



**United States Citizenship and Immigration Services Issues New Form I-9**  
**Published March 8, 2013; Mandatory Usage Beginning May 7, 2013**

On March 8, 2013, the United States Citizenship and Immigration Services (USCIS) issued a revised Employment Eligibility Verification Form I-9. The form is used to verify the identity and employment authorization of individuals hired for employment in the U.S., including citizens and noncitizens, and must be completed by both the employer (or a representative of the employer) and the employee.

Employers should begin using the new Form I-9 immediately. Prior versions of the form (dated 08/07/09 and 02/02/09) will not be accepted after May 7, 2013. The revision date of 03/08/13 is on the lower left corner of the new form.

The new Form I-9 and the Handbook for Employers are available on the USCIS website at [www.uscis.gov/i-9](http://www.uscis.gov/i-9).

**General Information about Form I-9**

Form I-9 contains three sections.

Section 1, “Employee Information and Attestation”, must be filled out by every newly hired employee no later than the first day of employment. It requires the employee to provide certain identifying information and to attest to whether he or she is a U.S. citizen, noncitizen national, lawful permanent resident or alien authorized to work in the U.S. The employee is also required to present certain documentation that establishes the employee’s identity and employment authorization.

Section 2, “Employer or Authorized Representative Review and Verification”, must be completed by the employer (or the employer’s representative) within three business days of the employee’s first day of employment. It requires the employer to collect and review the identifying information in Section 1 and the documentation regarding the employee’s identity and employment authorization.

Section 3, “Reverification and Rehires”, if applicable, is completed by the employer (i) at the time the employee’s employment authorization or employment authorization documentation recorded in Section 1 or Section 2 is about to expire, (ii) if the employee is rehired within 3 years of the date that the form was initially completed and his or her employment authorization or employment authorization documentation has expired, or (iii) to record a name change if Section 3 is otherwise completed.

Employers are required to retain and store the employee's completed Form I-9 either for three years after the date of hire or one year after employment is terminated, whichever is later.

### **Changes to Form I-9**

USCIS advised that the new Form I-9 was revised to "make several improvements designed to minimize errors in form completion." The key revisions to Form I-9 include the following:

- **Revised Layout.** The form has been expanded from one to two pages (not including the form instructions and the List of Acceptable Documents).
- **New Data Fields.** Two new data fields, email address and telephone number, were added to the Employee Information Attestation section. This information is optional, and the instructions state the Department of Homeland Security (DHS) may contact the employee if information on the Form I-9 does not appear to be consistent with data in the DHS or Social Security Administration databases.
- **Improved Form Instructions.** The instructions have been revised and expanded, and are intended to be clearer to both employers and employees.
- **List of Acceptable Documents.** Although the list of acceptable documents for the Form I-9 has not changed, List C specifies certain restrictions that may be stated on a social security card that would render it unacceptable for List C purposes.
- **Handbook for Employers.** The handbook for employers (M-274) provides guidance for completing the Form I-9 and has been revised to reference the new form.

### **60 Day Grace Period**

Employers should immediately begin using the new Form I-9, but do have a grace period until May 7, 2013 until they are required to do so. At a minimum, employers should use this use this time to:

- Ensure that vendors update electronic filing systems to include the additional "voluntary" data fields;
- Provide comprehensive training to those people responsible for completing the Form I-9; and
- Develop new policies regarding the new form to ensure a smooth transition and decrease the potential for inconsistent practices.

Employers, especially those who hire new employees on a frequent basis, should consult with counsel to determine what additional changes should be made to comply with the new Form I-9.

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