

**Form I-9-010 Revision Responses to 60-day FRN Public Comments
Form - Action**

Comment #	Commenter ID	Comment Summary	USCIS Response
Topic 1.			
Agree with revisions	0469 0459 0431 0447 0450 0438 0441 0448 0444 0460 0440 0439 0455 0446 0457 0461 0472 0474 0488 0500 0492 0476 0478 0489 0513 0512 0506 0511 0507 0519	<p>Many commenters expressed agreement with the proposed revisions for myriad reasons.</p> <p>Twenty-three commenters appreciated the consolidation of the form to one page. Eight commenters appreciated the shorter instructions. One suggested that DHS provide both general and detailed instructions. Fourteen commenters said that the revisions would significantly reduce paper use and storage burdens, as well as the time staff have to spend helping applicants complete Form I-9. One commenter stated that the reduced paper use will assist in the company's efforts to go paperless.</p> <p>A number of commenters appreciated that the separate reverification/rehire supplement will allow additional entries without the need to print additional forms. Two commenters noted that they rarely need the reverification section, so will appreciate having a separate printable supplement with the additional space when necessary. One asked how the new supplement will be cross-referenced with Sections 1 and 2. Another stated that separating out Section 3 from the main form will prevent users from</p>	<p>Response: USCIS appreciates that a large number of commenters support the proposed revisions to the Form I-9 and agree that the changes will reduce multiple burdens, such as paper use, storage and time spent ensuring compliance with Form I-9 regulations. USCIS will only provide one set of instructions to accompany the form. Several pages of those detailed instructions were eliminated since the enhanced Form I-9 with dropdowns will not be continued. Although there are less pages of instructions, the instructions do provide the necessary information to complete all fields, so USCIS will not provide a second set of instructions. Additional guidance is available on the I-9 Central website and in the M-274, Handbook for Employers.</p> <p>Response: Employers should note that they will not need to print the proposed Reverification/Rehire Supplement unless an employee requires reverification or is rehired. For some employees, an employer may never need to print the supplement, saving time, paper and storage space.</p> <p>Whenever employers need to complete the supplement for an employee, they can print one out, complete it and store it with the employee's original Form I-9. The form layout provides easy access to</p>

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	0517 0521 0525 0531 0535 0559 0551 0552 0572 0563 0564 0566 0567 0572 0576 0578 0466 0461 0471 0530 0582 0583 0585 0586 0590 0591 0593 0596 0600 0598 0601 0605 0607	<p>erroneously completing this section simply because it is on the same page as Section 2. A final commenter said that a separate reverification/rehire supplement will not increase burden since most employers do not use it often.</p> <p>A number of commenters approved of the addition of hyperlinks to the List C #7 description to better assist employers in understanding which documents fall in this category. A few found the updated Lists of Acceptable Documents more readable and appreciated that acceptable receipts have been included. One commenter stated that the hyperlinks to the List C #7 documents and the addition of descriptions of acceptable receipts will make it easier for employers to comply with the verification requirement.</p> <p>One commenter said the change will prevent their organization from falling out of compliance if pages are misfiled or misplaced. Another stated consolidated pages will reduce data entry errors. A number of commenters stated the changes will help their company use the form correctly.</p> <p>Three commenters stated that making this</p>	<p>the supplement when it is required: The Form I-9 pdf that will be published on the Form I-9 download page will contain the 1-page form, the Lists of Acceptable Documents, and the Supplement. When necessary, employers can enter subsequent reverifications and rehires on the same supplement and attach additional supplement pages to the employee's original Form I-9. The proposed form provides a name field at the top of the supplement to ensure employers can cross-reference it with the employee's original Form I-9.</p> <p>Response: USCIS appreciates that commenters approve of the updates made to the Lists of Acceptable Documents.</p> <p>Response: USCIS appreciates that commenters approve of the changes made to improve Form I-9 compliance and reduce the burden associated with correcting errors.</p>

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	0606 0608 0613 0609 0611	<p>important employment verification document compatible on multiple platforms is essential in this digital age.</p> <p>Twenty commenters welcomed the removal of the N/A requirement: They stated it was cumbersome and unnecessary, and it required excess follow-up with employees who frequently needed to correct their form to ensure every blank contained N/A.</p> <p>Six commenters agreed with removing the dropdown enhancements since it is usually incompatible with the current software. Others requested clarification of how to use or removal of the citizenship/Immigration Status box in Section 2.</p>	<p>Response: USCIS appreciates that commenters agree with our effort to streamline the form and provide one basic fillable version that can be used across multiple platforms.</p> <p>Response: USCIS appreciates that commenters agree with the removal of the requirement to enter N/A into unused fields. DHS developed this version of Form I-9 in direct response to significant stakeholder and public comments asking for a less burdensome form.</p> <p>Response: USCIS appreciates that commenters agree with removing the previously implemented dropdown enhancements. USCIS has removed the citizenship/immigration status field from the top of page 2 as part of the proposed form provided in the docket. That field served as an enhancement to connect pages 1 and 2 of the existing form. That field is no longer necessary if the proposed one-page form is approved.</p>
Topic 2.		Commenter:	
Necessity of Certain Fields	0432 0473 0484 0523 0554 0548 0572 0564 0592 0600 0606	<p>Nine commenters requested that we remove the phone number and email information from Section 1. One asked that these fields either be enlarged or removed. Two indicated that their employee(s) are not receiving emails from E-Verify even if their email address is entered and they get a mismatch. Other commenters requested that USCIS mark the email address and telephone number fields in Section 1 as voluntary or optional.</p>	<p>Response: USCIS cannot accept these recommendations since E-Verify uses this information to increase employee awareness of a mismatch and help them decide what action to take next. However, USCIS will update the instructions to ensure that employees know that the email address and telephone number fields are optional.</p>

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	0608	One commenter also questioned the need for more than one document field under List A and for the citizenship/immigration status field at the top of page 2.	<p>Response: USCIS will retain the additional sets of List A document fields to cover those instances when the employer will need to capture combination List A documents presented by an employee for Section 2 of the proposed form. List A documentation beyond three documents can be recorded in the Additional Information field. Common examples of when an employer may encounter an employee who presents a combination List A document is an employee who is a nonimmigrant worker (e.g., H-1B, H-2A, H-2B), a foreign student (F-1 nonimmigrant), or J-1 exchange visitor).</p> <p>USCIS has removed the citizenship/immigration status field from the top of page 2 as part of the proposed form provided in the docket. That field served to connect pages 1 and 2 of the existing form, and trigger Section 2 document validation. That field is no longer necessary if the proposed form is approved.</p>
Topic 3.		Commenter:	
Formatting	0466 0463 0442 0456 0430 0462 0475 0503 0500 0519	<p>Many commenters recommended formatting changes to the form.</p> <p>Some commenters requested that DHS ensure fields have enough room for information entry. Two commenters requested symbols instead of words for field names, and one requested boxes around each field, instead of lines. One commenter asked for wider margins to allow more space to initial and date changes. Another</p>	<p>Response: USCIS appreciates that commenters provided a close review and recommended formatting changes. USCIS will work to provide the most space possible for information entry. USCIS cannot accept the request to use symbols instead of words due to 508 accessibility requirements. USCIS has incorporated boxes in place of the lines provided</p>

