

QUESTIONS AND ANSWERS AUTHORIZATION TO WORK VERIFICATION

1. **Q. Can a local policy specify which documents staff will accept for verification?**
 - A. No. An individual may choose which document(s) he or she wants to present from the Lists of Acceptable Documents on the last page of Form I-9. Staff must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on Form I-9 that reasonably appear on their face to be genuine and to relate to the person presenting them.

2. **Q. May staff accept a photocopy of a document presented by an individual?**
 - A. No. Individuals must present original documents. The only exception is that an individual may present a certified copy of a birth certificate.

3. **Q. May staff accept an expired document?**
 - A. No. Expired documents are no longer acceptable for Form I-9. However, staff may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by U.S. Citizenship and Immigration Services.

For example, Temporary Protected Status beneficiaries whose Employment Authorization Documents (Forms I-766) appear to be expired may be automatically extended in a Federal Register notice. These individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period specified in the Federal Register notice. When the automatic extension of the Employment Authorization Document (Form I-766) expires, staff must reverify the individual's employment authorization.

Note: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.

4. **Q. Why can't individuals present an expired document?**
 - A. The U.S. Department of Homeland Security wants to ensure that documents presented are valid and reliably establish both identity and employment authorization. Expired documents may not portray a valid status. They are also prone to tampering and fraudulent use. This policy takes into account the limits placed on these documents by their issuing authorities.

5. **Q. Can staff accept documents that used to be on the Form I-9 but aren't now?**
 - A. No. Staff may only accept documents included on the List of Acceptable Documents on the most current Form I-9. When an individual must be reverified because his or her employment authorization has expired, staff should ensure that they use the most current Form I-9.

6. **Q. When can individuals present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?**

- A. The “receipt rule” is designed to cover situations in which an individual is authorized to work at the time of verification, but he or she is not in possession of a document listed on the Lists of Acceptable Documents accompanying Form I-9. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.

There are three different documents that qualify as receipts under the rule:

1. A receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days, after which the individual must present the replacement document.

Note: This rule does not apply to individuals who present receipts for new documents following the expiration of their previously held document.

2. A Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/I-94A if the I-551 stamp does not contain an expiration date.
3. A Form I-94/I-94A containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. The employee must present an Employment Authorization Document (Form I-766) or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires.

7. **Q. An individual has applied for a new Employment Authorization Document (Form I-766). Is the receipt notice acceptable for Form I-9 purposes?**

- A. In this case, the receipt notice is **not** an acceptable receipt for Form I-9 purposes. An individual with temporary employment authorization and holding an Employment Authorization Document (Form I-766) should apply for a new card at least 90 days before the expiration of his or her current document. If an individual applied for a new card at least 90 days before his or her current card expired but is nearing the end of the 90-day processing period without a decision from the U.S. Citizenship and Immigration Services (USCIS), instruct the individual to call the National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) about the status of his or her application. The USCIS strongly encourages that individuals first call the National Customer Service Center before visiting a USCIS office to prevent possible delays. If an individual prefers to check on the status of his or her application at a USCIS office, he or she may schedule an InfoPass appointment at www.infopass.uscis.gov. When an individual's current Employment Authorization Document (Form I-766) expires, he or she must be able to present a List A document, a List C document, or an acceptable receipt under the receipt rule to satisfy Form I-9 reverification requirements.

8. **Q. May staff continue to use earlier versions of Form I-9?**
 - A. No, staff must use the current version of Form I-9. A revision date with an “N” next to it indicates that all previous versions with earlier revision dates, in English or Spanish, are no longer valid. Staff may also use subsequent versions that have a “Y” next to the revision date. If in doubt, go to www.uscis.gov/i-9 to view or download the most current form.
9. **Q. What is the staff’s responsibility concerning the authenticity of document(s) presented?**
 - A. Staff must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, they must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, staff must reject the document(s) and ask for other documents that satisfy the requirements of Form I-9.
10. **Q. What is a U.S. passport card?**
 - A. A passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the passport card is considered a “passport” for purposes of Form I-9 and has been included on List A of the Lists of Acceptable Documents on Form I-9.
11. **Q. How do staff know whether a Native American tribal document presented by an individual is acceptable for Form I-9 purposes?**
 - A. In order to be acceptable, a Native American tribal document should be issued by a tribe recognized by the U.S. federal government. Because federal recognition of tribes can change over time, to determine if the tribe is federally recognized, staff should check the Bureau of Indian Affairs website at www.bia.gov.
12. **Q. The Native American tribal document is listed on both List B and List C of Form I-9. Does this mean that an individual may present this document to prove both identity and employment authorization?**
 - A. Yes. If an individual presents a Native American tribal document, it establishes both identity and employment authorization on Form I-9, so staff do not need any other documents from the individual.
13. **Q. If an individual presents a Social Security card that is unsigned, may staff accept such a card as evidence of employment authorization?**
 - A. Yes. Unsigned Social Security cards are acceptable as evidence of employment authorization unless the card states on the back “not valid unless it has been signed.” Staff may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.
14. **Q. If an individual presents a Social Security card that is laminated, may staff accept such a card as evidence of employment authorization?**
 - A. It depends. Staff may not accept a laminated Social Security card as evidence of employment authorization if the card states on the back “not valid if

laminated.” Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.

15. **Q. Some individuals have presented Social Security Administration printouts with their name, Social Security number, date of birth, and their parents’ names as proof of employment authorization. May staff accept such printouts in place of a Social Security card as evidence of employment authorization?**
 - A. No. Only a person’s official Social Security card or a receipt for a replacement card issued by the Social Security Administration is acceptable.
16. **Q. Is a military ID card ever acceptable as List A evidence of both identity and employment authorization?**
 - A. Yes, but only if the employer is the U.S. military and the Form I-9 is completed in the context of military enlistment. In the case of an individual lawfully enlisted in the U.S. Armed Forces, a valid, unexpired military ID card may be accepted as a List A document by the Armed Forces only. No other employer may accept a military ID card as a List A document.
17. **Q. An individual presented two documents from the Lists of Acceptable Documentation on the last page of the Form I-9, each containing a different last name. The individual explained that she had just gotten married and changed her last name, but had not yet changed the name on the other document. Can staff accept the document with the different name?**
 - A. Staff may accept two documents containing different last names provided that they resolve the question of whether the document reasonably relates to the individual. Staff also may wish to attach a brief memo to the documentation stating the reason for the name discrepancy, along with any supporting documentation the individual provides. An individual may provide documentation to support his or her name change, but is not required to do so. If, however, staff determine that the document with a different name does not reasonably appear to be genuine and to relate to her, they may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.
18. **Q. An individual presented Form I-9 documents issued by the Immigration and Naturalization Service (INS) rather than the U.S. Department of Homeland Security (DHS). Can staff accept these documents?**
 - A. Yes, staff can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.