

Smart Form I-9

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Is There an Electronic Version of Form I-9?

Several years ago, U.S. Citizenship and Immigration Services (USCIS) provided a “Smart” Form I-9. Many thought this was going to be the government’s electronic version of the I-9 form, but unfortunately it was not. When using this smart form, employers must have the employee type in the information for Section 1 and the company representative type in the information for Section 2, then **print** the form and have the employee sign Section 1 in ink, the company representative sign Section 2 in ink, and then retain the original, signed, printed form in its paper records. This online version of the form does **not** provide for electronic signature, electronic storage, or electronic connection to E-Verify.

So, What Is This Smart Form?

The Smart Form I-9 is an **enhanced PDF** version that is designed to reduce paperwork errors that can lead to costly fines for employers. Employers must rely on voluminous, ever-growing, and increasingly complex materials to help them figure out how to complete this seemingly simple two-page form, which include 15-pages of small-print form instructions, a 60-page Handbook for Employers, and a number of additional Questions & Answers available online at I-9 Central (<https://www.uscis.gov/i-9-central>).



This is no easy task. The good news is that the government's Smart Form I-9 helps employers avoid several common errors – errors that can result in fines of more than \$200 to \$2,000 per form (fines that ***more than doubled*** in recent years). The bad news is that it can create a false sense of security as it doesn't prevent all mistakes.

So, What Does the Smart Form I-9 Do?

The Smart Form I-9 incorporates a number of enhancements when you complete the form online:

- It adds help prompts for each field on the form, as well as a link to the full instructions online (*it is required that employers provide access to the form instructions to each employee when filling out Section 1*)
- Certain fields validate the number of digits, such as date fields and the Social Security Number field
- There are drop-down lists for state names and citizenship/immigration status
- There is a mechanism to check the form once finished to ensure all fields are completed



- But keep in mind this only ensures the fields are completed, not that the information is correct
- Certain repeated fields are pre-populated after first completion (employee name and citizenship/immigration status)

Through these enhancements, the Smart Form I-9 provides employers an additional layer of protection in the I-9 process. However, it is not a fail-safe, does not prevent all mistakes, and cannot take the place of proper training.

What Can I Do To Fully Protect My Company?

Employers must understand how to complete the form, be familiar with the myriad of instructional materials provided by USCIS, ICE, and the Department of Justice, and have proper compliance and non-discrimination procedures in place. If this sounds like a daunting task, grab our I-9 Audit Toolkit and take the first step to ensure your company is protected (<https://www.clarkimm.com/i9-audit-toolkit>)!

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