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	0525 0530 0520 0542 0552 0554 0559 0551 0557/0558 0563 0566 0568 0547 0579 0448 0473 0590 0596 0602 0603 0604 0605 0606 0608 0610	<p>stated that the document information fields are narrow and have no space to make corrections. This commenter stated that corrections would need to be documented on a new form in Section 2.</p> <p>One commenter requested removing apartment number field and including it in the address field. Another asked that USCIS retain the separate field for the "Apartment Number (if any)" as it is more likely that employees will fail to include the Apartment Number if it is included in the same field as the "Street" Address.</p> <p>One asked that the company name box be bigger to fit longer employer names.</p> <p>Another requested a smaller, more efficient area for the company's address and stated that it should not be required on every Form I-9.</p> <p>Ten commenters requested that the Preparer/Translator (P/T) Certification checkbox be more visible and above the employee's signature, so employees don't miss it. One asked that USCIS only require the employee to check the P/T box if the employee uses a P/T. Another asked us to remove the P/T checkbox altogether. One stated that removing this feature will reduce the likelihood of errors by employees when completing Section 1, especially when a</p>	<p>for certain entries wherever possible, but was not able to widen the margins, as there is not sufficient space to do so while keeping other fields large enough to complete and the font large enough to comply with accessibility requirements.</p> <p>Response: USCIS has incorporated the suggestion to retain the separate field for the Apartment Number to allay employee confusion.</p> <p>Response: The proposed form has enlarged the company name box to enter the employer's business or organization name.</p> <p>Response: The Employer Address field is a mandatory field that must be completed on each Form I-9. An employer's address may be used for authorized law enforcement purposes.</p> <p>Response: USCIS has removed both Preparer/Translator Certification checkboxes as part of the proposed form provided in the docket. USCIS also moved the employee's signature field as part of the proposed form: if approved, this setup should reduce confusion around using the preparer/translator certification.</p>

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		<p>Preparer/Translator is not used.</p> <p>One commenter recommended that USCIS relocate the Preparer/Translator Certification to allow for more room to add more fields to enter combination List A documents. They recommended adding a line immediately after the signature block of Section 1 indicating that the Preparer or Translator who assisted in the completion of Section 1 was required to complete the Preparer and/or Translator Certification section, which they suggested that USCIS move to the Reverification and Rehire Supplement.</p>	<p>Response: USCIS appreciates the thorough rethinking of the Preparer/Translator Certification for those who assist employees in completing Section 1 while reducing burden overall. Historically, USCIS has maintained one Preparer/Translator Certification in Section 1 if the employee uses only one, and more recently, provided a separate supplement if the employee required 2 or more preparers and/or translators. USCIS had intended to retire that supplement in this information collection, but, in light of this and other comments requesting that we restore the third set of fields to enter combination List A documents, USCIS has decided to not retire the Preparer/Translator Supplement. Rather, USCIS will remove the Preparer/Translator Certification from Section 1 and will provide instruction in its place for any preparers and/or translators to complete the Preparer/Translator Supplement to be located on page 3 of the Form. This will reduce burden for employers whose employees do not require use of preparers or translators, as they will not need to print or store this supplement. USCIS will restore the separate page with multiple areas for preparers and translators to complete. USCIS will then have space to restore the third set of List A document entry fields. USCIS does not accept the recommendation to add the Preparer/Translator Certification to the Reverification/Rehire Supplement page, as preparers and or translators are only required for areas the employee must complete.</p>

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		<p>Two commenters stated that leaving the "Additional Information" area to capture the third List A document may result in confusion and incorrectly completed forms. Others stated since the Additional Information box has been reduced in size it will be difficult to include additional List A documents and document extensions and other necessary information.</p> <p>Five commenters said that requiring any third List A document be entered in the Additional Information field as free text is insufficient for their electronic system, and requested that a third List A document entry area be added to Section 2. One commenter stated that if USCIS does not retain this third set of fields, they should provide specific guidance for providing such documentation, along with creating expiration date fields in the revised "Additional Information" section. Another commenter stated that electronic I-9 software vendors may have difficulty putting all the necessary information in the smaller spaces provided by the compressed Form I-9.</p> <p>Two commenters requested that USCIS format the Social Security Number field to ensure the correct number of digits is entered.</p>	<p>Response: Based on the changes to the Preparer/Translator Certification area, USCIS has leveraged enough space to restore the third set of document entry fields to capture combination List A documents and significantly increase the Additional Information box. USCIS has updated the proposed instructions to clarify how to enter combination List A documents. It will also update its guidance documents once this form is approved.</p> <p>Response: As stated above, USCIS will incorporate the recommendation to restore the individual fields to capture a third List A document. USCIS will not accept the recommendation to add expiration date fields. USCIS was also able to leverage the extra space to enlarge the document entry fields and significantly increased the size of the Additional Information box. Note that employers may format their electronic Form I-9 as best benefits their business process as long as they are not collecting more information than is permitted on the approved Form I-9. For certain employees that may need to present more than 3 documents for List A, employers may program their electronic Form I-9 to collect additional documents. USCIS has updated the proposed instructions to clarify how to enter combination List A documents. It will also update its guidance documents once this form is approved.</p> <p>Response: USCIS will incorporate the recommendation to include individual boxes for each of the 9 digits of the Social Security number.</p>

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		<p>One commenter asked that auto-extensions of EAD cards could be captured as a Section 3 entry instead of a notation in the Additional Information box so that our HRIS system can track expiration dates. Another requested checklists be added to the Additional information box so employers can add specific information on automatic extensions, tracking details (such as EAD category code and TPS country), optional E-Verify details; and receipts.</p> <p>One commenter requested that noncitizens be required to provide the A-number rather than having the option to enter a foreign passport or I-94 since the A number is required to create E-Verify cases.</p> <p>One commenter requested that #2 in the employee attestation for citizenship or immigration status be moved to the bottom of the list due to confusion experienced by noncitizens authorized to work.</p> <p>Three commenters requested that USCIS exclude the specific date format of mm/dd/yyyy, as it is unnecessary and causes employee errors.</p>	<p>Response: USCIS will not incorporate the suggestion to capture EAD automatic extensions in the Reverification/Rehire supplement: Employers must record automatic extensions of EADs in the Additional Information field in Section 2 since the EAD has not expired. USCIS also cannot adopt the recommendation to add specific checklists to the Additional Information box as they do not pertain to all employers and could lead to overdocumentation and discrimination. Those employers using an electronic I-9 can update their form as necessary to provide separate fields within the Additional Information area to track updated expiration dates and other items that benefit employers' business processes.</p> <p>Response: USCIS will not accept this recommendation because an E-Verify case only requires an A-Number if the A-Number is provided on the document used to create the case.</p> <p>Response: USCIS will not adopt this suggestion because the proposed form already includes clarifications to this area to reduce confusion experienced by noncitizens authorized to work as they choose which attestation applies to them.</p> <p>Response: USCIS will not accept the recommendation to remove the specific date format of mm/dd/yyyy, as it ensures consistent use of the U.S. date format throughout the form. This ensures</p>

