

Introducing the New(est) Form I-9

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U.S. Citizenship and Immigration Services has announced that employers must start using a new Form I-9, effective September 18.

Employers aren't likely to notice the changes in the [new Form I-9](#), but they should start using the new version as soon as possible.

[Barley Snyder](#) previously reported that this marks the second time in a year that the U.S. Citizenship and Immigration Services has revised Form I-9, the government document that employers must use to verify all employees' identity and authorization to work legally in the United States.

The changes in the latest version are minimal. The storage and retention rules haven't changed, nor have the rules regarding what type of documents employees must provide.

Perhaps most noticeably, the instructions regarding when the "[Employee Information and Attestation](#)" must be completed has been changed from "the end of the first day of employment" to "the first day of employment." Although USCIS didn't explain the reason for this change, it likely reflects the requirement that the employee attestation must be completed before the employee does any work, not simply before the end of the employee's first day of work.

Additionally, the new form updates "[List C](#)" of acceptable documents to include birth certificates or reports issued by the U.S. Department of State.

USCIS will allow employers to continue using the November 2016 version of Form I-9 through September 17, but employers should seriously consider switching to the new version now. There is little benefit to continuing to use the old form. The new form doesn't really require anything additional from employers, and organizations that have multiple locations sometimes struggle with ensuring that all locations are using the correct version of the form. That is a particular risk with this latest update, since it comes so close on the heels of the last update. Implementing the change in forms might require follow up to ensure that personnel charged with completing the Form I-9 are using the correct version by the September 18 deadline.

Employers who need assistance understanding Form I-9 compliance requirements should feel free to contact the attorneys in Barley Snyder's Immigration Law Practice Group, [David Freedman](#) or [Silas Ruiz-Steele](#).

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