

# CLIENT ALERT

## HLP CLIENT ALERT – REVISED FORM I-9 IN EFFECT

On January 31, 2020, U.S. Citizenship and Immigration Services (USCIS) published the Form I-9 Federal Register notice announcing a new version of [Form I-9, Employment Eligibility Verification](#). This new version contains minor changes to the form and its instructions. Employers should begin using this updated form as of January 31, 2020.

The notice allows employers a 90-day grace period from the date of publication to give them sufficient time to incorporate the new I-9 form into their onboarding process. Employers may continue using the prior version of the form (Rev. 07/17/2017N) until April 30, 2020. After that date, employers can only use the current form (Rev. 10/21/2019). One can find the version date located in the lower left corner of Form I-9.

### What is Form I-9?

Form I-9 is used to verify the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must properly complete Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens. Both employees and employers (or authorized representatives of the employer) must complete the form.

### How does I-9 verification occur?

An employee must attest to his or her employment authorization. The employee must also present his or her employer with acceptable documents evidencing identity and employment authorization. The employer must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and relate to the employee, and record the document information on the Form I-9. The list of acceptable documents can be found on the last page of the form. Employers must retain Form I-9 for a designated period and make it available for inspection by authorized government officers.

### What are the consequences of either using a prior version of Form I-9, or of having a form with errors or omissions/paperwork violations?

Monetary penalties for “knowingly hire” and “continuing to employ” violations range from \$573 to \$20,130 per violation, with repeat offenders receiving penalties at the higher end. Penalties for substantive or paperwork violations, which include failing to timely prepare, minor omission or errors on the form, or other I-9 irregularities will result in fines in the range of \$230 to \$2,292 per violation. U.S. Immigration Customs Enforcement/Department of Homeland Security-Investigations have increased its I-9 employer enforcement activities by well-over 400% within the past 18 months.

For more information concerning your I-9 compliance program, or if you would like to discuss an I-9 Check-Up, please contact Hahn Loeser.