



Important Changes For Employers: New I-9 Form and Procedures

Client Advisories

07.27.2017

Whether employers are hiring United States citizens or foreign nationals with visa needs, onboarding is governed in part by immigration **Form I-9**. As a general basis, every employee must fill out a Form I-9 to prove both identity and eligibility to work in the United States. Immigration, more specifically ICE, is authorized and active in enforcing employers' compliance with I-9 protocols. Restated, this innocuous form can create a lot of employer headaches if not completed and maintained correctly. Fortunately, Archer attorneys have a "deep bench" of experience in assisting clients with the nuances of I-9 compliance.

As an update, the United States Citizenship and Immigration Services (USCIS) recently released another revised version of Form I-9, with subtle changes to the form's instructions and list of acceptable documents. The new edition is dated 7/17/17.

Employers can continue to use the November 2016 edition of Form I-9 until September 17, 2017. However, starting on September 18, 2017, only the 07/17/17 edition can be used.

A key change on the new Form I-9 that employers should be aware of is revised instructions in reference to how Section 1 of Form I-9 should be completed.

Prior Forms I-9 required that Section 1 had to be completed by **"the end of the first day of employment."** By removing "the end of" from the phrase "the first day of employment," USCIS emphasizes that the employee should **"complete Section 1 at the time of hire (by the first day of their employment for pay)."**

While we await specific guidance from USCIS concerning this change, employers should consider revisiting their onboarding practices to ensure that Section 1 of Form I-9 is completed no later than when the employee starts work for pay rather than by the end of the first day of employment.

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Deborah A. Hays

Partner

✉ dhays@archerlaw.com

☎ 856.354.3089

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