

On November 14, 2016, the US Citizen and Immigration Services (USCIS) issued a revised Form I-9. This “smart” form is designed to reduce errors and make it easier to complete using a computer. The current Form I-9 may be used until January 21, 2017. However, **effective January 22, 2017, employers are required to use only the new form.**

The new form contains several changes and improvements, but there are two key enhancements aimed at reducing errors and improving functionality. First, most required fields now have a “?” icon. When selected, an information window will open providing specific instruction for the selected field. Second, the form has built-in error-checking capabilities. At the end of each section, there is a “Click to Finish” button. When selected, the form prompts you that it will check to ensure all fields are completed. If any required fields remain empty, the form highlights them in red.

Other changes include:

- The ability to enter multiple preparers and translators
- A dedicated area for including additional information rather than having to add it in the margins
- Drop-down lists and calendars for filling in dates
- Easy access to the full instructions
- The instructions have been separated from the form itself
- An option to clear the form and start over

Even with these improvements, employers are encouraged to remain diligent in completing Form I-9s. Significantly and unless an employer is using a compliant electronic I-9 system, all Form I-9s must still be printed and physically signed and dated by the employee and employer representative. The signature “date” fields have all been revised to show “Today’s Date,” in order to emphasize that these fields should never be backdated. Employers must also timely complete the form, having employees complete Section 1 no later than their first day of employment.

Although the updated form provides welcome clarity and ease of use, the penalties for errors are still very real. Compliance will save employers US\$216-US\$2,156 in fines per incomplete or incorrect I-9. Employers should also be aware that the Spanish version does not include any of the “smart” features, and can only be used by employers and employees in Puerto Rico. However, the form may be used as a tool to assist US employees in completing the English version.

Additional insight as to the new Form I-9 is available [here](#). If you have any questions, or would like more information regarding Form I-9 requirements, hiring practices or immigration developments, please contact your designated firm lawyer or office.

Contacts

Brian E. Schield

Partner, Los Angeles
T +1 213 689 5109
E brian.schild@squirepb.com

Rebekah J. Poston

Partner, Miami
T +1 305 577 7022
E rebekah.poston@squirepb.com

Gregory A. Wald

Partner, San Francisco and Miami
T +1 415 393 9828
E gregory.wald@squirepb.com

Samuel J. Mudrick

Senior Associate, Washington DC
T +1 202 457 5218
E samuel.mudrick@squirepb.com