"Ever since the current version of the I-9 expired on March 31, 2016, employers have been anxiously awaiting the release of the new form, which will now include some 'smart' error-checking features," said John Fay, vice president and general counsel at LawLogix, a Phoenix-based software company specializing in cloud-based immigration and compliance services. "The newly revised I-9 also features several new structural changes and instructions which will be important for all employers to know and learn."

The new Form I-9 will have an expiration date of August 31, 2019.

Fay said that the January 21st extension to transfer to the new form is "great news for employers, many of whom struggle to stay up-to-date with the latest I-9 changes and requirements."

In 2013, USCIS provided employers with only two months to start using the current version of the form, "hardly enough time for HR to update all of the policy documents, training materials, and procedures which go along with the I-9," Fay said.

Changes to the Form I-9

The new form is designed to address "frequent points of confusion that arise for both employees and employers," Fay said. The proposed changes specifically aim to help employers reduce technical errors for which they may be fined, and include:

- Validations on certain fields to ensure information is entered correctly. The form will validate the correct number of digits for a Social Security number or an expiration date on an identity document, for example.
- Drop-down lists and calendars.
- Embedded instructions for completing each field.
- Buttons that will allow users to access the instructions electronically, print the form and clear the form to start over.
- Additional spaces to enter multiple preparers and translators. If the employee does not use a preparer or translator to assist in completing section 1, he or she must indicate so on a new check box labeled, "I did not use a preparer or translator."
- The requirement that workers provide only other last names used in Section 1, rather than all other names used. This is to avoid possible discrimination issues and to protect the privacy of transgender and other individuals who have changed their first names, Fay said.
- The removal of the requirement that immigrants authorized to work provide both their Form I-94 number and foreign passport information in Section 1.
- A new "Citizenship/Immigration Status" field at the top of section 2.
- A dedicated area to enter additional information that employers are currently required to notate in the margins of the form, such as Temporary Protected Status and Optional Practical Training extensions.
- A quick-response matrix barcode, or QR code, that generates once the form is printed that can be used to streamline enforcement audits.

- Separate instructions from the form. Employers are still required to present the instructions to the employee completing the form, however.

"It's important to remember that this new smart I-9 form is not an electronic I-9 as defined in the regulations," Fay said. "Employers filling out the new form I-9 using Adobe Reader will still need to print the form, obtain handwritten signatures, store in a safe place, monitor re-verifications and updates with a calendaring system, and retype information into E-Verify as required."