



All Employers Must Now Use New I-9 Form

What You Should Know About the Updated Form I-9

On August 1, 2023, the new Form I-9 was published, and employers could use either the 2019 version or updated form until October 31, 2023. **As of November 1, 2023, employers must use the update form.** The new Form I-9 expires on July 31, 2026.

What's New in the Revised Form I-9?

The updated form brings several improvements. The following are the most notable:

- Ensured the form can be filled out on tablets and mobile devices.
- Reduced Sections 1 and 2 to a single-sided by merging some fields.
- Moved the Section 1 Preparer/Translator Certification area to a separate, standalone supplement that employers can provide to employees when necessary.
- Moved the Section 3 Reverification and Rehire area to a separate, standalone supplement that employers can print if or when rehire occurs or reverification is required.
- Revised the Lists of Acceptable Documents page to include some acceptable receipts as well as guidance and links to information on automatic extensions of employment authorization documentation.
- Added a box that eligible employers must check if the employee's Form I-9 documentation was examined under a DHS-authorized alternative procedure rather than via physical examination.

Remote Verification for E-Verify Participants

The new form allows **employers enrolled in E-Verify** to indicate they virtually examined identity and employment authorization documents, instead of reviewing documents in person.

To participate in the remote examination of Form I-9 documents, employers must:

1. be enrolled in E-Verify and be in good standing,

2. Examine a copy of the documents (or acceptable receipt) submitted by the employee,
3. Retain "clear and legible" copies of all documents,
4. Conduct a live video interaction with the employee during the verification process to inspect the same document(s) during the live video interaction, and
5. Create an E-Verify case if the employee is a new hire.

Is there an option for employers who do not use E-Verify to review I-9 documents virtually?

No. **Virtual review of an employee's documents is only available to employers enrolled in E-Verify.** Employers not enrolled in E-Verify must conduct a physical, in-person review of the documents. This can be conducted by either the employer or an authorized representative.

Best Practices to Ensure Compliance

Even with the new improvements, the potential for significant penalties remains. Here are 5 steps you can take to remain compliant:

1. Update internal business processes associated with I-9s,
2. Provide updated training for all staff involved in the I-9 process,
3. If you use an electronic I-9 provider, contact them now to ensure its system incorporates the new changes and complies with DHS requirements,
4. Conduct an audit of your I-9s that were completed from March 20, 2020 through July 31, 2023, and
5. Evaluate E-Verify advantages and disadvantages to determine if you should take advantage of the remote verification option for E-Verify employers.