

Compliance Alert! New Form I-9

The U.S. Citizenship and Immigration Services (USCIS) announced that it will be publishing a revised Form I-9 on its website on August 1, 2023. The new form reflects changes as well as improvements to make the process more efficient. Here's what you need to know:

When to Begin Using the New Form

Although the revised Form I-9 will be published on August 1, you can continue to use the current form (edition date 10/21/19) through October 31, 2023. As of November 1, 2023, you must use the new Form I-9 (edition date 8/1/2023).

COVID-19 Flexibilities Ending

Before the pandemic, employers had to physically examine documentation proving an employee's identity and authorization to work in the U.S. in-person. However, due to COVID-19, employers were allowed the flexibility to verify documentation remotely. Now that the National Emergency has ended, this flexibility is ending as of July 31, 2023, requiring employers to physically examine the documents in-person. However, DHS has provided an alternative option for employers enrolled in E-Verify.

Alternative Procedure for Examining Documentation Remotely

To use the alternative procedure for examining documentation remotely, an employer must:

- Be enrolled in E-Verify
- Examine and keep copies of all documents
- Conduct a live video interaction with the employee
- Create an E-Verify case if the employee is a new hire

Employers who were participating in E-Verify and created a case for employees whose documents were examined during the pandemic flexibilities (March 20, 2020, to July 31, 2023), may use the new alternative procedure as of August 1, 2023, to satisfy the physical document examination requirement by August 30, 2023. Employers who were not enrolled in E-Verify during the COVID-19 flexibilities must complete an in-person physical examination by August 30, 2023.

Process Improvements

The revised Form I-9:

- Reduces Sections 1 and 2 to a single-sided sheet. Section 1 is completed by the employee and Section 2, by the person reviewing the documentation provided by the employee to prove their identity and authorization to work in the U.S.
- Can now be completed on tablets and mobile devices using the USCIS online fillable form.
- Makes the Section 1 Preparer/Translator Certification a separate standalone supplement that employers can provide to employees as needed
- Makes Section 3, Reverification and Rehire, a separate standalone supplement that can be printed as needed when a rehire or reverification is needed
- Revises the list of acceptable documents to include some acceptable receipts and guidance and links to information about automatic extensions of authorization documents
- Reduces Form I-9 instructions to 8 pages (was 15 pages)
- Includes a new checkbox to indicate that the documents were examined remotely (rather than physically) under the new DHS authorized Alternative procedure

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