



U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) PUBLISHES NEW, PROPOSED FORM I-9

On March 27, 2012, U.S. Citizenship & Immigration Services published a [notice](#) of [proposed revision to the Form I-9](#) in the Federal Register. Most notably, the proposed form is two pages rather than one page, and the instructions comprise six pages instead of three. The form appears to be ready for “form-fill” and seems to facilitate electronic completion and retention, though both the form and the rules continue to permit manual completion and retention of the Form I-9. The proposed form is open for comment until May 29, 2012.

Detailed Instructions, Greater Clarity

Overall the modifications provide more detailed instructions for completion of the form, and greater clarity concerning the specific information required in each field. For instance, fields requesting specific numbers clearly illustrate the number of digits the required number should have. Additionally, the new form clarifies that employers must enter “the employee’s first day of work for pay (mm/dd/yyyy)” in Section 2. The current version of the Form I-9 requires completion of “the employee began employment on (month/day/year) _____”.

New Fields

Completely new fields include the request for additional employee contact information – e-mail address and telephone number – though completion of these fields is optional. The new form also contains an additional block of fields for entry of document numbers and expiration dates under List A. Additionally, at the top of the second page, the employee’s name must be re-entered.

Separate, Enumerated Employer Attestations

Other proposed changes relate to the employer attestation. The proposed form separately enumerates the following with respect to the attestation the employer representative must make when signing the Form I-9: “I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.”

List of Acceptable Documents

Proposed changes to the List of Acceptable Documents are minimal. The proposed form clarifies as follows with respect to the presentation of a Social Security Account Number card:

“A card that includes one of the following restrictions, for example, is not acceptable: (1) NOT VALID FOR EMPLOYMENT; (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION; (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION.” The form also refers employers to the Employer Review and Verification section of the form’s instructions for additional information regarding acceptable receipts.

The new, proposed Form I-9 is not yet effective, and employers should continue to use the [current Form I-9](#), with a revision date of 08/07/09, expiring on 08/31/2012. For additional information concerning the employer’s Form I-9 Employment Eligibility Verification obligations, or to schedule a consultation regarding the benefits of an independent Form I-9 audit and comprehensive review of your organization’s Form I-9 compliance policies and procedures, contact your [FosterQuan immigration attorney](#).