



Mandatory Use of New Form I-9 to Begin Soon

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As a reminder, on July 17, 2017, the United States Citizenship and Immigration Services (USCIS) released a revised version of the Form I-9, Employment Eligibility Verification, which employers must begin using no later than September 18, 2017. Many of the changes are subtle, focusing on revising the form's instructions and wording, and clarifying the list of acceptable documents.

Key revisions include:

- Addition of Form FS-240, Consular Report of Birth Abroad to List C (documents that establish employment eligibility). Form FS-240 is issued to certain children born abroad to U.S. citizen parent(s).
- All certifications of report of birth issued by the Department of State (DOS) have been combined into selection C #2 in List C, to include:
 - Form FS-240;
 - Form DS-1350 (no longer issued by DOS as of December 31, 2010); and
 - Form FS-545 (no longer issued by DOS as of November 1, 1990).
- List C documents have been renumbered.
- The Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices was revised to reflect its new name, the Immigrant and Employee Rights Section.
- In the instructions for completing Section 1, the words: "the end of" have been removed from the phrase "the first day of employment."

Although these changes are minimal, employers should take note of them to remain in compliance. Particularly with regard to the revisions in the Section 1 instructions, employers should revisit their internal Form I-9 policies to ensure that employees are completing Section 1 no later than their first day of employment. Further, employers must continue to follow existing storage and retention rules for any previously completed Forms I-9.

Employers can use the new Form I-9 or continue to use Form I-9 with a revision date of "11/14/16 N" through September 17, 2017. However, employers should be aware that they must begin using the revised form with a revision date of "07/17/17 N" no later than September 18, 2017.

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