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Embrace I-9s on the Internet

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You have an important deadline this month: 11:59 p.m. on January 21, 2017. That's the moment at which you must have discarded, destroyed, or otherwise rendered unusable any blank I-9 forms—both hard copies and electronic versions—that include the date N03/08/13 in the lower-left corner beside the words "Form I-9" (and, by all means, any forms with an earlier date, which you shouldn't be using anyway).

January 22, 2017, is the date U.S. Citizenship and Immigration Services (USCIS) has decreed that everyone must start using the new I-9 form it issued on November 14, 2016. You know you have the new form if it has the date 11/14/16 in the lower-left corner. No one involved in the employment eligibility verification process at your company should be able to access an outdated form as of the stroke of midnight on Sunday, January 22, 2017.

No good reason to wait

You don't have to postpone your purge of the old I-9 forms just because you have a deadline. There is a lot to commend in the new I-9 forms. USCIS's stated goal was to make them more user-friendly, and I give the agency credit for achieving that goal. So don't wait until the deadline. Start using the new forms right away.

Earlier versions incorporated the instructions into the form, but that isn't the case with the new version. As with other USCIS documents, the new I-9 form and its instructions are separate documents.

A key advantage of the new forms is that they can be completed in a fillable PDF on a computer. If the computer is connected to the Internet, there are links in the PDF that take the user directly to the official instructions on the USCIS website. If the

new hire and your organization's representative both use the fillable PDF on an Internet-connected computer, then you automatically will have fulfilled your duty to have the instructions available when the form is being completed.

The new I-9 fillable PDF also has the familiar hyperlinked question marks that take you to help windows. Information specific to the blank being completed pops up, providing the instructions for that field on the form. There are drop-down lists and calendars for filling in dates. The drop-down lists for List A, B, and C documentation fields provide information about applicable documents based on the person being verified's immigration status or citizenship.

Red X for errors

We're all familiar with that big red X that pops up when we've made an error while inputting information on a computer. The new I-9 forms have that feature, too. For example, the online form will not let you identify two documents that cannot together establish the citizenship or immigration status the employee reported in Section 1 of the form. In other words, the new form tells you if it isn't being completed correctly.

There is one error the online form cannot prevent. You still must print out the form, and the employee and your representative both must sign and date it by hand, even if you maintain it in an electronic file.

Make 2017 penalty-free

The more user-friendly I-9 form comes at a good time. Penalties for making mistakes just went up, and they escalate based on the seriousness of the offense. Every paperwork error on an I-9 form is subject to a monetary penalty, however, if the federal enforcement agency, U.S. Immigration

Customs and Enforcement (ICE), finds it during an audit or investigation.

Before August 2016, ICE could impose a penalty of between $110 and $1,100 per violation for totally inadvertent paperwork errors, such as recording the wrong hire date or using the wrong List A, B, or C documents to verify employment eligibility. Now, the penalties have more than doubled, and paperwork errors can be assessed at between $216 and $2,156 per violation for the first offense.

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