

# Guardian

Form Revision and Release FAQs

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## General

### **When will the updated form be available in Guardian?**

The form revision will be available as of Thursday, January 19, 2017.

### **Will my organization need to do anything to activate the updated form?**

No, all organizations will receive the system updates automatically.

### **Can my organization continue to use the previous form version?**

No, all I-9s created after the system update will utilize the latest form version (with revision date of 11/14/2016), i.e. I-9s created on or after 1/19/2017.

### **Will all I-9 types be available on January 19th, 2017?**

Guardian includes three types of I-9: Archival Paper I-9 (to capture historical I-9s completed on paper), New Hire Paper (to capture new hire I-9s completed on paper), and Electronic. Both the New Hire Paper and Electronic I-9 form types will begin using the 2016 form revision as of January 19, 2017. Support for entering historical I-9s completed on paper utilizing the 2016 form revision will be available by February 2017.

### **What major changes did USCIS make with this form revision?**

1. In Section 1, "Other Names Used" was re-labeled to "Other Last Names Used"
2. Employees attesting to being an alien authorized to work must now only provide an Alien Registration/USCIS Number, I-94 Admission Number, or Foreign Passport Number and Country of Issuance when completing Section 1.
3. When provided an Alien Registration/USCIS Number, the employee must select whether the number is an Alien Registration number or a USCIS Number. When it is an Alien Registration Number, the number is pre-pended with the character "A".
4. With the exception of the Social Security Number field, unused or optional fields in Section 1 must now be populated with N/A.
5. Employees must indicate whether they received assistance in completing Section 1 of the form.
6. Additional Preparer Translator Certifications can be generated in instances in which more than one person assisted the employee in completing Section 1.
7. Unused fields within a given Section 2 document selection must now be populated with N/A. For instance, if the List B document provided by the employee does not contain an expiration date then N/A must be entered in the Expiration Date field.
8. The page-two header has expanded to include employee first name, employee last name, employee middle initial, and citizenship/immigration status.
9. When completing Section 3, unused fields must now be populated with N/A.

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10. When noting an employee name change in Section 3, only the changed name (last, first, or middle initial) should be populated with N/A.

## **Will in-flight I-9s (i.e. those I-9s started, but not completed prior to the system update) be impacted?**

No, any I-9 forms created prior to the system update will remain unchanged.

## **Should we create a new I-9 if the in-flight I-9 remains incomplete after January 21, 2017 (i.e. last date USCIS indicates the 2013 form version can be used)?**

The USCIS has indicated that if an employee completes Section 1 of the Form I-9 on the 03/08/13 version before the expiration date of January 22, 2017, the employer should complete Section 2 on the same version of the form, even if this occurs on or after January 22, 2017. Thus, a new Form I-9 is not needed. Although not strictly required, organizations following this guidance can include a case note with the I-9 record indicating why the 2013 version was completed after 1/21/2017 (a sample case note is provided below).

Sample Case Note: the new hire employee completed section 1 of the Form I-9 on the 03/08/13 version prior to the expiration date of January 22, 2017. Following USCIS guidance, we have completed section 2 on the same version of the form.

## **How can we identify 'in-flight' I-9s?**

Users with reporting permissions can run an 'Interactive I9' report, adjust the 'I-9 Forms' filter to 'Open' and include the 'I-9 Date Created' column along with any applicable employee and I-9 information to identify those I-9s created prior to 1/19/2017. Additionally, the 'Top Pending I-9s' dashboard visible in the standard interface includes the 'Date I-9 Created'. Any employees with a date prior to 1/19/2017 will have utilized the 2013 I-9 form version.

## **Are all existing workflows (remote, in-person, kiosk) supporting with the system updates?**

Yes, while the "in-person" workflow (i.e. when the Guardian user meets with the employee to complete both Section 1 and Section 2 together) has been modified organizations may continue to use the employee portal and kiosk to allow the employee to complete Section 1 independently.

## **Are integrations and data feeds to Guardian impacted by the form revisions or system changes?**

No, there is no change or impact to integrations and data feeds.

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## **Will all the new 'N/A' values the employee may enter in Section 1 save back to the employee record?**

No, outside of 'Other Last Names Uses' (which populates back to the employee 'Maiden Name' field, if blank) no other employee fields are updated with N/A as a result of Section 1 completion.