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		<p>One commenter requested that each field in the document entry areas in Section 2 be labeled to avoid inappropriate entries.</p> <p>One commenter requested section boxes be dark filled with white text.</p> <p>One requested a bold line between Sections 1 and 2 since the form is reduced to 1 page. There should be a clear separation of the information required by the employee in Section 1 and the employer in Section 2. Another stated there is little visual separation between the employee and employer sections and requests clear definition between the sections.</p> <p>One commenter requested that USCIS insert “in the U.S.” after “Employee’s First day of Employment” in the box requesting this information in order to clarify request relates to the first day of employment in the U.S. when employees may have transferred to the U.S. from the employer’s offices abroad.</p>	<p>that the multiple individuals completing the form use the same format to enter date information. This formatting also assists law enforcement officials, who may inspect these forms.</p> <p>Response: USCIS cannot adopt this suggestion, as there is no room on the 1-page form to do so. USCIS posits that the burden savings to retain the one-page form structure outweighs the occasional error that employers may need to correct if they enter document information on the wrong line as they become familiar with the new format.</p> <p>Response: USCIS cannot accept the request to use white text due to 508 accessibility requirements.</p> <p>Response: USCIS will adopt this request to better distinguish when Section 1 ends and Section 2 begins.</p> <p>Response: USCIS will not accept this recommendation, as this change will not benefit the majority of employers, and may be confusing for others. The Form I-9 Instructions state that the purpose of the form is to document verification of identity and employment authorization of new employees hired to work in the United States.</p>

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		<p>One commenter requested the date field of the employer's signature in Section 2 and the supplement be moved from the center to the far right so all date fields are on the right side of the form.</p> <p>One commenter suggested that the Lists of Acceptable Documents be the 2nd page instead of the 3rd page, so when they print double-sided, the List will be on the back of the form.</p>	<p>Response: USCIS will rearrange the employer signature areas throughout the form and the supplements to ensure that employers print their name, sign their name, and enter Today's Date, from left to right.</p> <p>Response: USCIS agrees that moving the Lists of Acceptable Documents to page 2 will ensure easy double-sided printing so the lists will be on the back of the form and easily accessible for employees.</p>
Topic 4.		Commenter:	
Electronic I-9	0463 0472 0485 0490 0494 0524 0526 0529 0560 0595 0596 0600 0610	<p>A number of commenters requested that USCIS provide a fully virtual process for completing Form I-9. Four recommended that DHS generally revamp the current process to allow Form I-9 to be completed electronically reduce paper use and storage burdens, as well as provide greater flexibility to provide useful completion guidance. Two commenters requested that DHS provide an electronic I-9 accessible to all employers that allows electronic signatures with timestamps/IP address on the form for the individual verifying the information. This commenter suggested that employees send acceptable documents to their employer via email, who can verify the documents and store the copies with the form electronically. Another commenter suggested employers can upload documents into the Additional Information field. Another commenter asked USCIS to consider having the E-Verify</p>	<p>Response: USCIS is grateful to the commenters who provided suggestions for ways to modernize the Form I-9 and make it a fully electronic experience. USCIS will consider these suggestions as it continues to contemplate how best to modernize the employment eligibility verification process. Several of these commenters may benefit from E-Verify, a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers confirm the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on Form I-9 against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS). Once E-Verify confirms the employee's employment authorization and identity, the system provides alerts when the employee's documents require</p>

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		<p>system generate Form I-9 itself. One requested that a flagging system be added to the form to alert employers when a document entered requires reverification. Another requested software to verify if documents are valid. Other commenters requested that E-Verify authorization replaces accepted documentation for Form I-9. This commenter also questioned why employers would need to physically inspect Form I-9 documents if government security clearances do not require the physical inspection of documents.</p> <p>One commenter stated that current policies prohibiting auto-population of Form I-9 are overly restrictive. They state that employee data such as name, address, phone and email can be securely collected from the individual completing Form I-9 and edited by the individual for accuracy prior to signing the Form I-9.</p> <p>One commenter requested that USCIS program the form to prompt the employee and employer to complete the required information.</p>	<p>reverification.</p> <p>Response: USCIS cannot accept the recommendation to change the current policies for automatically populating employee information into Forms I-9 electronically through this information collection revision. USCIS will consider these recommendations as it contemplates any future policy or regulation changes.</p> <p>Response: USCIS will not accept the recommendation to program the form to provide any prompts at this time. The current proposed form does not provide any electronic features, prompts or field validation.</p>
Topic 5.		Commenter:	
Remote inspection/ verification	0431 0437 0468 0449 0444	<p>Sixty commenters stated that they have hired a largely remote and distributed workforce during the last 2 years, and that asking employees to come into the office for physical document verification is time-consuming, inefficient, and</p>	<p>Response for entire topic: USCIS appreciates that many commenters are interested in DHS discontinuing the Form I-9 requirement to examine Form I-9 documentation in person and instead to provide an official process for</p>

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	0465 0433 0445 0446 0467 0518 0502 0503 0496 0484 0504 0505 0497 0481 0486 0499 0493 0501 0513 0479 0483 0480 0510 0487 0491 0495 0507 0522 0516 0525 0526 0528 0530	<p>expensive. They state that it is an unreasonable burden to require employers to continue complying using this method. These commenters requested that DHS do away with in-person document verification and permanently continue the remote verification of documents via Zoom, Teams, FaceTime, or similar that has been in place during the pandemic. They also request that DHS provide guidance on this remote inspection policy in this information collection. Three commenters suggested adding a separate area to the I-9 that solicits information on whether an employer remotely examined an employee's documents, such as a checkbox in the Employer Certification that employers could use to indicate if a person's documents were reviewed in person or virtually. One commenter requested that USCIS include instructions on how to remotely verify employee documents. Another commenter recommended implementing an identity verification tool for Form I-9 document review purposes.</p> <p>Fourteen commenters stated that remote inspection should be done in conjunction with E-Verify. Another requested that DHS allow employers to use E-Verify in place of in-person document inspection.</p> <p>Three commenters stated that it is difficult to find authorized representatives that are willing to sign off on Section 2 and be held responsible for any issues that may arise. Seven commenters pointed</p>	<p>remote examination of this documentation. USCIS also appreciates the feedback on the benefits of remote examination and the burdens of using authorized representatives. We also are grateful for the suggestions for possible requirements to enhance the security of such a process. USCIS does not have the authority to provide such a process in this information collection revision. This type of change to the Form I-9 process will require a rulemaking.</p> <p>Similarly, DHS cannot accept the recommendation to allow employers to accept copies of acceptable documents for Form I-9 in this information collection. Regulations at 8 CFR 274a.2 require an employee to present original and unexpired documentation and the employer or their authorized representative must physically examine each document presented by the employee establishing identity and employment authorization. The employer or their authorized representative must determine if it reasonably appears to be genuine and to relate to the employee presenting it. A photocopy of a document does not meet these requirements. This type of change to Form I-9 regulations would also require a rulemaking. USCIS will work with DHS partners to consider these comments in future rulemakings. USCIS will not address the temporary Form I-9 flexibilities for COVID-19 in this information collection revision.</p>

