



MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

New Form **I-9** Rule

August 3, 2023



INTRODUCTION



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

 **INTRODUCTION**

- **Founded in 2014, Meltzer Hellrung leverages technology, a service-oriented mindset, and a compassionate approach to assist high-growth corporations in scaling their immigration programs, increasing their access to talent, and expanding operations into new markets.**
- **200+ corporate clients w/3000+ matters handled per year – venture-backed, high-growth unicorns in EdTech, FinTech, SaaS, and Logistics and Fortune 500 companies in insurance, transportation, and manufacturing.**
- **Recognized in 2020 and 2021 Inc. 5000 Fastest-Growing U.S. Companies.**

VOYAGER[®]



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- **Voyager is an immigration program management software platform that is designed to provide a seamless immigration experience for employers and employees.**
- **The Voyager proprietary platform was created for our clients and their employees and is used by our exceptionally skilled attorneys, paralegals, and legal assistants to fulfill our mission of improving the immigration experience.**
- **Voyager was created to drive efficiency, transparency, and information accessibility throughout the immigration process.**






VOYAGER® (continued)


- **Our all-inclusive platform provides:**
 - Transparency throughout all immigration processes
 - Efficient workflows that will save the user time
 - Lifetime information and data storage
 - Intuitive user experience for employers and employees
 - Comprehensive Knowledge Center

Learn more about Voyager at meltzerhellrung.com/voyager



Home



KYLE



 Welcome back, **Kyle**
 Here is today's snapshot
Today's date is:
May 19, 2022

16

OPEN CASES >

1

TASK >

7

PROCESS REQUESTS >

My Tasks

[VIEW ALL TASKS](#)

ACTION	NAME	PROCESS	DEADLINE
Review E-3 Forms and LOS	Ferdinand Magellan	E-3 USCIS	Overdue

Recent Cases

[VIEW ALL CASES](#)

COMPANY	NAME	CREATED	CASE NUMBER	PROCESS	STATUS	PHASE
	Ferdinand Magellan	5/16/22	0033-0004-3	E-3D USCIS	Open	Data Collection
World Explorer Inc.	Amerigo Vespucci	3/8/22	0033-0002-1	PERM: Green Card	Open	Data Collection
World Explorer Inc.	Neil Armstrong	5/4/22	0033-0006-1	H-1B	Open	Data Collection
Meow Meow Worldwide	Murphy Roby	5/6/22	0030-0004-4	TN Mexico	Open	Data Collection
	Murphy Roby	5/6/22	0030-0004-5	TD Canada	Open	Data Collection

Upcoming Status Expirations

Ferdinand Magellan
kyl3r3155+fn1@gmail.com
 World Explorer Inc.
H-1B Exp: 4/1/22

Susan Magellan
H-4 USCIS Exp: 4/1/22

Lulu Cat
 Meow Meow Worldwide
H-1B Exp: 6/1/22

Murphy Roby
 Meow Meow Worldwide
PERM: Green Card Exp: 6/28/22

Foreign Vokal
shankhri.balaji+fn@vokal.io
 Vokal LLC
H-1B Exp: 8/31/22

Neil Armstrong
kyl3r3155+fn4@gmail.com
 World Explorer Inc.
H-1B Exp: 9/30/22

PRESENTERS



MELTZER HELLRUNG
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 PRESENTERS



MATTHEW HELLRUNG

Co-Founder and Managing Partner

Specializes in scaling immigration programs for high-growth clients via immigration policy creation and stakeholder training.



MATTHEW MELTZER

Co-Founder and Managing Partner

Specializes in assisting foreign companies to enter the U.S. market and building custom solutions for entrepreneurial and high net-worth clients.

AGENDA



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AGENDA

- **What is Form I-9?**
- **Who Must Complete Form I-9?**
- **Form I-9 Completion Requirements**
- **Form I-9 Retention**
- **Form I-9 Purging**
- **Best Practices**
- **What is E-Verify?**
- **New Form I-9 and Document Verification Rule**
- **Pros and Cons of Registering for E-Verify**
- **E-Verify Workarounds for Employee Document Inspection**



WHAT IS FORM I-9?



