

## **Effects of Invalid Puerto Rico Birth Certificates on the Form I-9 Process**

**As of Sept 30, 2010, certified copies of Puerto Rico birth certificates issued before July 1, 2010, will now be valid through Oct. 30, 2010. The dates below reflect this extension.**

WASHINGTON—On July 1, 2010, the Vital Statistics Office of the Commonwealth of Puerto Rico began issuing new, more secure certified copies of birth certificates to U.S. citizens born in Puerto Rico because of a new Puerto Rico birth certificate law. After Oct. 30, 2010, all certified copies of birth certificates issued prior to July 1, 2010, will become invalid. This new law does not affect the U.S. citizenship status of individuals born in Puerto Rico. It only affects the validity of certified copies of Puerto Rico birth certificates.

### **How will this law impact the Employment Eligibility Verification (Form I-9) process?**

#### **New Employees**

- All certified copies of Puerto Rico birth certificates are acceptable for Form I-9 purposes through Oct. 30, 2010.
- Beginning Oct. 31, 2010, only certified copies of Puerto Rico birth certificates issued on or after July 1, 2010, are acceptable for Form I-9 purposes.
- Beginning Oct. 31, 2010, if an employee presents for List C a birth certificate issued by the Vital Statistics Office of the Commonwealth of Puerto Rico, the employer must look at the date the certified copy of the birth certificate was issued to ensure that it is still valid.

#### **Existing Employees**

Employers must not re-verify the employment eligibility of existing employees who presented a certified copy of a Puerto Rico birth certificate for Form I-9 purposes and whose employment eligibility was verified on Form I-9 prior to Oct. 31, 2010.

#### **Federal Contractors**

Employers awarded a federal contract that contains the Federal Acquisition Regulation (FAR) E-Verify clause have special Form I-9 rules for the verification of existing employees.

- **If completing new Forms I-9 for existing employees**, certified copies of Puerto Rico birth certificates are acceptable as a List C document under the following circumstances:

Prior to Oct. 31, 2010, all certified copies of Puerto Rico birth certificates are acceptable for Form I-9 purposes.

Beginning Oct. 31, 2010, only certified copies of Puerto Rico birth certificates issued on or after July 1, 2010, are acceptable for Form I-9 purposes.

- **If updating existing Forms I-9**, an employer must not ask an employee to present a new certified copy of a Puerto Rico birth certificate if the employee presented a certified copy of a birth certificate issued in Puerto Rico before July 1, 2010 that was valid and acceptable for the Form I-9 at the time it was presented.

See the E-Verify *Supplemental Guide for Federal Contractors* for more information on E-Verify and FAR requirements.

## **How will this law affect the retention of documents with Form I-9?**

Existing federal law governing the Form I-9 process prohibits employers from keeping original certified copies of birth certificates, including those issued in Puerto Rico, but allows employers to keep photocopies of these documents. Employers who choose to make photocopies of documents their employees present when completing Form I-9 must do so for all employees, regardless of national origin or citizenship status.

For more information about Form I-9, visit [www.uscis.gov](http://www.uscis.gov). More information about birth certificates issued in Puerto Rico can be found at [www.prfaa.com/birthcertificates](http://www.prfaa.com/birthcertificates) and [www.prfaa.com/certificadosdenacimiento](http://www.prfaa.com/certificadosdenacimiento)

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