

Form I-9-018 Extension - Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2006-0068](https://www.regulations.gov/document/USCIS-2006-0068)

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Publish Dates: May 18, 2026 – July 17, 2026

Comment ID	Comment Summary	USCIS Response
1. 0725	<p>Commenter: Miles Strebeck</p> <p>Information that is not necessary and low practical utility</p> <p>USCIS should eliminate the following data points from Section 1:</p> <p>1. Address: Street number and name, apt. number, city or town, state, and zip code.</p> <p>The address of the employee is not needed on Form I-9. It does not have any connection to employment authorization. It is not used for communicating with the employee. If it was, USCIS would clarify that a mailing address is needed. As new hires, there is a not-insignificant chance the address is temporary.</p> <p>A current address is also insufficient for an employer to verify identity. The employer cannot request documentation to verify it, and the employee is not required to produce a document with an address. USCIS has not provided any instructions to the employer other than ensuring the form is complete. Does the employer have an obligation to check for consistency with documentation presented, practicality of commute, plausibility of residence, actual existence of residence, or other factors?</p> <p>It would be nearly impossible to make a finding of fraud based on the address. There is nothing on the form that indicates the type or term of the address, leaving interpretation to the employee. The employer cannot reasonably use the address on Form I-9 to verify the identity of the employee.</p> <p>The costs of investigating a potentially fraudulent address are a waste of taxpayer resources, especially when they would have such a low chance of resulting in a fraud conviction. Form I-9 is intended for IEA verification, not investigating a new hire's address history. USCIS must either provide a rationale explanation for requiring the address or remove it from the form.</p> <p>2. Employee's email address 3. Employee's telephone number</p> <p>The form does not clarify that these are optional, which leads to confusion from both employees and employers. USCIS explains that these may be useful in E-Verify for potential non-confirmation. That is not a tenable reason for retaining these fields on Form I-9.</p>	<p>Response: USCIS recognizes concerns about collection of information on Form I-9. This form is used to document verification of the identity and employment authorization of each employee hired after November 6, 1986, to work in the United States.</p> <p>1. The address of the employee may be used to verify identity, depending on which document is presented by the employee. See Form I-9 Instructions. Although an employer cannot request an identity document including the employee's address, 8 CFR 274a.2(b)(1)(v)(B)(1)(i) states, "If the driver's license or identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address." Therefore, an employee may present a document with an address, which can be used to verify identity</p> <p>The employee's address may also be used to assist in ICE or Account Compliance enforcement audits and detect or prevent fraud. DHS does not request an employee's address history, only their current address.</p> <p>DHS respectfully disagrees that it is a "waste of taxpayer resources" to investigate fraud in the U.S. employment market. The collection of this information is necessary to ensure compliance with Executive Order 14159, "ensuring that employment authorization is provided in a manner consistent with section 274A of the INA (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States." Executive Order 14159, <i>Protecting the American People Against Invasion</i> (Jan. 20, 2025). This collection is used to verify employees' identities and work authorization status in the United States.</p> <p>2. Employers are required to provide the instructions to the Form I-9 to the employee with the Form; and, any confusion can be resolved by reading the Instructions. The Form I-9 Instructions use the words "must" and "may" as applicable. The use of "must"</p>

	<p>Neither of these are evidence of employment authorization. Employers can request these separately at their discretion; the form does not need to ask on their behalf, nor does it provide obligatory explanations of the company's use of those data points.</p> <p>Nor are these reasonable as evidence of identity. They are not unique identifiers; people share numbers and email addresses, their ownership changes, and new email addresses and phone numbers can be obtained for free online through apps.</p> <p>If this information is useful to E-Verify users, then it should be moved to the E-Verify process. There is no basis for requesting this information on Form I-9.</p>	<p>indicates the employee is required to provide the information. The use of “may” in the Instructions indicates an employee could add the information, but it is not required.</p> <p>Under the header “Employee and Employer Instructions Related to E-Verify,” bullet number two says, “Providing your email address and telephone number in Section 1 will allow you to receive notifications associated with your E-Verify case.” DHS believes this is sufficiently clear to indicate that the email address is not required and, if provided, how the email address would be used. Neither the Form nor its Instructions claim that an email address is evidence of the employee’s identity. Both the phone number and email address are used as methods to contact the employee, when necessary. They are not intended or used for verifying the employee’s identity.</p> <p>Further, in the M-274 Handbook for Employers Section 3.0 <i>Completing Section 1: Employee Information and Attestation</i> states, “Employees are not required to provide an email address or telephone number in Section 1. If they do not wish to enter an e-mail address or telephone number, they may leave these fields blank.” (emphasis added) See https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/30-completing-section-1-employee-information-and-attestation . DHS believes the Instructions and M-274 provide sufficiently clear guidance on whether an email and telephone number are required when completing Form I-9.</p>
2.	Commenter: Miles Strebeck	
0725	<p>USCIS would improve data quality by adding two fields that clarify immigration status</p> <p>USCIS would aid employers in complying with the requirements of temporary work authorization by adding two fields in Section 2 under documentation. These would be optional and only needed for specific categories of aliens authorized to work.</p> <ol style="list-style-type: none"> 1. Form I-94 class of admission 2. I-766 category of employment <p>First, USCIS should add a field for the category of admission when presented with Form I-94. This would aid employers in adhering to expiration dates,</p>	<p>Response:</p> <p>DHS appreciates this feedback and will take the suggested changes under consideration for potential inclusion in a future version of the Form I-9.</p>

