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New Puerto Rico Birth Certificates Affect Employers' Form I-9 Process Starting on October 1, 2010

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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. Consequently, after September 30, 2010, all certified copies of Puerto Rico birth certificates issued prior to July 1, 2010 will become invalid. However, this new law will not affect the U.S. citizenship of individuals born in Puerto Rico.

How does this change affect your Form I-9 Process? You should be aware that starting on October 1, 2010, **only** the new version of the certified copy of a Puerto Rican birth certificate is acceptable for I-9 verification purposes. Thus, if a new employee presents a certified copy of a Puerto Rico birth certificate for List C of the Form I-9, you must look at the date of certified copy to ensure that it was issued after July 1, 2010. Significantly, employers are **not**

required to 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 October 1, 2010.

Please note that special rules may apply to any employers awarded a federal contract that contains the Federal Acquisition Regulation (FAR) E-Verify clause.

QUESTIONS OR ASSISTANCE?

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