

# Newly Revised Form I-9

By [pmphrblog](#) | Published August 8, 2017

The United States Citizenship and Immigration Services (USCIS) once again released a revised Form I-9 ([link](#)) dated July 17, 2017 (lower left hand corner of the form). As all employers should know, the Form I-9 is used to verify the identity and employment authorization of persons hired to work in the United States. Companies must begin using the new version of Form I-9 no later than September 18, 2017.

This new form replaces the form that was issued on November 14, 2016. Like its predecessor, the revised form is also available as a “smart I-9 form” which can be completed via Adobe Acrobat. However, if you chose to complete the I-9 via the “smart form” keep in mind that it must be printed out, hand signed, and retained in a separate file. Those employers using an approved software for completing I-9 forms should check to assure that the revised form is uploaded no later than September 18<sup>th</sup>. Employers should always take care to check I-9s for accuracy. In the event of an audit by the Department of Homeland Security Immigration Customs and Enforcement division (ICE), the employer would be deemed responsible for *any* errors.

Changes to the recently issued form include additional instructions, some technical changes and minor changes to the list of acceptable documents for verifying identity. Overall, the changes will probably not affect the vast majority of employers. Three changes of note are:

- The Consular Report of Birth Abroad (Form FS-240) was added as a List C document and all the certifications of report of birth issued by the Department of State (Form FS-545, Form DS-1350, and Form FS-240) have been combined.
- The List C documents have been renumbered, except for the Social Security card, which remains #1 on the list.
- The name of the Office of Special Counsel for Immigration-Related Unfair Employment Practices is changed to its new name, Immigration and Employee Rights Section

Prior to issuance of the revised Form I-9 in November 2016, significant increased fines were announced for violations discovered during an ICE audit. Workplace audits from ICE are expected to increase significantly in the coming months. It is prudent for companies to be proactive and conduct a self-audit of all their I-9 forms. However, it is recommended that employers conduct self-audits *only* if they are well versed in the latest ICE regulations and how to make corrections that will

be acceptable to ICE. Otherwise, it is prudent to seek professional help. When conducting mock ICE audits, PMP has consistently discovered errors that could have cost the company thousands of dollars had they been audited. PMP is proud to be a certified IMAGE Business partner with ICE. Our relationship and direct access to ICE personnel assures that we provide best practices to clients during both self-audits and unexpected ICE audits.

Reminder: besides having a correctly completed Form I-9 on file for every active employee hired after November 6, 1986, employers must also keep I-9s for employees who have separated from the company. The rule for maintaining Form I-9 for these employees is: *3 years from date of hire or one year from date of termination, whichever is later.*

**Additionally, here is a list of 5 tips that can help limit your exposure for I-9 violations:**

1. Use the correct form!
2. The form must be completed in accordance with strict ICE guidelines:  
An employee must complete Section 1 no later than by the first day of employment; and the employer must complete Section 2, including reviewing and certifying that they have reviewed original documents, no later than the end of the third business day after the employee's first day of employment.
3. **DO NOT** require or even suggest that an employee provide a specific document (*eg. driver's license, social security card, etc.*). Employees must be permitted to choose from the list of acceptable documents the document they wish to use to verify identity. It should be noted that the Taxpayer Identification Number (also known as "TIN") is NOT an acceptable document for I-9 purposes.
4. All documents presented must be unexpired at the time they are presented for completion of Section 2.
5. Work Authorization: Do not allow any employee to continue working once their work authorization has expired unless they are from a Temporary Protected Status (TPS) authorized country. For TPS work authorization, employers can verify that the employee's work authorization has been extended by checking the USCIS website, printing out the extension and attaching it to the employee's I-9 Form.

If you have any questions or need assistance with Form I-9 or any other workplace matter, please contact PMP.