

PUBLICATION

DHS Guides Employers About Shift in Puerto Rican Birth Certificates October 1, 2010

**Authors: Robert C. Divine
September 10, 2010**

The Department of Homeland Security, through USCIS, finally has issued guidance about the I-9 and E-Verify implications of Puerto Rico's impending invalidation of its birth certificates issued before July 1, 2010. While employers should not re-verify workers who presented certificates before November 1, 2010, after November 1 employers may not accept as I-9 List C evidence of work authorization any birth certificates from Puerto Rico that were issued earlier than July 1, 2010.

A certified copy of a U.S. birth certificate is acceptable (and thus must be accepted by an employer, if presented by a worker) as a "List C" document as evidence of work authorization, in combination with a "List B" identity document. Puerto Rico is part of the U.S. in this regard. Puerto Rico has become aware of a massive level of fraud and counterfeiting of its birth certificates, made worse because of frequent requirement in the past of such birth certificates for many purposes in Puerto Rico. Earlier this year, Puerto Rico embarked on a plan to replace all its birth certificates starting July 1, 2010.