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	0534 0546 0534 0536 0537 0539 0540 0541 0543 0544 0549 0553 0550 0560 0561 0572 0573 0563 0569 0570 0574 0575 0581 0583 0586 0587 0588 0589 0593 0594 0596 0601 0605	<p>out that the use of authorized representatives causes compliance concerns, since the employer has little control over the training or capability of that person and therefore lower confidence in the accuracy of the Form I-9 information being recorded by that person. Ten commenters also noted that using a mix of trained human resources experts, untrained company employees, and less trustworthy authorized representatives reduces business process consistency and leads to missteps and compliance issues. Three commenters requested clarification on who can act as an authorized representative, since the COVID exception allows for household members of the employee. Two commenters also stated that use of authorized representatives is incompatible with most electronic human resources platforms, further exacerbating compliance issues, duplicating work and even missing reverification deadlines. Four commenters pointed out that some states do not allow notaries to act as authorized representatives and so finding someone to complete Form I-9 in those states is a burden. Another reported that their company pays another company \$65 per new employee to assist with Form I-9 completion to ensure the employee and authorized representative complete the form correctly, since their company does not qualify to use the temporary remote inspection flexibilities.</p> <p>One commenter suggests that remote document inspection should be acceptable as long as</p>	

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	0607 0608	<p>documents are not expired, photocopies of both the front and the back of the document are provided and the document has the requisite security features. These copies should be retained in employer records. Another suggested that employees be allowed to email those photocopies to the employer. One asked that USCIS allow employers to accept photos of acceptable documents.</p> <p>Four commenters also noted that remote inspection of documents allows for greater inclusivity for employees who are unable to travel, or may require expensive accommodations to be able to travel to the office for in-person inspection. This monetary burden frequently falls on employers and sometimes even employees if the employer does not pay for this travel.</p> <p>Three commenters said in-person document examination limits opportunities to hire outside their home office location and COVID-19 has increased the need to hire employees remotely. One commenter suggested employees use UPS personnel to verify documentation presented to complete Form I-9.</p> <p>One commenter stated that DHS's policy to allow remote inspection in certain circumstances is a large hassle.</p> <p>Another thanked USCIS for providing flexibility to employers operating remotely due to the COVID-</p>	

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		<p>19 pandemic and temporarily waiving the requirement to review employees' identity and employment authorization documents in the employee's physical presence and urges both USCIS and ICE to continue to provide guidance to employers. This commenter stated that employers that rely on remote examination have concerns about physically reviewing documents within 3 days of termination of the policy, as many have onboarded thousands of employees during the pandemic. USCIS and ICE should provide additional guidance about this requirement and consider waiving it.</p>	
Topic 6.		Commenter:	
Clarifications	<p>0436 0461 0443 0530 0556 0557/0558 0572 0510 0584 0600 0608 0530 0532 0533</p>	<p>Multiple commenters requested clarifications be added to the proposed Form I-9 and its instructions.</p> <p>Three commenters asked for instructions or a field to enter suffixes such as Jr.</p> <p>One commenter requested that USCIS clarify on the form that Section 2 may be completed prior to the employee's first day of work for pay as long as the employer has made a job offer and the employee has accepted the offer.</p> <p>One commenter requested clearer language to state <i>both</i> List B and C documents are required.</p>	<p>Response: USCIS will not accept the recommendation to clarify how to enter suffixes in the Last Name field of Form I-9. Employees are required to enter their full legal last name, which may include a suffix.</p> <p>Response: USCIS will not adopt this suggestion to add this phrase on the face of the form.</p> <p>Response: USCIS will also ensure that the form and List of Acceptable Documents clearly state that</p>

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		<p>Another commenter requested that the heading for Section 2 remain as it is currently so that employers understand that an authorized rep may have completed this duty on their behalf (Section 2. Employer or Authorized Representative Review and Verification). Another asked for definitive guidelines on who can act as an authorized representative.</p> <p>One requested each section of the form provide completion requirements.</p> <p>One commenter requested more instruction on how to input document numbers and other information from acceptable documents into Form I-9.</p> <p>One commenter asked for clarification if commas or spaces are permitted in Section 1 since there are not separate lines for the document number certain noncitizens must provide. Another asked USCIS to restore the three separate fields for the A-number, I-94 Admission Number and Foreign Passport/ County of Issuance, with “or” between them, to clarify that employees who select this attestation are only required to provide one piece of information.</p>	<p>employees may present documentation from List A or documentation from List B and List C.</p> <p>Response: USCIS will ensure the Section 2. Employer or Authorized Representative Review and Verification header, stating that an authorized representative may complete Section 2 on the employer’s behalf, remains unchanged. That heading has been moved to the middle of the first page of the proposed form, available for viewing in the docket. Guidance about authorized representatives is available on I-9 Central and in the M-274, Handbook for Employers.</p> <p>Response: USCIS has provided succinct completion instructions for each section of the proposed form.</p> <p>Response: I-9 Central provides guidance on entering document numbers and other information from acceptable documents into Form I-9.</p> <p>Response: The employee that attests to number 4 (currently labeled as an alien authorized to work and proposed to be revised on the new form as noncitizen) is required to provide only one document number. USCIS will revise Section 1 so that the USCIS/A-number, Form I-94 Admission Number or Foreign Passport Number and Country of Issuance, will each have its own field, with an “OR” between each field. This change will clarify that only one document number is required in this field.</p>

