

All Employers Must Use New Form I-9

Cross References

- www.uscis.gov
- Form I-9, *Employment Eligibility Verification*

The U.S. Citizenship and Immigration Services (USCIS) will no longer accept previous versions of Form I-9, *Employment Eligibility Verification*. Effective May 7, 2013, employers must use the revised Form I-9 (Revision 3/8/2013) for all new hires and re-verifications. All employers are required to complete and retain a Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 6, 1986, to work in the United States.

The revision date of the new Form I-9 is printed on the lower left corner of the form. Employers should not complete a new Form I-9 for existing employees, however, if a properly completed Form I-9 is already on file.

The revised forms are available online at www.uscis.gov/I-9. For more information, call 888-464-4218.

Purpose of Form I-9. Employers are required by law to document an employee's eligibility to work in the United States. Form I-9 contains three sections. The purpose of Section 1 of the form is to collect, at the time of hire identifying information about the employee (and preparer or translator if used), and for the employee to attest to whether he or she is a U.S. citizen, noncitizen national, lawful permanent resident, or alien authorized to work in the United States. The employee must also present documentation for review evidencing his or her identity and authorization to engage in this employment.

The purpose of Section 2 of the form is to collect, within three business days of the employee's hire, identifying information from the employer and information regarding the identity and employment authorization documentation presented by the employee and reviewed by the employer.

The purpose of Section 3 of the form is to collect information regarding the continued employment authorization of the employee. This section, if applicable, is completed at the time that the employee's employment authorization and/or employment authorization documentation recorded in either Section 1 or Section 2 of the form expires. This section may also be used if the employee is rehired within three years of the date of the initial execution of the form and to record a name change if Section 3 is otherwise completed.

Employers are required to maintain Forms I-9 for as long as an individual works for the employer and for the required retention period for the termination of an individual's employment (either three years after the date of hire or one year after the date employment ended, whichever is later). Also, employers are required to make their employees'

Forms I-9 available for inspection upon request by officers of U.S. Immigration and Customs Enforcement (ICE), the Department of Justice (DOJ) Office of Special Counsel for Immigration-Related Unfair Employment Practices, and the Department of Labor. Failure of an employer to ensure proper completion and retention of Forms I-9 may subject the employer to civil money penalties, and, in some cases, criminal penalties.

Changes to Form I-9. The newly revised Form I-9 makes several improvements designed to minimize errors in form completion. The key revisions to Form I-9 include:

- Adding data fields, including the employee's foreign passport information (if applicable) and telephone and email addresses.
- Improving the form's instructions.
- Revising the layout of the form, expanding the form from one to two pages (not including the form instructions and the List of Acceptable Documents).