



Executive Summary Revised Form I-9 Teleconference May 07, 2013

Introduction

On Tuesday, May 7, 2013, the U.S. Citizenship and Immigration Services (USCIS) Customer Service and Public Engagement Directorate (CSPED) along with the Verification Division hosted the second of two national engagements on the revised Form I-9, Employment Eligibility Verification. Subject matter experts from the Verification Division provided updates and responded to questions on the revised Form I-9. Beginning May 7, 2013 all employers are **required** to use the most recent version of the Form I-9. Employers who fail to use Form I-9 (Rev 03/08/13) may be subject to [penalties](#) enforced by United States Immigration and Customs Enforcement (ICE).

Background

Form I-9 was developed by USCIS (formerly Immigration and Naturalization Service) to help employers comply with Section 274A of the Immigration and Nationality Act. The Act requires that employers verify the identity and employment eligibility of all new hires. Every 3 years USCIS is required to renew the Form I-9 and in keeping with the Paperwork Reduction Act, USCIS publishes the revised Form I-9 and asks the public for comment. Once approved by the Office of Management and Budget, the form is ready for the public to use. Employers were allowed 60-days to continue using the older version of the form and that 60-day period ended on May 7, 2013. All employers should now be using the current version of the form that has a revision date of 03/08/13 N in the lower, left corner of the form. The newly revised Form I-9 is available online at www.uscis.gov/I-9Central.

Helpful Tips:

Revisions and updates were made to the instructions, all three sections of the actual form, and the list of acceptable documents. During the second teleconference, the following helpful tips and solutions to the most common questions were provided to employers when using the new form.

Foreign Passport and Country of Issuance Information

Revisions to Form I-9 included additional fields in Section 1 to collect the employee's email address, telephone number and in some instances, foreign passport and country of issuance information. These fields were added in response to Custom and Border Patrol's (CPB) I-94 automation project.

The I-94 automation project means CBP stopped issuing hard copies of Form I-94 at all air and seaports as of May 21, 2013. Travelers who need a hard copy of their I-94 can access this information online by going to www.cbp.gov/194 and can print a copy of their Form I-94 from the website. Employers may see Forms I-94 presented to them, after automation, that look different than the more familiar paper Form I-94. Employers should be aware of the new look of the new Form I-94 and can see an example of it on I-9 Central, in the “What’s New” section.

If a new hire provides the I-94 admission number in Section 1 of Form I-9 and the new hire obtains the admission number from CBP, then the new hire should also provide the foreign passport and country of issuance information. If a new hire provides an Alien Registration Number (A#) or USCIS number in Section 1, he/she does not need to also provide foreign passport information. Some new hires may have both an A# and an I-94 number that they obtained from CBP. If these new hires enter an A# in Section 1, they should not also enter their foreign passport in Section 1.

Employers may be presented with a Form I-94 that has a black line through the pre-printed admission number. If an alien does not possess a passport upon entry, CBP will continue to issue the more familiar Form I-94 with an admission stamp. This includes certain classes of aliens such as refugees, asylees, and parolees. The pre-printed number on the paper Form I-94 will not be valid and CBP will cross out that number in black ink, and hand write the valid admission number on the form. Please note, USCIS and land border ports of entry will continue to issue the more familiar Form I-94.

Best Practices when dealing with changes made to Section 2 of Form I-9:

- **Employee’s name field** was added to page two of the new Form I-9. Employers’ must write their employees name at the top of page two in the ‘Employee Name Field.’
- **Expanded Document Entry field** - Additional document entry fields were added to accommodate situations where an employee presents a combination of documents for List A. For instance, these additional spaces can be used by employers to record the SEVIS number and program end date for students or employment authorization expiration date for exchange visitors
- **Redesigned Certification/Employer Attestation Area** – In order to make it clear to employers as to what they were attesting to, the certification area was redesigned to be less confusing and the language was clarified, simplified, and broken down into 3 statements. In addition, the date section was pulled out so that it is clearly visible and employers know what date to enter.

Receipts:

- There are three types of acceptable receipts:
 1. A receipt can be accepted for a lost, stolen, or damaged document,
 2. The departure portion of Form I-94 or I-94A with a refugee stamp, and
 3. The arrival portion of Form I-94 or I-94A with a temporary I-551 stamp with photograph.
- When accepting a receipt for a Social Security Card, the receipt will state ‘This is a receipt.’

- A Receipt is Not a Social Security Administration (SSA) Acknowledgement Letter or SSA printout.
 - An acknowledgement letter from the SSA is not a receipt or acceptable as a receipt for Form I-9 purposes. An acknowledgement letter is issued when an initial request for a Social Security card cannot be processed and cannot guarantee a Social Security number will be issued.
 - A SSA printout of a Social Security record, which may include Social Security number, date of birth, and parents' names, is not a receipt or acceptable as a receipt for Form I-9 purposes.
 - USCIS will be publishing this guidance on I-9 Central.
- For more information about receipts refer to page 7 of the *Handbook for Employers (M-274)*.

Rehires and Reverifications:

An employer may choose to complete a new Form I-9 in the case of a rehire. However, in the case of a reverification, Section 3 of the previously completed form must be completed. If Section 3 has already been completed, or if a new version of the Form I-9 has been released, then Section 3 of the new version of the form must be completed. Refer to pages 23-26 of the *Handbook for Employers* for more information.

Storage and Retention:

- Employers must retain the Form I-9 for either three years after the date of hire, or one year after the date employment is terminated, whichever is later.
- Forms can be stored in paper, electronic or microfilm.
- Employers are only required to retain the pages of the Form that contain employee data.
- If copies of documents are made, these copies may be stored with the Form but are not required to be.
- Paper forms may be stored at an on-site or off-site location, as long as you are able to present the forms within three days of a request for inspection
- For more information about the storage of Form I-9 refer to pages 27-30 of the *Handbook for Employers*.

Helpful Links:

- I-9 Central - [I-9 Central](#)
- Revised Form I-9 - [Form I-9](#)
- Form I-9 Customer Support Page - [Customer Support](#)
- Handbook for Employers - [M274](#)
- I-94 information from CBP - [CPB I-94](#)