



New Year, New Form: Employers Must Use New I-9 Form Starting January 22, 2017

Insights

1.27.17

Starting on January 22, 2017, all employers are now required to use the new I-9 form (version date 11/14/2016) to verify the identity and employment authorization eligibility of employees. A link to the new form [can be found here](#). Failure to ensure proper completion and retention of Forms I-9 may subject you to civil money penalties of up to \$2,156 per I-9 form, and, in some cases, criminal penalties.

Although the new I-9 form mainly contains format changes, additional data fields, and additional instructions to the employer, it increases the administrative burden placed on employers. The form is now available as a “smart” form that can be completed online, printed in hard copy, and then signed with wet signatures. The hard copies of the online completed “smart” form must be maintained in your records/files.

Here is a section-by-section summary of the changes to the Form I-9:

Section 1: Employer Information And Attestation

- “Other Last Names Used (if any)” replaces “Other Names Used (if any)”;
- If employees check box #4 – “An alien authorized to work” – they must insert either the Alien Registration Number/USCIS Number, the Form I-94 Admission Number, or the Foreign Passport Number and the Country of Issuance;
- Signature date box now states “Today’s Date (mm/dd/yyyy)”;
- and
- Completing the Preparer and/or Translator Certification information is not mandatory. If no preparer/translator is used, the employee must check the applicable box. If a preparer and/or translator is used, the preparer and/or translator must complete the section and sign and date. If more than one preparer and/or translator is used, the additional preparer and/or translator must complete Form I-9 Supplement (also found at the above link).

Section 2: Employer Review And Verification

- Employers must now insert the employee’s Citizenship/Immigration Status checked in Section 1 at the top of page 2;

- There is a block for additional information relating to the documents presented by the employee to verify identity and work authorization; and
- “Today’s Date (mm/dd/yyyy)” replaces “Date (mm/dd/yyyy).”

Special Notes

There are a few additional instructions to consider. You should insert the notation “N/A” in any field that is not applicable. The fields on the form requesting the employee’s e-mail address and telephone number are optional. Likewise, the “U.S. Social Security Number” field is voluntary unless you are enrolled in E-Verify. Finally, the Spanish-language version of the form may only be completed by employers and employees in Puerto Rico.

Conclusion

The Trump administration will be focused on I-9 compliance in the coming year, and you can be sure that federal officials will look to employers to ensure that employment eligibility laws are enforced. Now is the time to ensure that your I-9 form policies and practices are in order, that your Section 2 completers/representatives are properly trained, and that you are ready for any I-9 form audit by U.S. Immigration and Customs Enforcement.

If you have any questions about this new form or how it may affect your business, please contact any member of our [Global Immigration Practice Group](#), or your regular Fisher Phillips attorney.

This Legal Alert provides an overview of a finalized new federal form. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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