

United States Citizenship and Immigration Services (USCIS) issued a new version of the Form I-9 today, March 8, 2013. The Form I-9 is required for employers to verify identity and employment eligibility of new hires.

When is it effective?

The form is effective March 8, 2013. Employers hiring today should use it, but do have a grace period for implementation. Per usual, the Spanish version of the form is to be used only in Puerto Rico.

Is there a grace period to start using the new form?

Yes, employers may continue to use the following versions until May 7, 2013 according to (Rev. 02/02/09)N and (Rev/ 08/07/09)Y. The revision date of the Form I-9 is printed on the lower left corner of the form. Employers should NOT complete a new Form I-9 for current employees if a properly completed I-9 is already on file.

What about the M-274 Handbook for Employers?

It would be preferable if the handbook were available today, but it is still in revision. I-9 Central indicates that it will be released next week. Use the new form with caution.

What are some changes?

- The form is now two pages long.
- Section 1 of the form provides “optional” information for completion by the employee (i.e., e-mail address and telephone number). If the employee chooses not to provide the information, they may mark “N/A” in those sections.
- In Section 1, if the employee indicates that they are authorized to work, Form I-9 gives an option to provide either their ANumber/USCIS Number OR Form I-94 Admission Number. The instructions on the form, however, appear to indicate that there is no choice other than to provide the ANumber/USCIS number. Instructions state that if the applicant has an A Number/USCIS Number, they are expected to enter that information. If they do not, then they may use the admission number. If the admission number was issued by Customs and Border Protection (CBP), the employee must also provide their foreign passport number and country of issuance. If the admission number was issued by USCIS, then they may enter “N/A” in the blanks for foreign passport number and country of issuance. These changes herald the expected transition by CBP away from the use of a paper I-94 admission document.
- A change in the list of acceptable documents clarifies that for List C purposes, an employer should not accept a social security card with any of the following restrictions: Not Valid for Employment, Valid for Work Only with INS Authorization or Valid for Work only with DHS Authorization.

The instructions also provide additional guidance to employers. Some examples are:

- Temporary staffing agencies may enter the first day the employee was placed in the job pool to complete the date of employment field in Section 2 .
- If employers elect to make copies of support documents presented for Form I-9 completion, they must be retained and presented with the form in case of an inspection by the Department of Homeland Security (DHS) or other federal government agency.
- The person who examines the Form I-9 support documents presented to the employer must be the same person who signs Section 2. In addition, the examiner of the documents for the employer and the employee must both be “physically present during the examination of the employee’s documents.” This point underscores the requirement of a tactile examination of the original documents. Remember, the employee must be physically present.

Changes to the form instructions include three additional pages. Please remember that the employee must have access to the instructions during the I-9 completion process. The USCIS will provide further guidance next week in the M-274. The current M-274 takes 65 pages to address the previous one page Form I-9.

[Click here](#) to see the new Form I-9.

For more information regarding worksite compliance, or if you have questions about how the new page will be represented in the M-274 explanation, please contact one of our immigration attorneys.