## **If we send login information to an employee prior to January 19th, but they do not login to on or after January 19th, which version of the form will be used?**

If login credentials (username and password) are sent manually from Guardian and no I-9 is created by the user, or if login credentials are created via an integration/data feed (e.g. 'Create Login') and a 'Create I-9' directive is not also included, then the I-9 will be created when the employee logs in to Guardian. Thus, if the employee logs in on or after January 19th, 2017, the 2016 form version will be created.

## **The USCIS 'Smart Form' generates a QR code, will a QR code be visible on the I-9 PDF completed in Guardian?**

No, generation of a QR code is specific to the USCIS "smart form" and is intended to be used by government auditors to expedite the inspection process. Since it is not required nor assists organizations in meeting their compliance objectives, forms completed electronically in Guardian will not include a QR code.

## **Do I need to use Adobe Reader to view the I-9 PDF in Guardian?**

No, any PDF viewer can be used to view the I-9 form. Only individuals downloading and using the USCIS PDF-fillable "smart form" must utilize the latest version of Adobe Reader exclusively.

## Section 1

### **Will the employee be required to enter N/A in Section 1 fields such as 'Middle Initial' and 'Employee's E-mail Address'?**

Yes, with the exception of the **U.S. Social Security Number** field, all fields in Section 1 are now required to be populated with information. N/A checkbox selections for the following fields are now visible during Section 1 completion within Guardian:

**Middle Initial**

**Other Last Names Used**

**Apt. Number**

**Employee's E-mail Address**

**Employee's Telephone Number**

### **Will the employee need to type in 'N/A' as well as select the 'N/A' checkbox?**

No, the employee must only take one or the other action.

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## **Can the employee enter his or her address if he/she is a border commuter from Mexico or Canada?**

Yes, employees commuting from Mexico or Canada can include their address in Section 1 and select either CAN (Canada) or MEX (Mexico) from the state field dropdown.

## **What if the employee's address is not found in the new 'State' dropdown selection?**

LawLogix mirrored USCIS guidance and included US states and territories as well as MEX (Mexico) and CAN (Canada) to accommodate border commuters. Foreign (except Mexico and Canada) or military addresses are not expected, and the employee should be advised to utilize the state in which they are residing while in the US.

Based on the employee's citizenship and immigration attestation selection, Guardian will automatically insert N/A notations for those attestation fields that are not applicable.

## **Does the employee need to provide his/her social security number?**

The employee does not need to provide his/her social security number unless the I-9 is to be submitted to E-Verify (i.e. the social security number is an E-Verify, and not I-9, requirement). If the I-9 will not be submitted to E-Verify the employee can simply leave the field empty. If, however, the I-9 will be submitted to E-Verify the employee must provide his/her social security number when completing Section 1. When this latter condition is true Guardian prevents the employee from completing Section 1 if the field is empty. However, for those employees who begin work prior to receiving a social security number (and are to be submitted to E-Verify), a new checkbox selection 'Awaiting Issuance of SSN' will be visible. This allows the employee to complete Section 1 timely while later amending the I-9 with the SSN to fulfill E-Verify requirements.

## **Is type-ahead allowed within the new dropdown fields?**

Yes, each dropdown (State, Date of Birth) allows the employee to begin typing to jump to the applicable value.

## **Is there a defined waiting period for Social Security Administration to issue a social security number to someone who doesn't already have one?**

No, there is no set time period in which a social security number is issued.

## **Preparer/Translator Certification**

### **Will the employee be required to indicate whether assistance was provided when completing Section 1?**

Yes, the employee must now indicate if assistance was provided prior to electronically signing Section 1. Guardian will make no pre-selections regarding this item.

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## **Do I need to complete the Preparer/Translator Certification?**

Guidance related to completion of the Preparer/Translator Certification remains unchanged with the form revision.

## **Can more than one preparer or translator complete the certification step?**

Yes, following the USCIS revision, multiple preparers and translators can now complete the Preparer/Translator Certification. When completing the Preparer/Translator Certification section in Guardian, you will be able to add additional certification sections.

## **How do multiple Preparer/Translator Certifications display on the I-9 PDF?**

When more than one Preparer/Translator Certification is completed, Guardian utilizes the Form I-9 Supplement to display subsequent Preparer/Translator Certifications. This form is included to produce a single I-9 PDF that includes Section 1 and Section 2 as well.

