



## Expired Form I-9 Finally Replaced

As most employers know, federal and state law mandates that employers verify that new employees have the legal right to work in the United States, using the federal Form I-9. Since August 31, 2019, employers have been using an expired Form I-9, as the form expired without a replacement from the United States Citizenship and Immigration Services (“USCIS”).

On January 31, 2020, USCIS finally published a new version of Form I-9, which has a version date of October 21, 2019. Employers must begin using the new version of the Form I-9 effective April 30.



Biography

**What’s new?** While the overall layout of the Form I-9 is relatively unchanged from the previous form, the USCIS has again revised features to forms completed via its website. USCIS revised the Country of Issuance field in Section 1. Within Section 2, the Issuing Authority field (when selecting a foreign passport) was also changed to reflect two countries’ recent name changes (e.g., eSwantini and Macedonia, North). Again, while these changes will be noted by employers completing the form online, employers using paper forms will not notice this change.

USCIS also made changes to the Form I-9 Instructions. The new Instructions clarify who can act as an authorized representative on behalf of the employer; provide clarification on acceptable documents; update the DHS privacy notice; update the USCIS website address; and update process for requesting a paper Form I-9. Keep in mind that, regardless of whether the form is completed online or by hand, every form still must be printed and signed by the new employee and the employer.

**Why is this important?** Notably, using an outdated Form I-9 after April 30 will constitute an “error” in completion of the process, and therefore can result in a monetary penalty. An employer who completely and properly fills out the entire Form I-9, that is, still can be subject to a monetary penalty for using the outdated

form.

**Takeaway.** If you aren't already using the new Form I-9, begin using the form for all new hires no later than April 30. The new Form I-9 can be found by clicking [here](#) and at the following link: [https://www.uscis.gov/i-9?utm\\_source=rss-feed&utm\\_campaign=Forms%20Updates](https://www.uscis.gov/i-9?utm_source=rss-feed&utm_campaign=Forms%20Updates)

We encourage employers who have specific questions about the Form I-9 process, or about conducting a self-audit, to contact me at Tiffany & Bosco at [jrb@tblaw.com](mailto:jrb@tblaw.com) or (602) 255-6082.

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