



USCIS RELEASES NEW FORM I-9

You may have noticed that the Employment Eligibility Verification Form I-9 you were using had an expiration date of August 31, 2012. United States Citizenship and Immigration Services ("USCIS") previously advised employers to continue using that form beyond the expiration date until a new form was released. On March 8, 2013, USCIS finally released the [new form](#). The new Form I-9 can be used immediately; however, there is a 60-day grace period, meaning the versions dated February 2, 2009, and August 7, 2009, are still valid for use until May 7, 2013. After that date, the new form must be used.

The significant changes to the I-9 include the following:

- The form went from one to two pages.
- Additional instructions are provided (we recommend reading these carefully). The additional instructions state that:
 - P.O. Boxes are not valid addresses for Section 1.
 - Social Security Numbers are optional for employers who do not use E-Verify.
 - There are three types of acceptable receipts, and lengthy instructions are provided regarding what receipts are acceptable, how to enter information from a receipt, and how to update the form when the underlying document is presented.
 - It provides further guidance on the procedures for how to handle I-9 forms of minors and disabled persons. When such persons cannot present a List B document, the parent or guardian fills out Section 1, writes "minor under age 18" or "special placement" in the signature field, and the employer makes the same notation in the List B portion of Section 2.
- New fields include the employee's e-mail and telephone number in Section 1 (both are optional).
- The fields are more spread out and include more clarification on the form itself regarding who completes the section and what additional information may be required.
- Section 2 starts on a separate page and requires the employer to print the employee's name.
- There are spaces for three List A documents, which takes into account that a combination of documents may be presented for List A (*i.e.*, students and exchange visitors).
- Section 3 makes it clear that reverification necessitated by expired employment authorization requires the employee to present a List A or C document.
- The list of acceptable documents clarifies what documentation is acceptable for non-immigrant aliens who are authorized to work for a specific employer (*i.e.*, H1B, L1 visas) and notes that Social Security cards cannot



contain restrictions such as "Not valid for employment," "Valid for work only with INS authorization," or "Valid for work only with DHS authorization."

- A 3-D Barcode section appears in Section 1, but there has been no guidance on its purpose.

The [Handbook for Employers \("M-274"\)](#) has been updated as well.

Take this time to become familiar with the new form and train employees on proper procedures. This is also a good time to conduct an audit of your I-9s, identify mistakes, make corrections, and try to avoid making errors in the future.

— [Laurie M. Chess](#) and [Mary Ellen B. Jordan](#)

Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

Sidney F. Lewis, V
Jones Walker LLP
201 St. Charles Avenue
New Orleans, LA 70170-5100
504.582.8352 *tel*
504.589.8352 *fax*
slewis@joneswalker.com

Labor & Employment Practice Group

H. Mark Adams
Jennifer L. Anderson
Timothy P. Brechtel
Bradley R. Byrne
Susan K. Chambers
Laurie M. Chess
Karen G. Clay
Amy C. Cowley
Steven R. Cupp
Kathryn W. Drey
Jane H. Heidingsfelder

Cornelius R. Heusel
Thomas P. Hubert
Peyton S. Irby, Jr.
Mary Ellen B. Jordan
P.J. Kee
Tracy E. Kern
Jennifer F. Kogos
Joseph F. Lavigne
Mary Margaret S. Lebato
Sidney F. Lewis, V
Ian A. Macdonald

Christopher S. Mann
Celeste L. McNulty
Edward A. R. Miller
James Rebarchak
Veronica Rivas-Molloy
David K. Theard
Lindsay C. Thomas
Courtney L. Tomlinson
Patrick J. Veters
Kary B. Wolfe

This newsletter should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own attorney concerning your own situation and any specific legal questions you may have.

To subscribe to other E*Bulletins, visit <http://www.joneswalker.com/ecommunications.html>.