

Newest Version of Form I-9 Must Be Used Starting May 1, 2020. Updated M-274, Handbook for Employers Now Available

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Beginning May 1, employers must use the latest edition of [Form I-9](#), Employment Eligibility Verification (which has an edition date of 10/21/2019). Use of prior editions of the Form I-9 is not permitted.

USCIS also released a revised [M-274, Handbook for Employers: Guidance for Completing Form I-9](#). The Handbook provides further information on properly completing Form I-9, Employment Eligibility Verification based on the recent Form I-9 release, policy changes and clarifications.

We list below some of the most significant aspects of the changes to the revised M-274 Handbook: USCIS

Updates Based on Form I-9 Revision 10/21/2019

- Section 2.0: Clarified who can serve as an authorized representative.
- Section 12.0: Clarified that the second List B document in the List of Acceptable Documents does not include the driver's license or ID card issued by a state or outlying possession of the United States.
- Section 12.0: Clarified that the employment authorization document issued by the Department of Homeland Security in List C of the List of Acceptable Documents does not include Form I-766, Employment Authorization Document, from List A.

Major Guidance Changes

- Sections 4.4 and 6.4.2: Revised guidance to clarify that employers should enter expiration date changes based on automatic extensions of documents in the Additional Information field in Section 2; and eliminated instructions to have the employee cross out and initial information in the "Alien authorized to work until" expiration date field in Section 1. This ensures greater legibility during Form I-9 inspections.
- Section 6.4.2: Revised cap-gap extension document requirements to better align with regulations. Employers will enter the receipt number from Form I-797C, Notice of Action as the employee's Document Number in Section 2. Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, is no longer required.

New Content

- Section 4.4: How to complete Form I-9 with EADs automatically extended by Federal Register notices.
- Section 6.2: Guidance on verifying employment authorization for Native American employees born in Canada.

- Section 7.1: Guidance for state employment agencies that choose to complete Form I-9 for individuals they refer and for employers of individuals referred by a state employment agency.

Major Clarifications

- Section 3.0: The purpose of the Preparer/Translator Supplement.
- Section 6.4.1: Determining the document expiration date that F-1 and J-1 nonimmigrant employees should enter in the Section 1 “Alien authorized to work until” expiration date field.
- Section 9.0-9.2: How to calculate Form I-9 retention, retention guidelines, and electronic Form I-9 requirements.
- Section 10: A review of prohibited Form I-9 practices and penalties and the agencies responsible for enforcement.

For further guidance on the new Form I-9, the revised M-274 Handbook for Employers, or any type of I-9 question, please contact your immigration team at Mintz.

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