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WHAT IS FORM I-9?

- **To comply with federal law and certify that each new employee has U.S. work authorization, every employer must:**
 - Complete and retain a Form I-9 for each employee
 - Verify the identity and work authorization of each employee by inspecting provided documents
 - Refrain from discriminating against employees on the basis of national origin or citizenship
- **Instruction for employers on how to complete Form I-9 is summarized in USCIS' M-274 Handbook**

WHO MUST COMPLETE FORM I-9?



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WHO MUST COMPLETE FORM I-9?

- **All Employees**

- All part-time and full-time W-2 employees working in U.S.
- All remote part-time and full-time employees working in U.S.

- **Who Shouldn't Complete Form I-9?**

- Private home/casual domestic workers who work on a sporadic, intermittent, or irregular basis
- Independent contractors
- Workers provided by temp agencies
- Unpaid interns
- Employees not physically working in the U.S.

M|H

FORM I-9 COMPLETION REQUIREMENTS



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FORM I-9 COMPLETION REQUIREMENTS

- **Step 1: After offer acceptance and no later than 1st day of employment:**
 - **Employee** should complete Section I of Form I-9 provided by Employer
- **Step 2: Within 3 business days of 1st day of employment:**
 - **Employee** must present in-person to Employer original, acceptable List A, B, and/or C documents proving identity and work authorization
 - *New remote document verification with E-Verify registration gets around the “in-person” Employer List A, B, or C document verification*
- **Step 3: Within 3 business days of 1st day of employment:**
 - **Employer** must inspect in-person original List A, B, and/or C documents provided by Employee and, in good faith, verify their authenticity
 - If authenticity is verified, **Employer** or representative must complete Section 2 of Form I-9
 - **TIP:** *If an Employee presents a work authorization document that expires, Employer must remember to reverify Employee in Section 3 of Form I-9 prior to current work authorization expiration*

FORM I-9 RETENTION



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FORM I-9 RETENTION

- **Employer must keep completed Form I-9 for duration of Employee's employment**
 - *TIP: Employers can store completed Form I-9 as well as copies of List A, B, or C documents provided by Employee for identity and work authorization verification or choose to store only the completed Form I-9*
- **Employer can store Form I-9 and verification documents in paper form or digitally**
 - Documents can be stored in one central location or organized by office/worksite
 - Form I-9 completion software use is acceptable as long as it adheres to completion guidelines and provides a printable audit trail
- **Upon Employee termination, Employer should ready Form I-9 and verification documents for purging when possible**

FORM I-9 PURGING



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FORM I-9 PURGING

- **Employers may purge a terminated Employee’s Form I-9 and verification documents, digitally or manually, 3 years from the date of employment OR 1 year from the date of termination, whichever is greater**
 - *TIP: Employers should create an internal process that lists or tags I-9 files for terminated employees as part of your company’s employee off boarding process.*
- **Employers should purge eligible Form I-9 employee files on an annual basis at a minimum**
 - Employers can be fined on purgeable Form I-9 employee files if mistakenly provided to ICE during an I-9 audit
- **Employers should perform Form I-9 “spot” audits periodically to ensure proper completion procedures are adhered to, especially during a personnel or paper-to-software completion transition**

FORM I-9 BEST PRACTICES



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FORM I-9 BEST PRACTICES

- **Develop a consistent process and company point of contact responsible for Form I-9 completion and employee verification review**
 - A written policy is desirable
 - Train new employees who administer I-9 thoroughly on the policies
- **Make sure you are using the most up-to-date version of Form I-9 when completing it**
- **Keep all Form I-9s centralized, if possible, either in paper form or electronically**
- **Audit your Form I-9 completion and retention process annually with “spot” audits**
- **Purge Form I-9 employee files annually to avoid excess liability during an ICE audit**
- **If you’re considering Form I-9 completion software, do your homework. Employers are liable for selecting non-compliant I-9 software and/or processes**

WHAT IS E-VERIFY?



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WHAT IS E-VERIFY?