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		<p>One commenter requested that USCIS add two boxes to the Item Number 4 attestation box for the employee to select (A) without expiration or (B) temporarily (expiration date (mm/dd/yyyy) to make it clear whether the employee is authorized to work indefinitely or with limitation.</p> <p>One commenter asked for clarification on the number of digits for A-number/USCIS Number and I-94 Admission Number.</p> <p>One commenter recommended that USCIS provide a link in the instructions to a dedicated webpage maintained by USCIS that provides reliable and regularly updated reference options for instructions.</p> <p>One commenter requested instructions on E-Verify and temporary photocopying requirements related to the temporary Form I-9 flexibilities due to COVID-19.</p>	<p>Response: USCIS will not incorporate these checkboxes for noncitizens authorized to work as introducing this feature would cause even more confusion for employees.</p> <p>Response: The form instructions provide the number of digits required for the A-number/USCIS Number and I-94 Admission Number fields in Section 1.</p> <p>Response: USCIS has provided hyperlinks in the current and the proposed instructions to the USCIS-maintained I-9 Central webpages, that are dedicated to Form I-9 policies and guidance, updated upon policy or regulatory changes, and whenever a form revision occurs. USCIS also provide hyperlinks in the current and the proposed instructions to the M-274, Handbook for Employers, which is also updated upon policy or regulatory changes, and whenever a form revision occurs.</p> <p>Response: USCIS will not incorporate this recommendation to add E-Verify and temporary photocopying requirements to the instructions. E-Verify requirements for Form I-9 are published on e-verify.gov for employers who participate in the program. Since the Form I-9 flexibilities due to COVID-19 are only temporary, USCIS will not add these temporary photocopying requirements to the permanent instructions.</p> <p>Response: USCIS will ensure the proposed</p>

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Comment #	Commenter ID	Comment Summary	USCIS Response
		<p>One commenter requested additional instruction near the statement “Form I-9 may be generated, signed and retained electronically, in compliance with the Department of Homeland Security Regulations at 8 CFR 274.a.2” to remind employers that create or store I-9s electronically to review the standards for electronic retention of Form I-9 data including electronic signature, security, and documentation requirements.</p> <p>One requested that USCIS provide instructions for attesting to #4 a noncitizen that include noncitizens in U-1, U-2, U-3, U-4, U-5, and T-1 visa status who are authorized to work and should enter the expiration of their nonimmigrant status in the Expiration Date field. Another commenter requested the Form I-9 and its instructions be revised to clarify the Form I-94 provided to individuals granted asylum is valid for work authorization and two other commenters requested Form I-9 and instructions provide a very clear explanation of the circumstances under which it considers an Employment Authorization Document to be unexpired and the acceptability of documents extending the validity of an Employment Authorization Document. One commenter provided a definition for “unexpired” relating to documents and requested it be included in the instruction definitions.</p> <p>One commenter proposed to change (Section 1 and Supplement) “First Name (Given Name)” to</p>	<p>instructions inform employers of the standards for electronic Forms I-9.</p> <p>Response: USCIS will not incorporate this recommendation to revise the form and instructions to include information on any specific visa categories. Additional guidance, which includes the automatic extension of Employment Authorization Documents and acceptable documents for specific nonimmigrant categories such as Asylees and T and U nonimmigrant status, is available on the I-9 Central website and in the M-274, Handbook for Employers. USCIS will not include a definition of “unexpired” in the instruction definitions as the common definition for unexpired is acceptable.</p> <p>Response: USCIS does not agree with the proposed suggestions. An employee should enter his or her full legal name</p>

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Comment #	Commenter ID	Comment Summary	USCIS Response
		<p>“First Name (Full Legal Name)” and “Other Last Names Uses” to “Other Names Used (if any)”. Two commenters oppose renaming the “Other Last Names Used” field and if the field name is changed it should be optional or optional if related to change in gender identification, but ideally should not be changed to require transgender people with legal name changes to provide them.</p> <p>Another commenter suggested adding the phrase “Formerly Section 3” to briefly redirect to reverification/rehire supplement at the bottom of page 1.</p>	<p>using the “Last Name,” “First Name” and “Middle Initial” fields as applicable. Multiple names can be entered into the “Last Name” and “First Name” fields. The change DHS has made to limit the field to “Other Last Names Used” addresses issues of privacy and potential discrimination for transgender or other individuals who have changed their first name.</p> <p>Response: USCIS agrees with adding the phrase “formerly Section 3,” but due to space limitations cannot add it to page 1. USCIS will revise the text on page 1 to refer to the location of Supplement B, Reverification and Rehire (formerly Section 3). USCIS will also add the phrase to Supplement B and to the form instructions.</p>
<p>Lists of Acceptable Documents</p>	<p>0436 0477 0510 0552 0547 0608 0613 0609 0611</p>	<p>Multiple commenters asked USCIS to clarify certain aspects of the List of Acceptable Documents.</p> <p>One commenter asked for clarification of the difference between the driver’s license or ID in List B Number 1 and the ID in List B Number 2.</p> <p>Three commenters requested better clarity of List C #7 documentation. One recommended amending List C #7 entry to read: "Employment authorization issued by the Department of Homeland Security on other than Form I-766, Employment Authorization Document. For examples, see Sections 6 and 12 of the M-274 on uscis.gov/I-9-central. The Form I-766,</p>	<p>Response: USCIS will work to better clarify the difference between the first two List B documents in its guidance on I-9 Central and in the M-274, Handbook for Employers.</p> <p>Response: USCIS has amended the List C #7 entry similar to the commenter’s recommendation in its proposed form. USCIS accepts the recommendation to add a hyperlink to the List C #7 entry on the List of Acceptable Documents directing users to Section 6 of the M-274 for additional guidance on these types of documents.</p>

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		<p>Employment Authorization Document, is a List A, Item Number 4. Document, not a List C document.”</p> <p>Three commenters requested that USCIS inform employers on the Lists of Acceptable Documents that they may accept certain temporary documents (or combinations) that are expired on their face but have been automatically extended. Two commenters stated the confusion is exacerbated by the unambiguous statement at the top of the Lists in bold lettering that “All documents must be UNEXPIRED.”</p> <p>One commenter stated that USCIS should add a centralized, searchable and well-indexed repository for all information updates and specimens relating to acceptable documents, including newly permitted or temporarily acceptable document combinations to the Lists of Acceptable Documents. This commenter said that not including policy changes to acceptable documents creates confusion and draws unwarranted scrutiny in investigations from the U.S. Department of Justice’s Immigrant and</p>	<p>Response: USCIS cannot accept the request to add all temporarily acceptable documents to the permanent List of Acceptable Documents that is informed by regulation. However, the Employment Authorization Extension page on I-9 Central describes employment authorization extensions that DHS provides under certain conditions. To better inform employers that certain documents that appear to be expired on their face have been automatically extended by DHS, we have revised the statement at the top of the Lists of Acceptable Documents to read, “All documents containing an expiration date must be unexpired. Documents extended by the issuing authority are considered unexpired.*” The asterisk footnote will state: “Refer to the Employment Authorization Extensions page on I-9 Central for more information.”</p> <p>Response: USCIS will consider updating its guidance materials to better describe newly permitted or temporarily acceptable document combinations once this information collection is approved.</p>

