

LEGAL UPDATE

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USCIS UPDATES FORM I-9 EXPIRATION DATE

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19 November 2024



OVERVIEW

USCIS has updated the Aug. 1, 2023, edition of its Form I-9, Employment Eligibility Verification, solely to extend the expiration date from July 31, 2026, to May 31, 2027.

The only change made to Form I-9 was the extension of the expiration date. The content of the form, directions for completion, and list of acceptable documents remain the same. The revised Form I-9, which can be downloaded here <https://www.uscis.gov/i-9> has a version Date of August 1, 2023.

Employers must use the edition of Form I-9 dated August 1, 2023, which may have an expiration date of either July 31, 2026, or May 31, 2027. Either version of the form can be used until its respective expiration date. However, any new downloads of Form I-9 from the USCIS website will feature the updated expiration date of May 31, 2027.

NOTHING ELSE NEW ON LATEST FORM I-9 UPDATE

The expiration date in the upper right corner of the form is the only thing that has changed on the 05/31/2027 version. All other fields on the form remain the same. This year's change only involves the expiration date.

WHAT EMPLOYERS SHOULD DO

Both iterations of the form are acceptable for use until July 31, 2026, USCIS said. But the agency is recommending employers start using the form with the 2027 expiration date now. While either form may be used until its expiration date, switching over to the new form sooner rather than later is encouraged.

What employers should do:

- Employers must be using the Aug. 1, 2023, edition of the form.
- The Aug. 1, 2023, edition now has two different versions with two different expiration dates: July 31, 2026, or May 31, 2027 – either of which can be used until its expiration date.
- The form currently available for download from USCIS has the later May 31, 2027, expiration.

Employers are encouraged to update their electronic Forms I-9 systems to use the 05/31/2027, expiration date as soon as possible and must do so no later than July 31, 2026, the expiration date on the previously-issued Form I-9. For more information, visit [I-9 Central](#) or join a free [Form I-9 webinar](#).

Ensuring that the correct form is used is crucial for maintaining compliance with federal employment verification requirements. This extension announcement serves as an important reminder for employers to stay vigilant about any changes to Form I-9 and other employment verification procedures. As compliance regulations continue to evolve, businesses must remain proactive in updating their practices to avoid potential

penalties or disruptions in their workforce management.

Employers should also consider reviewing their internal processes and training programs to ensure that all personnel involved in the I-9 verification process are aware of this change and understand the importance of using the correct form moving forward.

WHAT ABOUT THE I-9 FORMS THAT MY EXISTING EMPLOYEES HAVE ALREADY FILLED OUT?

Besides updating their Forms I-9 for new employees and any reverifications, employers don't need to update any previous properly completed Forms I-9 on file. As long as employees completed a current Form I-9, listed acceptable identity and work authorization documents, provided unexpired original documents to the employer to view, and signed and dated the form at the time of hire, employers are compliant.

The new expiration date is only an issue with new hires, so it is important that you as the employer provide the new employee with the correct USCIS Form I-9.

LATEST VERSION OF THE USCIS FORM I-9 – SUMMARY OF PREVIOUS CHANGES

The [current version of the Form I-9](#) was released by USCIS on August 1, 2023. The updated version included changes such as reducing the form from two pages to one; revising the List of Acceptable Documents; and adding a check box allowing employers to indicate if they had examined the documentation remotely under a newly authorized virtual procedure rather than via physical examination. The form was also designed to be completed on tablets and mobile devices. The key changes made to the current Form I-9 included:

- Sections 1 and 2 are combined on one page, keeping all previous fields but merging some.
- The certification area for preparers and translators has been moved to a separate Supplement A to be used when verifying or recertifying.
- The previous Section 3, which covers reverification and rehire, is now Supplement B.
- The list of acceptable documents now includes guidance about acceptable receipts, and links to information on automatic extensions of employment authorization documentation.

The updated Form I-9 also features revised instructions, which have been condensed from 15 pages to eight. These instructions include additional definitions, streamlined processes, and explanations on using the new checkboxes to indicate remote examination of Form I-9 documents.

Finally, don't forget that E-Verify employers can use last year's optional alternative procedure to inspect Form I-9 documents. Employers who choose to remotely examine the employee's documentation under a DHS-authorized alternative procedure, rather than via physical examination, must indicate they did so by checking the box provided on the form.

KEY TO REMEMBER

Employers can and should start using latest version of the Form I-9 immediately, before they are required to use the new version after July 31, 2026.

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