- E-Verify is a free online federal system created to assist employers in verifying an employee's employment eligibility information against several federal databases
- E-Verify helps ensure employers hire eligible individuals to avoid future possible legal liabilities.
- E-Verify is mandatory in certain states and localities and for organizations engaging in federal contracting.
- E-Verify can be used on a per worksite basis. The company does not need to adopt it across all worksites.
- E-Verify is supplemental to I-9 verification and is not used in place of the Form I-9 process.
- E-Verify is required to hire employees on F-1 STEM OPT.

NEW FORM I-9 EMPLOYEE DOCUMENT VERIFICATION RULE



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NEW FORM I-9 EMPLOYEE DOCUMENT VERIFICATION RULE

- **Current Rule**

- Employers or their agents must review an employee's original List A, B, and/or C documents in the presence of the employee to verify, in good faith, authenticity

- **New Rule**

- Employers enrolled in E-Verify and in good standing will be able to review an employee's List A, B, and/or C documents electronically, in good faith, to verify authenticity
- E-Verify Employers can review electronic copies of documents, conduct a live stream video, and create an E-Verify case
- With this process, documents **MUST** be retained for ICE I-9 audit purposes

- **New Form I-9 Completion**

- USCIS released a new version of Form I-9 on August 1st that allows E-Verify employers to check a box confirming electronic review of an employee's List A, B, and/or C documents



RULE EXCEPTIONS, IMPLEMENTATION, AND HYBRIDIZATION

- **Qualifying employers are not required to use the new electronic verification process and can continue to use current in-person review processes**
- **If new E-Verify verification process is used, however, it must be applied equally to all E-Verify employees at the designated E-Verify worksite**
 - Employers can register specific worksites for E-Verify versus all company worksites
- **Employers can opt for a hybrid model, using E-Verify electronic review for remote employees only, maintaining current in-person document review procedures for on-site employees**

NEW FORM I-9 RULE AND COVID FLEXIBILITIES



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NEW FORM I-9 RULE AND COVID FLEXIBILITIES

- Employers that were enrolled in E-Verify during the COVID-19 flexibilities can use the new process to meet requirement of verifying Form I-9 employee documentation by August 30, 2023 that had previously been reviewed remotely
- **Exemption applies to employers who**
 - Were enrolled in E-Verify when remotely reviewing an employee's I-9 documentation for Section 2 or reverification
 - Created an E-Verify case for that employee (except for reverification) **AND**
 - performed the remote document inspection between March 20, 2020 and July 31, 2023

NEW FORM I-9 EMPLOYEE AND COVID FLEXIBILITIES



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NEW FORM I-9 EMPLOYEE AND COVID FLEXIBILITIES

- **Employers that are not enrolled in E-Verify must conduct an examination of original identity and employment authorization documents in-person by August 30, 2023 for employees:**
 - who were hired on or after March 20, 2020 **AND**
 - whose documents were examined only virtually or remotely pursuant to the temporary flexibilities provided during the COVID-19 pandemic

PROS AND CONS OF REGISTERING FOR E-VERIFY



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Pros and Cons of Registering for E-Verify

- **Pros**

- Ability to inspect documents for remote employees without in-person review
- Hire STEM OPT employees
- Lower risk of ICE inspection

- **Cons**

- Higher administrative burden
- Tentative non-confirmation can cause anxiety on HR and employees
- For worksites with possible non-compliance or concerns over fraudulent documents, hiring challenges may increase

- **How to register for E-Verify**

- <https://www.e-verify.gov/employers/enrolling-in-e-verify>

E-VERIFY WORKAROUNDS FOR EMPLOYEE DOCUMENT INSPECTION

TAX



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 **E-VERIFY WORKAROUNDS FOR EMPLOYEE DOCUMENT INSPECTION**

- **Hire an outsourced agency to conduct in-person employee document verification**
 - Credit agencies, HR services, etc. have agents that will travel to employee's house
 - Notaries can be used but certain risks
- **Execute an agency agreement with employee's family member for purposes of Form I-9 completion and document verification**
- **Coordinate Form I-9 completion with remote employee onboarding at a centralized office**

QUESTIONS?