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Comment #	Commenter ID	Comment Summary	USCIS Response
		<p>Employee Rights (IER) section. Another commenter requested that USCIS revise List C to add an 8th document: Form I-797 containing an unexpired I-94 card admitting the noncitizen to the United States in one of the following classifications: U-1, U-2, U-3, U-4, U-5, and T-1. Another requested the form state an asylee's Form I-94 card is a qualified List C #7 document.</p> <p>One commenter requested the List of Acceptable Documents include short titles for each document.</p> <p>One commenter requested document examples such as birth certificates and driver's licenses issued by various states.</p> <p>One commenter requested the Notice of Action (Form I-797C) or "receipt notice" be added to the list of "Acceptable Receipts."</p> <p>Another requested that USCIS consider allowing</p>	<p>Response: USCIS has removed the suggested document abbreviation lists from the proposed form instructions to reduce length, but will include those lists of suggested abbreviations in its guidance documents once this information collection is approved, and refer to their location of the abbreviations list in the form instructions.</p> <p>Response: I-9 Central provides document examples for some Lists A, B, and C documents but USCIS cannot provide samples of all state-issued documents. Please visit state licensing websites for the most up-to-date examples of the state documents.</p> <p>Response: USCIS will not add Form I-797C, Notice of Action, to the list of acceptable receipts. A Form I-797C is an acceptable receipt for a DHS issued lost, stolen, or damaged List A or List C document but Forms I-797C are not exclusively issued for this purpose.</p> <p>Response: USCIS has decided to not add Form I-797, Notice of Action, stating approval of an</p>

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		employers to accept certain reliable documents that USCIS issues electronically before mailing, such as the electronic approval notice issued by USCIS.	application or petition, in this information collection revision, issued electronically or otherwise, as the purpose of approval notices is not to evidence employment authorization. Instead, USCIS separately issues more secure documentation specifically designed to evidence employment authorization. Moreover, all Form I-797 approval notices do not demonstrate that the bearer is employment authorized.
Topic 7.		Commenter:	
Discontinue/Simplify/Revamp Form I-9	0434 0453 0482 0509 0538 0572 0580	Two commenters questioned the need for a form to verify employment eligibility based on their assessment that the government is not addressing the problem of illegal immigration. Four commenters stated that Form I-9 is an administrative burden that is too complex. Two commenters stated that USCIS should remove the Form I-9 burden from employers and have employees work with the government or some other way to verify that they are authorized to work. One commenter suggested making Form I-9 a national database that links to DHS/SSA records to instantly validate employees. Another recommended that E-Verify replace the Form I-9 altogether.	Response: USCIS has no plans to discontinue Form I-9, Employment Eligibility Verification, as there is a regulatory requirement for employers to verify their employees' identity and employment eligibility by completing this Form. However, USCIS will continue to look for ways to further reduce administrative burdens on employers and the complexity of the form while ensuring the integrity of the employment eligibility verification process. Federal law (8 U.S.C. 1324a) requires employers to ensure that employees hired in the United States are authorized to work by completing Form I-9 and reviewing new employees' identity and work authorization documents. Employers who wish to verify the information employees provide to complete Form I-9 may enroll in E-Verify, a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on

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			Form I-9 against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS). However, Congress would need to make E-Verify mandatory for it to replace Form I-9 altogether.
Topic 8.		Commenter:	
Does not support revisions	0464 0454 0474 0527 0551 0602 0604 0608 0610 0596	<p>10 commenters do not support some or all of the revisions USCIS made to the form.</p> <p>One commenter stated that the form is easily understood as-is, and changing it will create more work for those already familiar with the current version in the time spent learning the new version. Further, users are able to print only the pages they need and view the instructions on screen to save paper.</p> <p>Three commenters stated that the current two-page I-9 is arranged in a manner that prevents new employees from filling information beyond what is limited to them, thus saving paper by making fewer mistakes. One commenter stated that going back to a one-page I-9 will cause issues</p>	<p>Response: USCIS appreciates that changes to the Form do temporarily create more work as employers transition to the latest version. However, these changes are required to remove the previously unmanageable PDF enhancements and to reduce the paperwork burdens associated with the form that affect millions of employers and their employees. Because the Reverification/Rehire section has been moved to the third page as a supplement and the Lists of Acceptable Documents has been moved to the second page, employers will be able to complete and store the Form in one page using one sheet of paper for most employees. This burden reduction more than accounts for the time spent becoming familiar with the new format of the 1-page form.</p> <p>Response: USCIS does not agree that a one-page form will cause issues or excessive errors. USCIS has worked to ensure the proposed 1-page format makes it clearer as to which section the employee should be completing. USCIS believes the 1-page format still allows enough room to enter required</p>

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		<p>that will prompt a return to a two-pager in the future. Four commenters prefer sections 1 and 2 on different sheets of paper, and are concerned that there will not be enough room to enter the required information. They also claim that the change does not improve quality, utility, clarity, or reduce the effective burden of the Form I-9, but rather increases confusion and the risk of errors. One commenter claims that since the 2-page form was introduced, they observed a considerable drop in error rates on the part of both employers and employees. Another commenter has concerns of the font/print size when 2 pages are consolidated to 1. This commenter also said that the two-page form is easy to print front to back to reduce any storage burden.</p> <p>One commenter stated that changing citizenship status number 4 from Alien Authorized to Work to Noncitizen (other than Item Number 2. and 3. above) will lead to more employee errors since two categories have such a similar name: This commenter would prefer to use Alien Authorized to Work. Commenter appreciated the change to eliminate the term "alien" but was also concerned that the similarity between noncitizen national and noncitizen would cause confusion: They recommended clarifying the difference on the form or using foreign national instead of noncitizen in Item Number 4. A few commenters asked USCIS to consider including a box for</p>	<p>information. The font size remains legible in the 1-page format. With the reduction to 1 page, employers can print the Supplement as their second page if they know that the employee will need reverification in the future, and for employees who do not need to be reverified, employers will save the ink of printing a second page.</p> <p>Response: USCIS will not adopt the recommendation to revert to "Alien Authorized to Work", to be consistent with DHS policy to no longer use the term "alien." USCIS has provided clarification in the proposed instructions on who should select this box. USCIS will also not accept the recommendation to use the term foreign national in place of noncitizen in this selection. USCIS will update its guidance materials once this form is approved to clarify who should select this box. USCIS will not adopt the suggestion to include a checkbox if they are authorized to work indefinitely. USCIS will not add language to Item 2 to define noncitizen nationals in the attestation area in Section 1, but has</p>

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		<p>employees to check if they are authorized to work indefinitely, thereby replacing the instruction for certain employees to enter N/A in the expiration date field. Another commenter stated that adding language to Item 2 such as, “including individuals born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad” or some shortened version of same could ease any possible confusion between noncitizen nationals and noncitizens authorized to work.</p> <p>One commenter stated they were concerned that the retirement of the preparer/translator supplement may create more burdens than it reduces. With the proposed form, once the Section 1 Preparer/Translator Section is used, each additional Preparer/Translator must complete the section on a new Form I-9 page. This could result in more paper usage and practical complexity than the current supplement, which consolidates additional preparers and/or translators in a single page.</p> <p>Two commenters were concerned that combining the fields where a noncitizen authorized to work must enter either a USCIS or A-Number, I-94 Admission Number, or Foreign Passport Number and Country of Issuance may cause the field to be overlooked or completed incorrectly. One suggested that USCIS continue to offer separate fields for this information, to ensure the</p>	<p>ensured that the proposed form instructions contain this definition and others to better differentiate the attestations.</p> <p>Response: USCIS will retain the Preparer and/or Translator Supplement and provide it on page 3 of the Form I-9. USCIS will also update the instructions to reflect usage of this supplement.</p> <p>Response: USCIS will incorporate these recommendations to add separate fields in which certain employees may enter document numbers under Item Number 4. in Section 1 and add “or” between each field to ensure employees know to enter only one piece of information.</p>

