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DHS Issues New I-9 Form

The Department of Homeland Security (“DHS”) recently issued a revised Form I-9, which must be used by employers to verify the identity and employment authorization of new hires. Employers are required to use the new form beginning **May 7, 2013**.

Background. Employers must properly complete and retain a Form I-9 for each individual they hire for employment in the United States. Under the Obama administration, U.S. Immigration and Customs Enforcement (“ICE”) has focused its efforts on prosecuting employers, owners, and managers who hire unauthorized aliens. An ICE I-9 audit may result in the imposition of civil fines ranging from \$110 to \$16,000 per violation. See September 21, 2012 [theHRBenefitsAuthority](#), [The Increasing Importance of Immigration Issues in M&A](#).

Revisions to Form. The new Form I-9 contains the following key revisions designed to minimize errors:

- Data fields are added, including the employee’s foreign passport information (if applicable), telephone number and e-mail address;
- The form’s instructions are improved; and
- The layout of the form is expanded from one to two pages.

Next Steps. Employers should become familiar with the new Form I-9 and immediately begin using the new form for new hires. In addition, employers should consider conducting an internal audit of their current Form I-9 policies and procedures. Such measures will help prepare the employer in the event of an I-9 compliance audit and will also aid in minimizing any civil penalties for non-compliance.

Contact Information. For more information, please contact Doug Towns (404.888.8852) or Alden Koste (404.888.8839).

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