

August 29, 2023

Form I-9 Updates and New Alternative Procedure for Remote Verification

On August 1, 2023, U.S. Citizenship and Immigration Services (USCIS) published a revised Form I-9. Employers may still use the prior version (Edition 10/21/19) of the Form through October 31, 2023, but starting November 1, 2023, employers will need to use the revised [Form I-9 \(Edition 08/01/23\)](#) and [Instructions for Form I-9](#). The edition date can be found in the lower left corner of the Form and Instructions.

Employers are required to use Form I-9 to verify the identity and employment authorization of all individuals (citizens and noncitizens) hired for employment in the United States. The employee must attest to their employment authorization and present their employer with acceptable documents that show they are authorized for employment in the United States.

Form I-9 Revisions

The Form has undergone some noticeable revisions.

- Form instructions have decreased from 15 pages to 8 pages.
- Sections 1 and 2 are a single-sided sheet.
- Section 1 Preparer/Translator Certification is a separate, standalone supplement that employers can provide to employees when necessary.
- Section 3, Reverification and Rehire, is also a separate, standalone supplement that employers can print if or when rehire occurs or reverification is required.
- The list of Acceptable Documents page is revised to include some acceptable receipts as well as guidance and links to information on automatic extensions of employment authorization.
- There is now a checkbox in the Additional Information section, allowing qualified employers to indicate they examined Form I-9 documentation remotely under a DHS-authorized alternative procedure rather than via physical examination. Continue reading for additional information about remote verification.

New! Remote Verification (aka Alternative Procedure)

One requirement employers have when completing Section 2 of the Form I-9 is to visually examine the presented documents in-person to determine whether the documents reasonably appear to be genuine. The employer must then document the information on the employee's Form I-9 (Section 2 Employer Review and Verification). Included in the August 1, 2023, revisions, Department of Homeland Security (DHS) has authorized an alternative procedure for **qualified employers** to allow [remote examination](#) of documents.

Qualified Employers

Qualified employers are those who participate in [E-Verify](#) and are in good standing. An employer in good standing is one who is:

- *Enrolled in E-Verify with respect to all hiring sites that use the alternative procedure to remotely examine documents.*
- *Uses E-Verify to confirm the employment eligibility of newly-hired employees in the U.S.A., and*
- *Complies with all other requirements of the E-Verify program.*

If you choose to offer the alternative procedure to newly hired employees at a hiring site (the physical address of the store you hired the employee to work), you must do so consistently for all newly hired employees at that site. In other words, if you offer the alternative procedure to one newly hired employee who works onsite, you must offer to all newly hired employees who work onsite at that same location. However, if you have hybrid and/or remote employees, you may choose to offer the alternative procedure for remote and hybrid hires only but continue to apply physical examination procedures to all employees who work onsite. Just so you do not adopt a practice for a discriminatory purpose or treat employees differently based on their citizenship, immigration status, or national origin.

Remote examination of documents consists of the employee first transmitting a copy of the document(s) that they will present to you (the employer) during a live video interaction. Then, you will conduct a live video interaction with the

employee who will present the document(s). During the video interaction, you will examine copies (front and back if the document is two-sided) of Form I-9 documents to ensure that the copies of document(s) transmitted are the same documents presented via video and appear to be genuine and relates to the employee. The employer must then retain a clear and legible copy of the documentation (front and back if the documentation is two-sided) with the Form I-9.

Key Takeaways

- Begin using the revised [Form I-9 \(Edition 08/01/23\)](#) and [Instructions for Form I-9](#) by no later than November 1, 2023, for newly hired employees. The Form I-9, Instructions for Form I-9 and Form I-9 Online Employer Handbook can all be found on MHA's Human Resources & Employment Law Resources webpage.
- New remote verification of documents (aka alternative procedure) is permitted for employers who are enrolled in E-Verify and follow the alternative procedures established by DHS.