

USCIS Releases New Form I-9

July 18, 2017

Untitled Document

On July 17, 2017, U.S. Citizenship and Immigration Services (USCIS) released a revised version of Form I-9, Employment Eligibility Verification. Employers may use either the revised form or Form I-9 with revision date of 11/14/16N until September 18, 2017, when only the July 17, 2017 version of form may be used. Employers must continue following existing storage and retention rules for any previously completed Form I-9.

Revisions Related to the List of Acceptable Documents on Form I-9:

On the new Form I-9, USCIS added the Consular Report of Birth Abroad (Form FS-240) as an acceptable List C document and combines the various certifications of report of birth issued by the Department of State (Form FS-545, Form DS-1350 and Form FS-240) into selection C#2 of List C.

In addition, USCIS re-numbered all List C documents except the Social Security card. For example, the employment authorization document issued by the Department of Homeland Security on List C has changed from List C #8 to List C #7.

The new form also reflects the updated name of the Office of Special Counsel for Immigration-Related Unfair Employment Practices so it now references its new name of Immigrant and Employee Rights Section.

A new form was originally proposed to accommodate acceptable documents for beneficiaries of a rule proposed under the Obama administration known as the "International Entrepreneur Rule". Scheduled to take effect on July 17, 2017, the new rule was aimed at granting foreign entrepreneurs with U.S. start-up businesses permission to remain in the U.S. for up to five years. The previous Form I-9 did not address this type of worker in the U.S. The Trump administration has postponed the effective date of the regulation until March 14, 2018 while it considers whether to rescind the rule. While the new rule may be on hold, USCIS has proceeded with issuance of the new Form I-9.

USCIS has included the form updates in a revised Handbook for Employers: Guidance for Completing Form I-9 (M-274), but if employers have any questions, they should reach out to their designated Proskauer professional.