

# New Version of Form I-9, Employment Eligibility Verification, Now Released

March 14, 2013

On March 8, 2013, U.S. Citizenship and Immigration Services (“USCIS”), an agency in the Department of Homeland Security, released a new version of Form I-9, Employment Eligibility Verification. The I-9 is the document that all employers are required to use to verify the eligibility of new hires to work in the U.S.

The new version bears a revision date of 03/08/13. The version is effective now and should be used immediately for all new hires. However, USCIS is allowing a sixty (60) day period for transition. Until May 7, employers may continue to use two previously valid versions of the form, those with revision dates of 08/07/09 and 02/02/09. However, after May 7, only the new version will be acceptable. An employer that fails to use the new form after that date will risk penalties under the Immigration and Nationality Act.

The new version of Form I-9 includes the following changes:

- Expanded instructions, now totaling six pages.
- A revised layout, expanding the form itself to two pages, with the Lists of Acceptable Documents on a third page.
- Added data fields.

In conjunction with revision of Form I-9, USCIS has also revised its *Handbook for Employers*, which contains detailed guidance on using the form. The new version of the *Handbook*, like the new Form I-9, bears a revision date of 03/08/13. No earlier versions of the *Handbook* should be used.

Employers can obtain the new Form I-9 at the USCIS website at [www.uscis.gov](http://www.uscis.gov). The new *Handbook* is also available at that site. As with earlier versions of Form I-9, a Spanish language version is available, but that version can only be used in Puerto Rico.

Employers do not need to complete a new version of Form I-9 for current employees for whom a properly completed earlier version of the form is already on file. However, if an employer has to reverify the employment eligibility of such an employee, the new version of the form must be used.

To discuss this alert or any immigration law matter, please contact your Lathrop Gage attorney or any of the attorneys listed on this alert.