

## New Version of Form I-9 Required to be Used Beginning May 1, 2020

On January 31, 2020, the U.S. Citizenship and Immigration Services (USCIS) published an updated version of Form I-9, Employment Eligibility Verification. Although employers are allowed to use the prior version of Form I-9 ("Rev. 07/17/2017 N") until April 30, 2020, they must use the new form after that date. Therefore, beginning on May 1, 2020, employers may only use the new version of Form I-9 ("Rev. 10/21/19") when a new Form I-9 must be prepared for an employee. Federal law generally requires all employers to verify that all of their employees hired after November 6, 1986, are authorized to work in the United States and have established their identities using Form I-9. An employee or new hire must complete Section 1 of Form I-9 no later than the first day of their paid employment. An employer must complete Section 2 of Form I-9 within three business days after the employee's or new hire's first day of paid employment.

Employers are not required to update current employees' properly completed Form I-9s already maintained by the employer with the new version of Form I-9. In fact, doing so may even be a violation of law as in only certain circumstances may a new Form I-9 be completed. Employers may only complete a new Form I-9 for a new hire, certain rehired previous employees, when a Form I-9 was not completed when an employee was originally hired, when a previously completed Form I-9 for a current employee is missing, and in certain limited situations when correcting a previously completed Form I-9 (and in such circumstances the previously completed Form I-9 must be attached to the new Form I-9).

The changes to the paper [Form I-9](#) are minor and primarily cosmetic. The changes to the electronic Form I-9 are also minor and mostly cosmetic. For example, the Country of Issuance and Issuing Authority fields in the electronic version have been modified to add Eswatini and North Macedonia to reflect those countries' name changes. Additionally, USCIS made some minor updates to the Form I-9 instructions, which include but are not limited to, the following:

- Clarifying who may act as an authorized representative and confirming that the employer will ultimately be liable for any violations related to the completion of the form or the verification process.
- Further explaining the acceptable documents that may be used in completing Form I-9.

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- Updating the USCIS website and DHS privacy notice.
- Revising the process by which employers can request paper Form I-9s.

Employers should ensure that they have the necessary processes in place to begin using the revised Form I-9 no later than May 1, 2020, in order to maintain compliance in their onboarding procedures.

If you have any questions about completing the new Form I-9, please contact Benjamin Kurten at (414) 298.8222 or [bkurten@reinhartlaw.com](mailto:bkurten@reinhartlaw.com), or your Reinhart attorney.

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