



OCTOBER 2024 HR BRIEF

USCIS Extends Form I-9 Expiration Date

Recently, the U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it updated its Employment Eligibility Verification form, also known as Form I-9, to extend the form's expiration date from July 31, 2026, to May 31, 2027.

Employers must use the Form I-9 dated "08/01/2023," which may have an expiration date of either "07/31/2026" or "05/31/2027." Employers may use either form until its respective expiration date. However, the USCIS' [website](#) will only include the Form I-9 with the new "05/31/2027" expiration date for downloading.

Background

On Aug. 1, 2023, the USCIS published a new version of the Form I-9 that employers were required to use beginning on Nov. 1, 2023. Some of the most notable changes included the following:

- Sections 1 and 2 were reduced to a single sheet; all previous fields remained, but some fields were merged.

- The preparer/translator certification area was moved to a standalone supplement that employers can use as necessary for initial verification or recertification.
- Section 3 (Reverification and Rehire sections) was moved to a standalone supplement that employers can use as necessary.
- The list of acceptable documents now includes some acceptable receipts, guidance and links to information on automatic extensions of employment authorization documentation.

The new Form I-9 includes updated instructions. These instructions were condensed from 15 to eight pages and contained additional definitions, streamlined processes, and an explanation of how to use the new checkboxes to indicate when Form I-9 documents were examined remotely.

More Information

Employers can find additional resources by visiting the USCIS' [I-9 Central](#) or joining a free [Form I-9 webinar](#). Employers may access the most current version of the form [here](#).

Federal District Court Blocks the FTC's Noncompete Ban

On Aug. 20, 2024, the U.S. District Court for the Northern District of Texas issued an order blocking the Federal Trade Commission's (FTC) noncompete ban, which had a scheduled effective date of Sept. 4, 2024. The court had previously put the noncompete ban on hold in this case (*Ryan LLC v. FTC*), but only for plaintiffs. The most recent ruling blocks the ban for all employers and prevents the ban from taking effect on Sept. 4, 2024, or thereafter.

Background

On May 7, 2024, the FTC published a [final rule](#) prohibiting employers from entering into or enforcing noncompete clauses with most employees. Subject to very limited exceptions, the final rule provided that:

- The use of noncompete clauses would be banned as of the effective date.
- Any existing noncompete clauses (other than those entered into with senior executives) would be invalidated.

- Employers would have to notify all employees (other than senior executives whose existing noncompete agreements would remain enforceable) that their existing noncompete agreements would not be enforced.

The enforceability of noncompete clauses is currently determined by state and local legislatures and courts. Instead, the FTC rule would have governed the enforceability of noncompete clauses at the federal level and superseded any less restrictive state laws or judicial interpretations.

Current Impact

In light of the Texas court's ruling, employers will not need to take steps in the immediate term to invalidate existing noncompetes, update agreements or issue notices. Employers may also continue to rely on state-level guidance regarding the enforceability of noncompetes. However, the FTC will likely appeal the ruling, so employers should continue to monitor for updates in this case.

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