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		<p>employee does not record too little or too much information, with an “or” between the choices.</p> <p>One commenter said that additional instructions would be beneficial to employers, who must currently navigate to the USCIS website to fully understand their responsibilities. One commenter posited that if the instructions are reduced from 15 to 7 pages, audits should not be so picky over minor technical errors. Another believes that reducing the instructions from 15 to 7 pages creates room for errors if pertinent information for completing the form is removed.</p> <p>One commenter stated that USCIS should continue to provide the List A, B, and C dropdown boxes on Form I-9 as they are critical to decreasing errors.</p>	<p>Response: USCIS disagrees that the shorter instructions remove any substantive information that employers use to better understand their responsibilities. Much of the length cut from the instructions was the instructions required to navigate and use the enhanced features of the current form, so USCIS disagrees that errors will increase. USCIS has also removed policy discussion from the instructions and plans to relocate that information into the guidance documents where it belongs.</p> <p>Response: USCIS cannot accept this recommendation to keep the dropdown document lists. USCIS can no longer support the previous form’s enhancements if it is to ensure the form is usable across more platforms.</p>
Topic 9.			
<p>Preventing false claims to U.S. citizenship</p>	<p>0477 0610</p>	<p>One commenter recommended adding a warning to the U.S. citizenship attestation selection to further protect noncitizens from erroneously selecting this status. The warning should read: “Falsely claiming you are a citizen of the United States, even unknowingly, has serious immigration consequences, including potentially making you deportable, inadmissible, or permanently ineligible for future immigration relief. Be sure that you are a citizen before checking this box, especially if you were born outside the United States.”</p>	<p>Response: USCIS will not adopt this recommendation for the form, but there is a warning in the instructions that should sufficiently address the commenter’s concern.</p>

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		<p>This commenter also objects to the addition of, “I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct” to the Section 1 attestation, as it is unreasonable to call on the average member of the public to attest to their immigration status with any degree of certainty, much less under penalty of perjury. Another commenter agreed, recommending the addition of the following language to the attestation so that employees understand how Form I-9 information may be used against them – “NOTE: Information provided on this form may be used against you in future immigration proceedings.”</p>	<p>Response: USCIS will not accept these recommendations to change the attestation language. The attestation language on the proposed form matches the attestation contained on previous versions of Form I-9. 8 U.S.C. 1324a requires employees to make this attestation on this form under penalty of perjury to satisfy the employment verification process. The purpose of the attestation section of Form I-9 is for the employee to attest to their citizenship or immigration status, and that that status authorizes them to work in the United States. They then present documentation to support that attestation.</p>
Topic 10.			
<p>Clarification of photocopy/document retention</p>	<p>0514 0545</p>	<p>One commenter requested clarification on whether they need to retain color copies of employee’s documents and whether they can keep copies for all select employees. This commenter also asked if employers can store copies in the employees’ file separately from the Form I-9. Another commenter asked whether photocopying documents is required.</p>	<p>Response: USCIS already provides guidance on these policy questions in Chapter 9.2 of the M-274. USCIS will update this guidance to answer the question of color copies when retaining copies of an employee’s Form I-9 documents, which are not required. However, employers should also check COVID-19 Related News on I-9 Central for the most up-to-date policies related to the changing COVID-19 flexibilities related to document inspection for Form I-9.</p>
Topic 11.			
<p>Exception for presenting valid List C documents for students</p>	<p>0498</p>	<p>One commenter asked that USCIS consider an E-Verify exception for college students who cannot immediately present a List C document for Form I-9: If the employee can be verified in the system,</p>	<p>Response: USCIS will not adopt this recommendation. To create a case in E-Verify, the employee’s Form I-9 must have been completed. This requirement applies to all employees because</p>

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		they can begin work without presenting a List C document.	creation of an E-Verify case requires information from the employee's Form I-9. This means the employee completed Section 1 and the employer examined the employee's documents and completed Section 2 which includes information about the examined documents that the employer must input into E-Verify. If the employee chooses to present a combination of documents from List B and List C on Form I-9, the employer will not have completed the form if they have not examined the List C employment authorization document.
Topic 12.			
Request for Guidance Updates	0510 0565 0560 0446 0601	<p>M-274 Additions Two commenters would like page numbers added to the M-274 handbook when it is updated for the revised I-9.</p> <p>One commenter stated that USCIS should issue guidance clarifying that documents that originate electronically – for example, the Form I-20 issued by the Student and Exchange Visitor Program (SEVP) – do not need to be printed out to be valid for I-9 purposes.</p> <p>Another commenter stated that the M-274 should provide more examples of how to input document information from certain documents like a birth certificates or driver's licenses.</p> <p>Training Videos One commenter requested a series of training videos on how to complete Form I-9.</p>	<p>Response: USCIS will consider these recommendations when it updates Form I-9 guidance once the proposed form and instructions are approved.</p> <p>Response: USCIS will not accept this recommendation.</p> <p>Response: USCIS will review and update M-274 guidance as necessary on entering document information on Form I-9 once this information collection is approved.</p> <p>Response: USCIS provides a series of training videos on how to complete Form I-9 on I-9 Central.</p>

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Provide unlocked form for electronic form developers	0571 0597	Two commenters want USCIS to provide an editable pdf of the new form that they can use to update their electronic Form I-9, instead of having to recreate one using the new form.	Response: USCIS cannot provide an editable PDF of the approved form.
Topic 13.			
Other Policy and/or Rule Changes	0508 0525 0554 0580 0608	<p>One commenter stated the 3-day rule can be challenging to meet due to confusion from new employees and simple administrative errors. Two commenters requested an extension of the 3-day deadline to review documentation for Form I-9. Two recommended a 5-day deadline instead.</p> <p>One commenter asked USCIS to make the First Day of Employment field optional to better account for shifting employee start dates in industries where employees often delay their start date multiple times. This commenter said that for ICE audits, internal audits, payrolls and rosters, calculating the date of late completions rather than the date on the form would make the start date less critical.</p>	<p>Response: USCIS cannot extend the 3-day deadline to examine Form I-9 documentation as this time period is required by regulation at 8 CFR 274a.2(b)(1)(ii)(B). This type of change to Form I-9 regulations would require a rulemaking.</p> <p>Response: USCIS does not agree that the First Day of Employment field should be optional and will not adopt this recommendation. Form I-9 rules at 8 CFR 274a.2(b)(1)(ii)(B) require employers to complete Section 2 of the form within three business days of the date of hire. Having the employee's first day of employment helps determine if the employer has complied with these requirements.</p>
Topic 14			
Grace Period	0602 0598 0584	Two commenters asked that USCIS provide at least a 6-month grace period to adopt the revised version of Form I-9, which will enable electronic Form I-9 providers to successfully transition customers from the current form to the new version, a process that can be complex and lengthy for such providers. One asked that employers be required to use the new Form I-9 no sooner than April 30, 2023. Another commenter asked for the final date to use the current Form I-9 since their company will need	Response: USCIS agrees that electronic Form I-9 providers and other users need time to transition to the new features of the proposed form and will provide a transition period to allow users to adopt the revisions. USCIS will provide public notice upon publication of the approved form with the specific length of the transition period, how long users may use either the current form or new form, and when they must use only the new form.