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ADDENDUM





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 HOME











Home

 MY PROCESS REQUESTS





MARK




Welcome back, **Mark**
Here is today's snapshot


Today's date is:
January 18, 2023

2 OPEN CASES >

1 TASK >

1 PROCESS REQUEST >


My Tasks VIEW ALL TASKS

ACTION	COMPANY	NAME	PROCESS	DEADLINE
Upload Documents (Employer)	Atom LLC	Chris Neutron	H-1B	 Overdue


Recent Cases VIEW ALL CASES

COMPANY	NAME	CREATED	CASE NUMBER	PROCESS	STATUS	PHASE
Atom LLC	Chris Neutron	1/12/23	0074-0001-1	H-1B	Open	Data Collection
Atom LLC	Stephanie Proton	1/12/23	0074-0002-1	PERM: Green Card	Open	Recruitment

Upcoming Status Expirations



Chris Neutron
wevibin+ion@shankhri.com

 **Atom LLC**

H-1B Exp: 2/17/23

Immigration Preferences

Ship Original Approval Notices

- Company

Provide Permission to Release Copies of ETA 9089's (PERM) to Employees

- Yes

Provide Permission to Release Copies of Petitions and RFE Responses to Employees

- No

Meltzer Hellrung Email Communications With Employees

- A company representative will only be copied on information impacting the company, but will be left off on communication that does not impact the company.

Payment Preferences

Email Address Invoices Should Be Addressed To

- finance@atom.com

Payment Preference

- ACH

Preference for Employees to Pay for Any Part of the Green Card Process

- No

Company Covers the Expense of Dependent EAD Cards

- No

Name Invoices Should Be Addressed To

- Chris Charge

Utilize Premium Processing Service, When Available

- Only on a case-by-case basis

Company Covers the Expense of Dependent Petitions

- Yes

Education Evaluation

- Meltzer Hellrung should reach out to the company to secure permission before requesting an evaluation from vendor

Job Description

EDIT

- Job Title**
Android Software Engineer - Design Systems
- Job Duties**
 - Leverage and elevate our reusable Android component library, to improve the speed and consistency of our designers and engineers, raising the quality of our products
 - Iterating and contributing to the design process, by collaborating with other engineers, designers, product managers, and UX researchers
 - Understand and support the work of other engineers and designers by providing education and mentorship to other teams.
 - Enhance tools and establish patterns to improve developer experience
 - Help us achieve its mission by making sure it's accessible and usable by everyone
- Requirements for Position**
 - Experience with Kotlin and knowledge of Android design patterns
 - Preferable experience in developing Custom View components.
 - Portfolio of published applications on GitHub and/or Play Store
 - Experience with integrating back-end services esp. GraphQL feed integration.
 - Familiarity with push notifications, APIs and cloud messaging
 - Experience with continuous integration
 - Experience working with other Android developers as part of a team
 - Experience with entire product lifecycle duties in an Agile environment
 - Excellent critical thinking, problem solving and communication skills
 - Knowledge of Accessibility (a11y) best practices
 - Excellent written and verbal communication skills
- Degrees Required**
Bachelors, Masters
- Majors Required**
Computer Science or Related Field

SHOW ADVANCED OPTIONS





Start a New Process Request ✕

Start Request Select Process **Add Details** Complete Request

What are the details of this employee's job position?

Job Details

EXISTING JOB CREATE NEW JOB

Offered Salary *
\$145,000

Job Title, Description *
Android Software Engineer - Design Systems

Individual's Start Date *
03/30/2023


Employee's Physical Working Address *
Where is this person physically working from?


1 E Wacker Dr
Suite 3700
Chicago, IL
60601
United States of America


Working Remotely


← NEXT →



















Cases

MY PROCESS REQUESTS


MARK


PERM: Green Card 0074-0002-1 Atom LLC




Stephanie Proton 

H-1B Exp. 3/9/23


OPEN

OVERVIEW
TASKS
DOCUMENTS
FORMS
CASE DETAILS
ACTIVITY


Overview




Case Opening




Data Collection




File Prevailing Wage Request




Recruitment




PERM Submission




I-140 Preparation



File I-140



Next Steps






Final Decision

Key Dates

- ✓ Prevailing Wage Request Filing
1/12/23
- PERM Filing
Due 1/23/23
- I-140 Filing
Due 7/13/23

Open Tasks

You have no tasks to complete 0

- 
Shankhri Balaji
5
- 
Ruth Ginsburg
1
- 
Stephanie Proton
2

Prevailing Wage Case

PWR Case No.
G-100-12345-123456

CHECK

Receipt Numbers

USCIS Receipt No.
ABC-12-123-12345

ETA Case No.
A-12345-67890



CASE COMMENTS

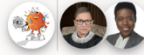
We need to look into dependent petition costs.

