceptable documents).

The revised Form I-9 is available through the USCIS website at <http://www.uscis.gov/files/form/i-9.pdf>. Employers should begin using this form immediately for all new hires. There is a 60-day grace period for employers to put the new form into practice; previous versions of the Form I-9 may be used until May 7, 2013. After May 7, 2013, all employers are expected to use only the revised Form I-9. Employers who fail to use the revised version by that date could face a civil penalty of up to \$1,110 for each non-compliant form used. If there is any question about which version your business is using, note that the revision date of 03/08/13 is printed in the bottom left corner of the latest Form I-9, signaling that it is the revised version.

Employers do not have to complete a new Form I-9 for current employees if they already have a completed Form I-9 on file for that employee (unless reverification applies). In fact, repetitive or unnecessary verification of employees' employment eligibility status could give rise to discrimination complaints. The new Form I-9 should only be used with new hires or with current employees requiring Form I-9 reverification.

A Spanish language revised version of the form is available on the USCIS website, although this version is for official use in Puerto Rico only. Spanish-speaking employers and employees in other areas may use the Spanish version of the form for reference, but must complete the English version of the form.

For a limited time, the USCIS is offering free webinars to inform employers about the revised form. To view the webinar, please visit www.uscis.gov.

Employers should consult 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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