

Updated Form I-9 and USCIS fee increases

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Background on Form I-9

The Immigration Reform and Control Act (IRCA) of 1986 mandated all employers to verify the identity and employment authorization documents for all of their employees. Form I-9 is used for this purpose and USCIS released a revised version on November 14, 2016. The form is available for use immediately and will become mandatory on January 22, 2017.

Summary of changes on Form I-9

The biggest change is that the form can now be completed on a computer or on paper. When completed on a computer, the form contains embedded instructions in each field and auto-populates a few fields based on information previously entered on the form. The other notable changes include:

Section 1

- Employees completing Section 1 now only need to provide one of the following—Alien registration number or Form I-94 admission number or foreign passport number and country of issuance. The prior version of the form required the foreign passport number in addition to either of the first two items.
- Each employee now has to check the appropriate box for Preparer/Translator, which was not a requirement on the prior version.

Section 2

- There is an Additional Information Box in Section 2 to record information that was previously recorded in the margins, such as when employees have a pending extension with the 240-day rule application, port from another employer, or present a receipt for a document, among numerous other fact patterns.
- The top of the page for Section 2 now also requires the citizenship/immigration status for the employee in addition to his/her name.

Recommendation

Despite USCIS' attempt at utilizing technology for the revised version of Form I-9, the rules on retention and maintenance continue to apply. The form still has to be printed and signed on paper (no electronic signatures permitted) when the I-9 files are maintained in paper format. If you maintain your I-9 files electronically, then those rules also remain unchanged; you can continue to use electronic signature and other means of validating the information on Form I-9.

Employers should be prepared for enhanced worksite enforcement measures and potentially mandatory E-verify for all employers down the road.

USCIS fee increases effective December 23, 2016

USCIS announced on October 24, 2016 that the following forms will only be accepted with the updated fees effective December 23, 2016:

- Form I-90 Application to Replace Permanent Resident Card: **\$455** from \$365
- Form I-129/I-129CW Petition for a Nonimmigrant Worker: **\$460** from \$325
- Form I-131/I-131A Application for Travel Document: **\$575** from \$360
- Form I-140 Immigrant Petition for Alien Worker: **\$700** from \$580
- Form I-485 Application to Register Permanent Residence or Adjust Status: **\$1,140** from \$985
- Form I-539 Application to Extend/Change Nonimmigrant Status: **\$370** from \$290
- Form I-765 Application for Employment Authorization: **\$410** from \$380
- Form N-400 Application for Naturalization: **\$640** from \$595

Recommendation

If you have any of the above applications in the pipeline and want to pay the current filing fees, then these forms should be received by USCIS on or before December 22, 2016, which means that the applications have to be mailed by December 21, 2016, at the very latest. Please coordinate with your immigration professionals on expediting these filings.

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