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Viewpoint: May 7: an important date for employers

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After about a year of working on a suitable form and without significant warning, on March 8 **U.S. Citizenship and Immigration Services** released the seventh edition of the Form I-9. Employers are required to use this form to verify the identity and employment authorization of individuals hired for employment in the U.S.

The employee must attest to his or her employment authorization and the employer must examine documents and verify that the employee is authorized to work. The new two-page form and its six pages of instructions are expected to reduce I-9 errors and violations that lead to employers' penalties.

Employers should take note that all of the comprehensive immigration reform proposals introduced in Congress include emphasis on employers' compliance with the employment verification process, and a nationwide implementation of mandatory E-Verify that will continue to put pressure on employers to ascertain that their employment verification process is in order.

Mistakes in the I-9 process can be costly. Simple paperwork fines range from \$110 to \$1,100 per violation. The penalties can be aggravated or mitigated by factors such as the size of the business, a good-faith effort to comply, and the seriousness of the violation. It is not unusual for companies to pay thousands to millions of dollars in I-9 fines. Proactive third-party audits, training and education are good-faith mitigating factors.

There is a 60-day grace period for the transition to the new form. Employers should use this time to learn about the form and instructions, update company policies and practices, and provide training to those responsible and engaged in the process.

All employers should begin using the new form for all new hires and reverification of current employees by no later than May 7. Failure to begin using the form timely will result in fines. The new form and revised M-274, Handbook for Employers, are available at uscis.gov.

We are monitoring whether the new format will impact the severity of the fines imposed on employers. We are also monitoring the bills relating to mandatory E-Verify and will continue to provide guidance as it becomes available.

Proper completion of Form I-9 is now more important than ever.