



### New FORM I-9 – Challenges and Pitfalls

U.S. Citizenship and Immigration Services (USCIS) published the long-awaited new Form I-9 which all employers must use now for all new hires in the United States and for re-verifications. Employers should not complete a new Form I-9 for current employees if a properly completed Form I-9 is already on file.

The revised Form I-9 is now a **2-page** form and has several new features intended to assist in reducing errors. There are a total of 9 pages - 6 pages of detailed instructions along with the new form and a listing showing the A, B and C acceptable documents. The form more clearly describes the sections that employees and employers must complete. The revision date of the Form I-9 is printed on the lower left corner of the form (3/8/13) and shows an expiration date of 3/31/2016.

Keep in mind that, although the new I-9 form requests email address and telephone number, these are optional. The social security number is also optional unless you are an E-verify employer.

The new form can be found and downloaded on PMP's website at [www.pmphr.com/human-resource-consulting](http://www.pmphr.com/human-resource-consulting).

PMP wants to warn companies that Form I-9 and Form W-4 should **not** be treated as one item for collection of documentation purposes. This mistake is often innocently made when doing on-boarding for new employees. Documents are collected for various reasons and a copy is made and then attached to the Form I-9. **STOP!** If your company retains copies of the documentation, copy and attach only those documents required for the completion of Form I-9—no more, no less. Of course, you still need to completely fill in the I-9 form indicating the type of

document provided, the issuing authority, document number and expiration date (where applicable). When conducting I-9 audits, PMP often finds that copies of the employee's social security card, as well as all other identifying documents, are copied and attached to Form I-9, although the social security card is not used as part of the documentation to satisfy the Form I-9 (e.g. a passport and the social security card are attached to the Form I-9). This error can cost companies substantial fines during a U.S. Immigration and Customs Enforcement (ICE) audit as this can be perceived as discriminatory.

Now is a good time for companies to conduct an audit of their I-9 forms and procedures. Self-audits should be conducted only by trained personnel, either from an outside source or by someone who is not part of the normal verification process.

In conducting I-9 audits for our clients, PMP has found that the new 2-page form is more challenging to review. If in auditing your Form I-9s, you find that there are errors, please call PMP or your advisor to consult on how you can legally correct errors. Take immediate steps to bring your company into compliance. Prepare a final report documenting actions taken and policies and procedures the company has put into place to assure that these errors will not occur in the future.



Grace Conti  
Executive Vice President  
Portnoy, Messinger, Pearl & Associates, Inc.  
Syosset, NY  
Phone: 516-921-3400 Fax: 516-921-6774  
E-mail: [gconti@pmphr.com](mailto:gconti@pmphr.com)  
Website: [www.pmphr.com](http://www.pmphr.com)

[Click Here to Return to Our Website](#)

Find us on:

