



## THIS HALLOWEEN, DON'T BE TRICKED BY NEW I-9 RULES ON BIRTH CERTIFICATES FROM PUERTO RICO

On July 1, 2010, Puerto Rico began issuing new certified copies of birth certificates to U.S. citizens born in Puerto Rico. The new, more secure document is expected to strengthen certified copies of birth certificates, combat fraud, and protect the identities and credit of Puerto Rican-born U.S. citizens. After October 30, 2010, all certified copies of birth certificates issued prior to July 1, 2010, will be invalid. (Originally, the certified copies of birth certificates were to become invalid on September 30, 2010, but a thirty-day extension was granted on September 23, 2010.) The new law **does not** affect the citizenship status of U.S. citizens born in Puerto Rico, but it **does** invalidate certified copies of birth certificates issued before July 1, 2010.

**How does this affect you?** As an employer, you are required to fill out I-9 employment eligibility forms for your employees. A certified copy of a birth certificate is one form of evidence of an employee's eligibility to work in the U.S., or a "List C" document. Through October 30, 2010, all certified copies of Puerto Rico birth certificates are acceptable for I-9 verification. However, beginning on October 31, 2010, only those certified copies of birth certificates issued on or after July 1, 2010, are acceptable for I-9 verification. So, beginning on October 31, 2010, if an employee presents a birth certificate from Puerto Rico as his or her List C document when you're filling out the I-9, check the date the document was issued to ensure it is valid.

**What if employees previously presented a certified copy of a Puerto Rico birth certificate for I-9 verification purposes?** You do not re-verify their employment eligibility if it was verified prior to October 31, 2010.

If you have been awarded a federal contract, you have special Form I-9 rules for verification of existing employees. If you are completing a **new** I-9 for an existing employee, certified copies of Puerto Rico birth certificates are acceptable as a List C document, but beginning on October 31, 2010, only if the certified copy was issued after July 1, 2010. If you are **updating** an I-9, you can't ask an employee to present a new certified copy of a Puerto Rico birth certificate if a valid one was presented previously.

**How does this affect my retention of documents with Form I-9?** You are prohibited under existing law from keeping original certified copies of birth certificates, including those from Puerto Rico. You are allowed to keep photocopies of them, but if you choose to copy these documents, you must copy documents used to support I-9 forms for all employees.

To obtain a new certified copy of a birth certificate from Puerto Rico, an individual may apply online or by mail. For more information on how to obtain one, see [www.prfaa.com/birthcertificates](http://www.prfaa.com/birthcertificates).

— [Mary Margaret Spell](#) and [Mary Ellen Burggraf Jordan](#)



*Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:*

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