



Dear Clients:

A revised I-9 form (Rev. 03/08/13) is now available from U.S. Citizenship and Immigration Services. [The link to the new form is here.](#) Employers should begin using the newly revised form for all new hires immediately, but may continue to use previously accepted versions through **May 7, 2013**.

Here are the basic changes to the I-9:

- Form I-9 is now two pages
- Expanded instructions
- New fields for e-mail address, phone number and foreign passport in Section 1.

Basically, the form and requirements for completing the form remain the same. That is, all U.S. employers must fill out and keep an I-9 Form for every person they hire for employment in the United States.

#### Exceptions:

The I-9 Form is generally not required for persons who are:

- Hired on or before November 6, 1986, who are continuing in their employment and have a reasonable expectation of employment at all times
- Independent contractors
- Not physically working on U.S. soil

NOTE: You cannot employ an individual if you know that he or she is not authorized to work in the United States.

#### When to Fill Out Form I-9

Employers may not begin the Form I-9 process until an individual accepts an offer of employment. An employer completing Form I-9 must make available to the employee the instructions to the form and the List of Acceptable Documents (see attachment).

Newly hired employees must complete and sign Section 1 of Form I-9 no later than the first day of work for pay. Employers may have employees complete Form I-9:

- On the first day of work for pay.
- Before the first day of work, if the employer has offered the individual a job and if the prospective employee has accepted it.
- The employee must present to the employer an original document or documents that show his or her identity and employment authorization within 3 business days of the date employment begins.
- The employer must use those documents to complete Section 2 of Form I-9 within 3 business days of the first day of work for pay. For example, if the employee begins work on Monday, you must complete Section 2 by Thursday.
- If a person is hired for fewer than 3 business days, Sections 1 and 2 of Form I-9 must be fully completed by the employee's first day of work for pay.



### How Long to Keep the I-9 Form

Employers must retain an employee's completed Form I-9 for as long as the individual works for the employer. Once the individual's employment has terminated, the employer must keep the I-9 Form until the later of: 3 years after the date of hire, or one year after the date employment is terminated.

### Penalties for Failure to Complete and Retain Form I-9

Hiring employees without complying with the employment eligibility verification requirements is a violation of the law. If you fail to properly complete or retain Forms I-9, you could be subject to civil money penalties of up to \$1,100 for each violation. In determining the amount of the penalty, the following factors may be considered:

- The size of the business of the employer being charged,
- The good faith of the employer,
- The seriousness of the violation,
- Whether or not the individual was an unauthorized alien, and
- The history of previous violations of the employer.

Using the new form will be required by **May 7, 2013**. Also, you do not need to complete a new form for current employees who have already completed an I-9 form. For more information about I-9s, please contact Sharon Ely, Human Resources Director, [sely@infinite-ws.com](mailto:sely@infinite-ws.com), 512-271-9700, ext. 209.