

Are You Using the Most Current I-9?

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This past summer, U.S. Citizenship and Immigration Services (USCIS) released another new version of the Form I-9, Employment Eligibility Verification, which went into effect on September 18, 2017. The corresponding M-274 Handbook for Employers was also revised. As you may recall, from an update earlier this year, USCIS published a revised version of the form on November 14, 2016, which included a number of changes within the form and was redesigned to be easier to fill out on a computer. That new form went into effect on January 22, 2017, and expired on September 17, 2017. Therefore, beginning on September 18, 2017, the new version of the I-9 must be used for any new verifications.

The new I-9 form has several minor changes, including updated instructions and the list of acceptable documents outlined in Section B of the form. For example, the new form's instructions amends the name of the Office of Special Counsel for Immigration-Related Unfair Employment Practices to its new name, Immigrant and Employee Rights Section.

In addition, several changes were made to the list of Acceptable Documents. The Consular Report of Birth Abroad (FS-240) has been added as a List C document. In addition, you will notice that the new form combines various Department of State documents into one category. The form also renumbered all List C documents except the Social Security card. For example, the employment authorization document issued by the Department of Homeland Security on List C changed from List C #8 to List C #7.

Why Is This Important for You?

An employer's failure to record a new hire's identity and employment authorization on the proper version of Form I-9 may be considered a substantive violation. Substantive violations or uncorrected technical violations can subject an employer to civil fines ranging from **\$216 to \$2,156 per employee**. As the Administration is focusing on immigration worksite compliance, we recommend employers review current compliance practices and procedures to ensure that all requirements are being met.

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