Labor Relations Revised Version of Form I-9

FAQ

1. **What is the Form I-9, Employment Eligibility Verification?**
   Per the U.S. Citizenship and Immigration Services (USCIS), the Form I-9 is used to verify the identity and employment authorization of individuals hired for employment in the U.S. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the U.S.

2. **When was the revised version of the Form I-9 released?**
   The USCIS released the revised Form I-9 on November 14, 2016.

3. **Where can I find the new Form I-9?**
   - Cast & Crew/CAPS provides blank copies of Form I-9 as well as copies of Form I-9 instructions
   - The fillable online version can be accessed at www.uscis.gov/i-9

4. **The online I-9 form can be filled out electronically. Can an employee complete a copy by electronically signing the document?**
   Although the revised Form I-9 can be accessed on the USCIS website, it is not an “electronic” form; employers must still print the completed form, obtain handwritten signatures, store the hard copy securely and follow the same verification practices they have followed when working with the previous version of the form.

5. **When can I start using the new form?**
   The new Form I-9 is now available for use and can be accessed via the USCIS website.

6. **When do I have to stop using the old form?**
   January 21, 2017, is the last day that you can use the old version. You must use the new version of Form I-9 on and after January 22, 2017.
7. How will I know whether I am using the revised form or the old form?
   The new form is dated November 14, 2016, in the document’s lower left corner. The old version is dated March 8, 2013.

8. If copies of the employee’s ID and other verification documents are attached to Form I-9, do we still need to fill out Section 2?
   Yes. Section 2 must be filled out by the employer. Retaining copies does not relieve you of the obligation to complete the document information and the certification portion of Section 2.

9. Why did the USCIS release a new version of the form?
   The revised Form I-9 incorporates various features (see below) that will reduce errors and facilitate greater efficiency and accuracy by guiding users throughout the process.

10. What are some of the specific changes?
    - Online, fillable form:
      - Instructions are provided when you hover over text
      - There are drop-down menus for the List A, List B and List C document fields in Section 2
      - The employer will be alerted when an employee presents a document that does not match the citizenship/immigration status selected in Section 1
      - The form will automatically mark fields that do not apply to an employee’s selected status with “N/A”
      - It automatically generates a quick-response (QR) code that can be used during an audit
      - An alert will be triggered when the system detects that a required field was left blank or incorrectly completed
      - The employer representative will be alerted if information provided by an individual employee is inconsistent with the citizenship or immigration status indicated by the employee in Section 1
    - Paper and fillable form:
      - USCIS replaced the “Other Names Used” field with “Other Last Names Used”
        - This change may help avoid potential discrimination issues and heighten privacy protection for transgender individuals and other who have changed their first names
      - Employees who provide an Alien Registration Number (A-number) or USCIS number in Section 1 must now indicate whether the number provided is an A-number or USCIC number
The new form requires certain foreign national employees to enter either their foreign passport information or their Form I-94 information, but not both.

- It allows multiple preparers and/or translators to be reflected when they participate in the completion of the form.
- There is a dedicated area to enter additional information that employers have been required to note in the margins of the form.
- On Section 2, the USCIS includes a new field at the top of Section 2 labeled “Citizenship/Immigration Status”
  - This new field requires the employer to input the number correlating with the citizenship or immigration status input by the employee in Section 1.
- Employees must indicate whether a preparer/translator assisted with completion of the form.

11. The instructions must be provided to the employee along with the Form I-9; have these changed as well?

Yes. The instructions have been revised to be more helpful. There now are 15 pages (compared to six pages previously).

12. The I-9 instructions suggest that the “Additional Information” box in Section 2 can be used for “comments or notations necessary for the employer’s business process.” Is there anything that should be noted here?

Please do not write anything in this box. If you believe it is necessary to note something in this area, please first consult with Cast & Crew Labor Relations.

For further information, please visit USCIS’s I-9 resource at www.uscis.gov/i-9.

The information contained in this publication has been abridged from laws, court decisions, news articles and administrative rulings and should not be construed or relied upon as legal advice and is subject to change without notice. If you have questions concerning particular situations, specific payroll administration or labor relations issues, please contact your labor relations representative.