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I-9 Completion and Compliance Issues: Some Answers ... and Questions

An Important Labor and Employment Law Update

U.S. Citizenship and Immigration Services has published new and updated Q&As regarding I-9 completion and compliance issues. Of particular note is guidance for employers seeking to conduct self audits of their I-9s. Some of the key highlights include:

- Q:** If an employer finds a mistake on previously completed Forms I-9, how should the employer correct the mistake?
- A:** The employer may draw a line through inaccurate information, write the correct information on Form I-9, initial and date of the correction. The employer should also make a note in the file that a self-audit was completed on that date.
- Q:** Does the employer need to fill out a new Form I-9 if the employee signs not in the signature box but right above the signature box?
- A:** No. As long as it is clear that the signature relates to the attestation ("I attest, under penalty of perjury ..."), there is no need to complete a new Form I-9 or correct the placement of the signature.
- Q:** What should I do if an invalid version of Form I-9 was completed for an employee at the time of hire?
- A:** If an outdated and invalid version of Form I-9 was completed for an employee at the time of hire, a new Form I-9 using the correction version should be completed and attached to the previously completed Form I-9.

While this guidance is welcome, employers are cautioned that in the

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recent past Immigration and Customs Enforcement has indicated that only the employee is to make corrections to Section 1 of the I-9 form.

USCIS has also issued a new version of the Handbook for Employers: Instructions for Completing Form I-9. The June 1, 2011 version of the Handbook includes: expanded guidance on how to enter names on Form I-9; more examples of acceptable documents; additional information regarding employment-authorized nonimmigrants; and other clarifications.

To access the full Q&A on the US Citizenship and Immigration Services website, please click [here](#).

To access the Handbook for Employers click [here](#).

What This Means to You

As Immigration and Customs Enforcement has announced plans to serve 1,000 notice of inspections on employers starting in June 2011, employers should consider a thorough review of immigration compliance practices.

For More Information

For questions or more information, please contact: Jeff Bell | 816.360.4264 | jbelle@polsinelli.com.

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