

## Guidance regarding the new I-9 form released



Miriam L. Rosen, Isabelle Bibet-Kalinyak, Ryan Neumeyer | Friday, March 10, 2017

Form I-9, aka the Employment Eligibility Verification Form, is used to verify the identity and employment authorization of all individuals hired for employment in the U.S. All U.S. employers must ensure proper completion of Form I-9 for each individual hired to work in the U.S. This requirement is equally applicable to U.S. citizens and non-citizens. Both employees and employers (or the authorized representatives of the employer) must complete the form.

Although simple on its face, Form I-9 continues to trip up employers for a variety of reasons. After revamping the form at the end of 2016, on February 14, 2017, the U.S. Citizenship and Immigration Services (USCIS) released further guidance to assist employers. The new “Handbook for Employers – Guidance for Completing Form I-9” (also referred to as M-274) is available [here](#).

As of January 22, 2017, employers must use the new [Form I-9](#) for all new hires, as well as when revalidating the employment status of certain employees such as foreign nationals on a temporary work visa. It is unnecessary to complete the new form for existing employees with permanent work authorization. An employer is not required to replace previously completed Form I-9s.

The M-274 Handbook is a user-friendly tool to guide employers on how to complete and retain the Form I-9. The Handbook explains policy and regulatory changes in connection with Form I-9 since 2013 and provides answers to frequently asked questions, as well as pictures of current sample documents such as work visas, Employment Authorization Documents (EAD cards), and green cards. It also offers practical guidance regarding automatic extensions for certain EAD cards.

Given the Trump administration’s focus on the enforcement of immigration policies, employers should take the time to review their Form I-9 obligations, which are found in the new guidance.

Should you have any questions or concerns regarding the new guidance, please do not hesitate to contact any of the attorneys below.



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