

# PUBLICATION

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## New Version of Form I-9 Required for Use by May 1st

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**Long after expiration of OMB's authorization for the most recent Form I-9, USCIS has published a new version of Form I-9, unchanged in substance from the prior form, and employers must use it with all new hires starting no later than May 1, 2020. The new form can be accessed at <https://www.uscis.gov/i-9>.**

The "Paper Version" of the form is not changed at all from the last version except for the OMB clearance expiration date at top right (10/31/2022) and the version date at bottom left (10/21/2019). The "smart" version that can be downloaded to a user's computer for completion on a computer contains updated drop down lists for countries that use new names for two countries: Eswatini and North Macedonia. USCIS updated the following in the form instructions with very little import:

- Clarified who can act as an authorized representative on behalf of an employer (anyone at all, but employer is liable for any violations by the designee)
- Updated USCIS website addresses
- Provided acceptable document clarifications (if you enter List A information, don't enter anything – not even "N/A" – in list B fields, and vice versa; and for those completing the smart form: don't mix up identity documents B.1 and B.2 from the form's lists, and don't enter I-766 EAD as the catch-all document C.7 from the form's lists)
- Updated the process for requesting the paper Form I-9 (an ancient concept)
- Updated the DHS Privacy Notice

This update to the form will trigger gobs of confusion and non-compliance throughout the U.S. human resources industry for no substantive benefit to the nation. USCIS and OMB should figure out a better way to manage OMB's oversight of this important government form that involves less hassle for employers.

For past discussions of peculiarities of the "smart form" and OMB's management of versions, see our [alert from 2016](#) and our [alert from 2019](#).