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		time to make necessary updates and adjust their business processes.	
Topic 15			
Add New Fields to Form I-9	0608	<p>One commenter requested that USCIS add a field to collect the E-Verify Case Number and Purge Date.</p> <p>Another commenter requested that USCIS add a field to document if an employee is full or part-time.</p> <p>One commenter suggested adding a Category Code field in Section 2 to record what has become a very important data point for employment eligibility verifications based on automatic extensions of employment authorization documents. This commenter also asked that USCIS add a second box for in-person employee signatures to accommodate all of the COVID-19 updates that will be made when employees return to worksites and present documents in person. This second certification box could also be used for I-9 completers making substantive corrections/updates to Section 2 of the I-9 and augment instructions to “initial and date”.</p>	<p>Response: DHS will not accept this recommendation to add additional data fields due to space limitations on the form. The Additional Information field on the form may be used to notate an E-Verify case number and retention date.</p> <p>Response: USCIS cannot adopt this suggestion since this information is not a requirement for employment eligibility verification and Form I-9 requirements apply to all employees.</p> <p>Response: DHS will not accept these recommendations to add additional data fields due to space limitations and increased burden on the form. Note that documenting the category code of an employee’s EAD on Form I-9 is not a Form I-9 requirement. However, employers may record the category code in the Additional Information box to assist with their business processes.</p>
Topic 16			
Burden	0610	One commenter believes the stated time estimates do not reflect the actual burden and time required to fully comply with the form’s	Response for entire topic: USCIS appreciates this commenter’s concerns regarding the burden estimates. USCIS agrees that for first time users, it

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		<p>requirements. They claim that review of the instructions and the actual completion of the Form I-9 will be largely unaffected by the shorter instructions and will take significantly longer than currently estimated.</p> <p>They questioned the estimated total annual cost burden associated with this collection of information being \$0 and said that USCIS fails to recognize the tens of millions of dollars that employers spend annually on training, implementation, oversight and auditing of their employment verification records.</p>	<p>may initially take an individual longer than the reported estimated time burden to read the form and instructions in its entirety, complete the form, etc. However, USCIS makes some basic assumptions about how respondents are likely to interact with this information collection.</p> <p>For employers, USCIS assumes that they would not need to read the form and instructions in its entirety for every new employee. The first time an employer uses the information collection will likely be the longest interaction that that respondent has with the Form I-9 since it is the first instance where the employer is likely to read the instructions in its entirety. As an employer hires each additional employee, the time to complete the form, inspect documents, etc. will decrease as they become increasingly familiar with the requirements and procedures.</p> <p>For employees, USCIS assumes that the form is simple enough for most respondents to complete without the aid of reading the instructions in its entirety.</p> <p>USCIS acknowledges that some respondents would take less or more time to complete the Form I-9, inspect documents, record keeping, etc. than the reported estimate. However, to report a higher than estimate could overestimate the time burden imposed on respondents.</p> <p>USCIS also appreciates the comment's concerns</p>

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			<p>regarding the estimated annual cost burden. USCIS does not impose specific training, system, etc. for employers to comply with the Form I-9 requirements. However, USCIS does estimate the opportunity cost imposed on employers and their record keepers in the Supporting Statement (see the table in question 12). Providing this estimate allows USCIS to account for the resources that employers must divert so that they may comply with the Form I-9 requirements. Including the opportunity cost estimate in the report annual cost burden estimate would result in double counting the burden imposed by this information collection.</p>
Topic 17.			
Out of scope	<p>0452 0435 0451 0462 0470 0458 0471 0515 0555 0557/0558 0562 0599</p>	<p>Some commenters recommended items that cannot be addressed in this information collection action, or that were not pertinent to this information collection in general.</p> <p>Four commenters recommended changes to the E-Verify process. One commenter requested updates to E-Verify that would show a picture of each employee that completes Form I-9 if the employee does not present a photo ID. One recommended a 5-day deadline for E-Verify to allow for time after the 3-day period in which the Form I-9 can be completed to create the E-Verify case. Another commenter requested that if completing electronically through E-Verify, have the Citizenship status auto-populate on the Employer Section. A third asks that E-Verify users receive a notice when the system is back online so users can</p>	<p>Response: This information collection does not address E-Verify requirements. These recommendations will not be considered in this information collection. Employers should note that photo IDs are required for employees whose employers participate in E-Verify. E-Verify also provides a photomatch tool for DHS-issued employment authorization documents.</p>

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Comment #	Commenter ID	Comment Summary	USCIS Response
		<p>better meet the 3-day rule.</p> <p>One commenter elaborates on technical issues with an electronic Form I-9 not provided by USCIS.</p> <p>Commenter stated employers are using the old versions of Form I-9 and not completing the form every 3 years for their employees.</p> <p>One commenter needed clarity on why they received a notification on an immigration form comment period. Another added a pdf of their charitable organization logo. One appears to have uploaded a project plan for their own business. One had concerns that USCs are discriminated against by excessive job descriptions, there are no checks and balances to verify skill shortages and shell companies are using paper Forms I-9 and not properly paying employees and deny USC jobs. One requested that we update the incoming paycheck shipping to and ship my stimulant check and get paycheck in mail to this address soon as possible. Another requested that USCIS eliminate Form I-9, as they believe it is a symbolic revenue generator.</p>	<p>Response: The form provided by USCIS does not have the features these commenters address, and may be a third-party form. USCIS does not review third-party forms and associated software. Please reach out to your I-9 service provider for assistance. Further, any electronic validations are being removed in this proposed version.</p> <p>Response: Employers should refer to the form instructions for the correct process for complying with Form I-9 requirements. They may also refer to the guidance USCIS provides in the M-274 and I-9 Central on completing and retaining Forms I-9.</p> <p>Response: Multiple comments are outside of the scope of this information collection in general and therefore will not be addressed.</p>

Form I-9-010 Revision Responses to 60-day FRN Public Comments
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