



HR-Alert: New Form I-9 and E-Verify Remote Verification

The Form I-9 is used to verify the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must properly complete Form I-9 for each individual they hire and both employees and employers (or authorized representatives of the employer) must complete the form.

New I-9 Form

The U.S. Citizenship and Immigration Services (USCIS) [released](#) a new Form I-9 on August 1, 2023. The form has been significantly modernized by cutting it down to a single page. The Preparer/Translator and Reverification sections are now included as a Supplement, to be used as needed. This new form has the capability to be filled out on a mobile device or tablet and it can easily be downloaded. Employers must begin using the new form by November 1, 2023.

E-Verify Remote Verification

In addition to a new form, another significant change is that certain employers may now virtually examine I-9 identity and work authorization documentation, instead of reviewing in person. To qualify for this new alternative verification procedure, employers must be enrolled in E-Verify and be in “good standing” i.e., comply with all program requirements, including completing all necessary training.

To begin using the [alternative procedure](#) beginning August 1, 2023, qualified employers must complete the following within three (3) business days of the employee’s first day of work:

- Conduct a live video interaction with the new hire to verify their documentation or acceptable receipt(s) appear authentic. This includes examining the front and back of each document
- Using the new Form I-9, select the box indicating that an alternative procedure was used to examine the documentation
 - If using the 10/21/2019 edition of the Form I-9 between August 1, 2023 – October 31, 2023, employers must write “alternative procedure” in the Additional Information field in Section 2 and include the date the documents were viewed remotely
- Retain a “clear and legible” copy of the documentation (including the front and back of any double-sided documents) with the I-9
- Create a case in E-Verify
- Employees must electronically send copies of the documentation to their employer

COVID Flexibilities Ended

As previously [announced](#), this new process interplays with the ending of the COVID flexibilities. Employers that viewed I-9 documentation between March 20, 2020, and July 31, 2023, AND were enrolled in the E-Verify program at the time of the virtual I-9 verification AND created an E-Verify case for that employee, may use this new alternative procedure.

Employers who qualify must still act and reverify documentation by the August 30, 2023, deadline. Qualified employers must do the following:

- Notate in the “Additional Information” field in Section 2 of the employee’s existing Form I-9 that “alternative procedure” was used, and the date documents were inspected; and
 - For example, “Alternative procedure used; documents verified via video on MM/DD/YYYY”
- Retain legible copies of all documents presented by the employee and store them with the I-9
- Employers do not need to create a new E-Verify case when re verifying documentation

Employers who did not participate in E-Verify during the COVID-19 flexibilities period have until August 30, 2023, to perform all required physical examination of identity and employment authorization documents. This re-examination requirement is for those employees hired on or after March 20, 2020, who only had a virtual examination of their I-9 documentation.

Employer Next Steps

- To be eligible for remote verification beginning August 1, 2023, employers must be enrolled in E-Verify; for more information on how to enroll, click [here](#)
- Determine if your organization conducted virtual document inspections during the COVID-19 flexibility period and assess if you can rely on the alternative procedures to satisfy reinspection requirements
- Begin using the new Form I-9 by November 1, 2023
- Employers do not need to have current employees fill out a new Form I-9; this should be put in place for those hired no later than November 1

If you have any questions regarding this HR-Alert, please [email us](#).