

DECEMBER 19, 2013 BULLETIN TO ALL IMMIGRATION CLIENTS

## Important U.S. Immigration Reminder

### Employment Eligibility Verification Form I-9 Compliance

Please remember that, effective May 7, 2013, employers must use only the most recent version of Form I-9 (Rev. 03/08/13)N. The revision date of the Form I-9 is printed on the lower left corner of the form. Among other things, this version of the form includes new fields, has been reformatted to reduce errors, and contains clearer (more "user friendly") instructions to both employees and employers. All employers must complete a Form I-9 for each employee hired in the United States. The U.S. Citizenship and Immigration Services (USCIS) also issued a new version of the Form I-9 Handbook for Employers (dated April 30, 2013).

Please also note that, in early April, officials from the Worksite Enforcement Unit of the U.S. Immigration and Customs Enforcement (ICE) stated that pre-population of Section 1 of Form I-9 is not permissible, regardless of whether the preparer/translator section is completed and regardless of whether the individual employee provided the original information that is pre-populated.

This is an important issue for many employers who use electronic I-9 systems because many such systems are integrated with other HR systems and seek to create efficiencies in the hiring process by pre-populating employee information in Section 1 from data in the employer's on-boarding intake program. Based on these statements from ICE, employers should note that an electronic I-9 program that involves pre-population of employee information in Section 1 carries significant legal risk.

Please also note that employers should not complete a new Form I-9 for current employees if a properly completed Form I-9 is already on file. The new form is simply a new version of the form to be used going forward; this is not a requirement for employers to reverify or have employees complete new forms if not otherwise required.

A Spanish version of Form I-9 (Rev. 03/08/13)N is available on the USCIS website for use in Puerto Rico only. Spanish-speaking employers and employees in the 50 states, Washington, D.C., and other U.S. territories may use the Spanish version for reference, but must complete the English version of the form. The revised forms are available in English and Spanish online at [www.uscis.gov](http://www.uscis.gov).

As many of our clients already know, we regularly provide Form I-9 & E-Verify Compliance training as well as the preparation and implementation of Form I-9 & E-Verify Protocols and Internal Audit Programs. **Please contact any member of the Cohen & Grigsby Immigration Department if you are interested in discussing this further and/or setting up a time in the new year to review whether your company is Form I-9 compliant.**

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins by e-mail, please send an e-mail to [info@cohenlaw.com](mailto:info@cohenlaw.com).

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