Jan 12 at 3:06 pm




H-1B Lottery Change of Status Bachelor's Degree 0074-0001-2 Atom LLC


Chris Neutron 
OPEN




OVERVIEW TASKS DOCUMENTS FORMS CASE DETAILS ACTIVITY


Overview




Case Opening




Data Collection




Lottery Submission




Lottery Decision




LCA Filing




Forms Preparation




Application Submission



Awaiting Receipt




Final Decision



Key Dates


✓
Lottery Registration

1/18/23




Case Preparation

Lottery Submission Only




Selection Status

Awaiting Selection Notice





Shipment Tracking

No shipments.




Open Tasks


You have no tasks to complete
0




Cynthia Coulange

2




Ruth Ginsburg

5




Chris Neutron

1






















Receipt Numbers

Selection Notice No.	USCIS Receipt No.
-	-





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45

<input checked="" type="checkbox"/>	Enter Foreign National into USCIS Account	Lottery Process	 Cynthia Coulange	 Completed 1/18
<input checked="" type="checkbox"/>	Review Foreign National's Lottery Details in USCIS Account	Lottery Process	 Mark Nucleus	 Completed 1/18
<input checked="" type="checkbox"/>	Submit Lottery Registration via USCIS Account	Lottery Process	 Cynthia Coulange	 Completed 1/18
<input type="checkbox"/>	Confirm Foreign National Selection in USCIS Account	Lottery Process	 Cynthia Coulange	 1/18 - 2/8
<input type="checkbox"/>	Upload Foreign National Lottery Selection Notice from USCIS Account	Lottery Process	 Cynthia Coulange	 Today
	Notify Employer of Foreign National Lottery Selection Status Blocked by: Upload Foreign National Lottery Selection Notice from USCIS Account	Lottery Process	 Cynthia Coulange	 1/19 - 1/20
	Confirm Foreign National Notification Method Blocked by: Upload Foreign National Lottery Selection Notice from USCIS Account	Lottery Process	 Cynthia Coulange	 1/19 - 1/23
	Notify Foreign National Blocked by: Confirm Foreign National Notification Method	Lottery Process	 Ruth Ginsburg	 1/23 - 1/24

 **Education**

 **Diploma(s), Degree(s)** Upload all documents with translations (if applicable). 


[Replica_University_Diploma.jpeg](#) – Uploaded on 1/12/2023

 **Educational Evaluations** Upload all educational evaluation documents. **UPLOAD** 


 [Dec 2022](#) – Uploaded on 1/18/2023

 [Jan 2023.pdf](#) – Uploaded on 1/12/2023

 **School Marks and Transcripts** Upload all school marks and transcripts. **UPLOAD** 



Resources

MY PROCESS REQUESTS
+
MARK


Quick Shortcuts

- [DOS visa appointment wait times](#) >
- [M-274](#) >
- [NACo County Explorer](#) >
- [O*NET](#) >
- [OOH](#) >
- [PERM](#) >
- [USCIS processing times](#) >
- [Visa bulletin](#) >

Knowledge Center

ADJUSTMENT OF STATUS INTERVIEW TIPS (EMPLOYMENT)


ADJUSTMENT OF STATUS INTERVIEW TIPS (FAMILY)

ADJUSTMENT OF STATUS OVERVIEW

B-1 OVERVIEW


CONSULAR PROCESSING TIPS

Recent Developments




Final Phase of I-140 Premium Processing Expansion to be Implemented by USCIS

JAN 13, 2023



Department of Homeland Security Proposes Fee Increase for Petitions

JAN 10, 2023



COVID Test Required if Traveling from China Effective January 5th

JAN 4, 2023