



Employers Must Soon Begin Using a New Version of the I-9 Form

Client Advisories

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All employers in the United States must have a *complete* I-9 on file for all eligible employees on their payroll. As anyone who has handled I-9s knows, the form for the I-9 changes from time to time. The latest change occurred recently.

New I-9 Form Now Available For Use

United States Citizenship and Immigration Services ("USCIS") recently announced that, beginning January 31, 2020, "Form I-9 (Rev. 10/21/2019)" would be available for download. This new form replaces the previous version, "Form I-9 (Rev. 07/17/2017 N)."

The actual changes to the form are not substantive: they reflect the recent renaming of two small countries (Eswatini and North Macedonia) and clarify some of the instructions for filling out the form. However, employers should not view the minor nature of the changes as a reason not to switch to the new form. The USCIS and the DOL both regularly conduct audits of businesses to determine whether all employees are permitted to work in the United States and to ensure that all of the required paperwork is complete. Use of the wrong I-9 form constitutes a technical violation, which carries with it a civil penalty *per errant form*. An employer with multiple technical violations faces a separate penalty for each violation, and even enhanced penalties if the errors are determined to be willful or repetitive. Thus, an employer with a large number of workers could be on the hook for stiff penalties for not having the proper paperwork in place.

New I-9 Form Is Mandatory After April 30, 2020

There is a brief grace period for employers to switch over to using the new form. Use of the old version is acceptable until April 30, 2020. After that date, use of the new form is mandatory. All employers are advised to start taking the necessary steps now to ensure that they are in compliance before that time.

Employers need to use this new Form I-9 going forward for new employees and employees who require reverification. Employers do not need to take action for current employees with complete I-9s already on file

and who do not require reverification.

If you or your business have any questions about the new I-9 form, I-9 records compliance, or about any other immigration issue affecting employers, please contact **Gregory J. Palakow, Esq.** at (609) 580-3700.

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