

## I-9 and E-Verify Compliance Webinar: FAQ

### Who must use the new Form I-9?

All U.S. employers must properly complete Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens. Both employees and employers (or authorized representatives of the employer) must complete the form. The newest version will be available August 1, 2023, and must be used by employers by November 1, 2023.

### Should I update an employee's I-9 when they change their legal name?

During reverification or rehire, if an employee has had a legal name change (such as by getting married), you must enter their new legal name in Block A of Section 3.

If they legally changed their name at any other time, USCIS recommends you update Block A as soon as you learn of the change, so that you maintain correct information on the form.

Check out the full [in-depth guidance from USCIS](#).

### When will Paylocity have the new Form I-9 available to onboard new employees?

Paylocity is actively working to ensure our product meets all the form requirements. While the new Form I-9 will be available to use on August 1, 2023, employers can still use the old I-9 form in the Onboarding task until November 1, 2023. We will have an update in Onboarding before the deadline.

### Who is an authorized representative?

Employers may designate an authorized representative to act on their behalf to complete Section 2. An authorized representative can be any person an employer designates to complete and sign Form I-9 on their behalf. Employers are liable for any violations in connection with the form or the verification process.

### When can I begin to utilize the new Alternative Procedure for remotely verifying employment eligibility documents?

The Alternative Procedure for remotely inspecting documents is available beginning 8/1/2023 and onward, using the new I-9 form being released on 8/1/2023.

<https://www.federalregister.gov/d/2023-15533/p-4>

### Can I use the new Alternative Procedure to remotely verify employees who were hired during the COVID-19 Flexibility?

If an employer was not enrolled in E-Verify, any employees who had their employment eligibility documents verified remotely during the COVID-19 Flexibility time frame (3/20/2020 to 7/31/2023), do still need their original I-9 form notated with the actual physical inspection date in Section 2. This needs to happen by August 30, 2023. [Here](#) are some examples of what that would look like.

### If employees were processed through E-Verify during the COVID-19 flexibility, do I need to process them again using the Alternative Procedure?

If you processed an employee through E-Verify during the COVID-19 flexibility period using remote review of documentation, you do not need to go back and submit another E-Verify case if that employee already received an "Employment Authorization" result.

Employers must still complete the in-person review in Section 2 of Form I-9. For employers who used E-Verify and are using the Alternative Method, they must notate in the additional information field, add “alternative procedure” with the date of examination, or complete Section 3 if appropriate.

If a case was not created for the employee, or the employer was not enrolled in E-Verify at the time the remote document review was completed, the employer must complete physical examination of the documents, either themselves or by an authorized representative, by August 30, 2023. Employers must update Section 2 of Form I-9 in the additional information field adding “In person review date” with the date of the examination. An E-Verify case should not be created for any employees hired prior to the E-Verify MOU start date.

### **Can I continue remote verification of I-9 documentation if I use E-Verify?**

The Alternative Procedure for remotely inspecting documents is available beginning 8/1/2023. Only qualified employers may use the alternative procedure. A qualified employer is defined as: employers enrolled and participating in E-Verify, and employers in good standing with E-Verify by complying with the E-Verify [Memorandum of Understanding \(MOU\)](#).

### **What does it mean to be in “Good Standing?”**

Employers may only use the alternative document examination procedures if they are enrolled in E-Verify, actively participate in E-Verify, and are in good standing. Good standing means that employers comply with the MOU. Employers should review their MOU to confirm they are meeting all of the minimum requirements.

### **Can I use an authorized representative to act on my behalf to physically examine an employee’s documents while on a video call with me and then I complete Section 2?**

No. The same person who examines the employee’s documents (physically or via video) must also complete and sign Section 2 of Form I-9.

### **When inspecting documents virtually, will a picture suffice, or must the inspection be through video?**

If an employer is using the alternative procedure for document examination, the employee must first submit a copy of the document(s) to the employer and then present the same document(s) during the live video interaction. The legislation does not specify how the video interaction must take place, for example by videoconference or web camera. The employer must then retain any copies of documents presented with the employees I-9, and create an E-Verify case for new hires.

If an employer does not participate in E-Verify, they must use in person verification and cannot use the video alternative.