## Section 2

### **Will the document verifier be required to enter N/A in unused document fields in Section 2?**

No, USCIS has indicated that when a document is not selected from a given list then N/A does not need to be inserted into the corresponding fields. However, document verifiers will now be required to indicate N/A when entering a document which does not contain an expiration date.

### **Will the document verifier be required to enter the 'Employee Info from Section 1' when completing Section 2?**

No, these new fields that appear at the top of Section 2 (page 2 of Form I-9) will be auto-populated based on the information the employee provided in Section 1.

### **How is the 'Additional Information' field utilized in Section 2?**

This new form field is available to the document verifier as he/she completes Section 2. It allows entry of text. In most instances it will be unnecessary for the document verifier to add information to this optional field. However, under certain circumstances the field can be used to document information not applicable to the available form fields such as when a J-1 nonimmigrant student provides additional documentation from the Responsible Officer as proof of work eligibility. Such documentation should be entered in this new field.

### **Will there still be a 'Special Rules' box if a foreign passport and I-94/I-94A document is selected (for employees working on a J-1 or F-1 Visa)?**

No, the 'Special Rules' box is being replaced with two new List A document type selections: Foreign Passport, I-94/I-94A, and I-20 and Foreign Passport, I-94/I-94A, and DS-2019. When either document is selected the applicable List A, 3rd Document fields become available and allow the user to enter the information related to the I-20 or DS-2019.

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## **How are new hires who begin employment based on the AC-21 H-1B portability allowance now documented in Section 2?**

The 'Special Rules' box that formerly appeared at the top of the page when the List A, Foreign Passport and I-94/I-94A document was selected is being replaced with an option in proximity of the document selection to indicate if the rule applies. When the rule applies the document verifier will continue to enter the I-129 filing date and this information will be maintained within the I-9 record and visible on the I-9 PDF in the same manner as the 2013 form version.

## **What is the purpose of the updated List A document titles?**

While USCIS did not remove any documents from the List of Acceptable Documents, LawLogix has separated certain document types in order to provide additional on-screen guidance, issue checking, and sample document images to assist the Section 2 document verifier.

## **Section 3**

### **Will new Section 3s utilize the 2016 form revision?**

Yes, new Section 3s created on or after January 19, 2017, will utilize the 2016 form version and its associated requirements, regardless of the version associated with the initial I-9 or previously completed Section 3.

### **How should an employee name change now be documented in Section 3?**

Per USCIS requirements, only the name that has changed should be entered in the corresponding form field within Section 3 'A. New Name' while those names that remain unchanged should be documented as N/A. As example, Jane Smith is now Jane Jones. In this instance, the 'Last Name' field should be updated with 'Jones' while the First Name and Middle Initial fields should be updated with 'N/A'.

### **How can the user indicate fields within Section 3 are not applicable such as the 'Date of Rehire' when completing a reverification?**

When adding a Section 3 the user will indicate whether the Section 3 is for rehire, reverification, or name change. Based on the selection, Guardian will auto-populated fields that don't apply with N/A. If while completing Section 3 additional fields are identified as not being applicable (e.g. employee did not change his/her name), the user can utilize new 'N/A' checkboxes to indicate the field is not applicable.

## **Administrative and Best Practices**

### **How are employees who need to amend Section 1 with the issued social security number identified?**

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I-9s that require the social security field to be updated (provided) in order to submit to E-Verify appear in the Top I-9s Requiring Further Action dashboard with reason “No SS”. Since the timing of issuance of a social security number can vary, organizations may set a “deadline” by indicating the number of days in which to follow up with the employee (e.g. 30). The value provided in the administration module is used by Guardian to calculate the dashboard deadline.

## **Can we restrict users so they can only create electronic I-9s?**

Yes, administrators can determine what I-9 record types (Archival Paper, New Hire Paper, or Electronic) users can create, including limiting users to Electronic I-9s.

## **Will the help text that we’ve customized within the I-9 (i.e. “Custom Help”) be impacted by the release?**

No, while LawLogix is updating the default help text for many I-9 fields in response to form changes and requirements, help text that has been customized by your organization will remain unchanged.