

Immigration Updates: July 18, 2017

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New Edition of Form I-9 Issued

USCIS has **implemented** a revised Form I-9 effective July 17, 2017. Employers have until Sept. 17, 2017, to discontinue use of the Nov. 14, 2016, edition of the Form I-9 but employers are urged to use the new version of the form as soon as possible.

The new form has been updated to allow employers to accept Form FS-240, Consular Report of Birth Abroad as an acceptable List C document. The I-9 employer **handbook** has also been updated to reflect this change.

Employer requirements to timely complete Forms I-9 for all new employees hired after Nov. 6, 1986, remain unchanged. Employees must complete Section 1 of Form I-9 no later than the first business day of work for pay and no sooner than when the offer was extended and accepted. Employers must then complete Section 2 within three business days of the employee's date of hire. Employers should take care to never re-verify existing U.S. Citizen or permanent resident employees. However, re-verification on Section 3 may be required in certain circumstances, for example, where a foreign worker's temporary employment authorization has expired. Finally, employers must retain each Form I-9 for as long as an employee is on payroll or otherwise receiving remuneration. Forms I-9 may be discarded at the later of three years after the date the employee began work for pay or one year after the date the employment ended.

Miller Canfield advises employers to implement the switch to the new July 17, 2017, version of Form I-9 as soon as possible and to continue to perform regular internal I-9 audits in order to protect against exposure to liability and disruptions in employment. Employers with any questions about the revised forms should contact their Miller Canfield attorney.

Additional 15,000 H-2B Visas Available

On July 17, 2017, the U.S. Department of Homeland Security **announced** it will allow an additional 15,000 temporary non-agricultural H-2B visas this fiscal year.

Employers must be prepared to submit evidence with H-2B petitions demonstrating the likelihood of suffering irreparable harm without the ability to add additional workers. Petitions will be reviewed on a first-come, first-serve basis.

Miller Canfield advises employers that are in need of additional H-2B workers this year to contact us immediately in order to review eligibility for the additional 15,000 visas available.