

Employers Have a New Tool to Verify Work Authorization: The Updated I-9

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On August 1, 2023, the U.S. Citizenship and Immigration Services (USCIS) released a new version of the Employment Eligibility Verification Form I-9. Employers must use the new version of the Form I-9 starting on November 1, 2023. Here is what has changed:

Filling Out the New Form I-9:

The Form I-9 is now more mobile-accessible with the option to fill in the document electronically on tablets or other mobile devices. It is also more digestible since the Form I-9 instructions have been shorted from 15 pages to 8 pages.

The new Form I-9 instructs the person filling out the form to leave a field blank if it does not apply rather than write "N/A" as required by prior versions of the form.

The anti-discrimination notice, which explains how to avoid discrimination in the verification process and is found at the top of the Form I-9, has been updated to provide clearer guidance on non-discriminatory practices in verification.

The New Form I-9:

The new Form I-9 is a shorter form, the document has been shortened from two pages to a one-page, single-sided document with potential supplements. No previous fields were removed, but some fields were merged. Section 1 remains the "Employee Information and Attestation" followed immediately by Section 2, the "Employer Review and Verification." The additional supplements for a "Preparer/ Translator Certification" (Supplement A) and "Reverification and Rehire" (Supplement B) are only used when applicable.

The new Form I-9 makes a significant language change removing the use of "alien authorized to work" in Section 1 of the form and replacing it with "noncitizen authorized to work." The instructions clarify the difference between citizen or immigration Status 2 "noncitizen national of the United States" and citizen or immigration Status 4 "noncitizen authorized to work." The Status 4 "noncitizen authorized to work" selection has also been simplified, clarifying that the employee need only provide one of the following: a UCIS A-Number, a Form I-94 Admission Number, or a Foreign Passport Number and Country of Issuance.

Acceptable Documents:

The list of acceptable documents for identification purposes has been updated to include some acceptable receipts which may be presented in lieu of the actual document.

The new Form I-9 also includes a checkbox for employers to indicate whether they used an "alternative procedure" authorized by the Department of Homeland Security (DHS) to examine documents rather than using the traditional physical examination. On July 21, 2023, DHS authorized the use of an alternative procedure to

examine an employee's identity and employment authorization documents remotely. The alternative procedure allows certain employers participating in E-Verify that are in good standing in E-Verify to conduct a remote, document verification during a live video call.

Employers may download the new Form I-9 from the USCIS website at www.uscis.gov/i-9.