	<p>identifying reverification strategies, and maintaining a work force that is employment authorized.</p> <p>Second, USCIS should add a field for the category listed on Form I-766, Employment Authorization Document. EAD have been subject to category-wide changes in EAD validity (e.g. TPS, automatic extension validity, etc.) that have required employers to manually review the supporting documentation for countless Form I-9s to check for affected employees. A dedicated field for this data would reduce the public burden through improved recordkeeping.</p>	
3.	Commenter: Miles Strebeck	
0725	<p>Clarifying instructions</p> <p>1. Section 1, Name</p> <ol style="list-style-type: none"> Harmonize naming conventions for those with only one name. The M-274 instructions to use "Unknown" conflict with USCIS practice ("No name given") and visa issuance ("FNU" or "LNU"). Clarify only need to list names on documents provided. There is insufficient space for some to list all names. Only relevant names are from documents provided. <p>2. List B, Item 1</p> <ol style="list-style-type: none"> Rephrase to explicitly include territories: On form under List B, 1. Driver's license, rephrase for territories: ...issued by a State or comparable entity (DC, PR, USVI, CNMI, Guam, AS) <p>3. List A, Item 5</p> <ol style="list-style-type: none"> Remove explicit requirement of same name. It's redundant. Why must I-94 and passport be perfect match, and not account for marriage, divorce, visa/I-94 differences in naming conventions? Allow spouses authorized to work by status to also present passport and I-94; L-2 and E-2 spouses should be able to present passport and I-94 just like spouses without presenting List B doc. 	<p>Response:</p> <ol style="list-style-type: none"> <ol style="list-style-type: none"> DHS appreciates this feedback and will take the suggested changes under consideration. DHS declines to make this change as names used by the employee in the past or presently other than those listed on the documents provided can be relevant to the employment verification process. DHS further believes the name information requested is already clear in the Instructions and Handbook. The Instructions state "All employees must provide their current legal name," in the Section 1 guidance. That section goes on to explain what is also outlined in the M-274 Handbook for Employers Section 3.0 <i>Completing Section 1: Employee Information and Attestation</i> states, "Employees must enter their current legal name and other last names that they have used in the past or present (such as a maiden name), if any." See https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/30-completing-section-1-employee-information-and-attestation. DHS appreciates this feedback. This information is available in the M-274 Handbook for Employers. List B Option 1 currently states, "Driver's license or ID card issued by a state or outlying possession of the United States..." An outlying possession of the United States is defined by section 101(a)(29) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(29)). This definition is explained in the M-274 Handbook for Employers Section 13.2 as, "A driver's license can be issued by any state or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and

		<p>the Commonwealth of the Northern Mariana Islands).” See https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/130-acceptable-documents-for-verifying-employment-authorization-and-identity/132-list-b-documents-that-establish-identity (emphasis added).</p> <p>3. a. Guidance on this question is found in the Form I-9 Instructions as well as the M-274 Section 4, and comes from 8 CFR 274a.2(b)(1)(ii)(A) which states employers must “[p]hysically examine (or otherwise examine pursuant to an alternative procedure authorized by the Secretary under paragraph (b)(1)(ix) of this section) the documentation presented by the individual [employee] establishing identity and employment authorization as set forth in paragraph (b)(1)(v) of this section and ensure that the documents presented appear to be genuine and to relate to the individual.”</p> <p>The Form I-9 Instructions state, “If your documentation reasonably appears to be genuine and to relate to you, your employer must accept the documentation”</p> <p>The M-274 Handbook for Employers Section 4 states, “You must allow the employee to choose which documentation they will present from the Form I-9 Lists of Acceptable Documents and must accept documentation that reasonably appears to be genuine and relates to the person presenting it.”</p> <p>This specific situation is also addressed in the M-274 Section 14.0 Some Questions You May Have About Form I-9, #8: “You may accept a document with a different name than the name entered in Section 1 if the document reasonably relates to the employee. You also may attach a brief memo to the employee’s Form I-9 stating the reason for the name discrepancy, along with any supporting documentation he or she provides. An employee may provide documentation to support a name change but is not required to do so. If you determine the document containing a different name does not reasonably appear to be genuine and to relate to the employee, you may ask him or her to provide other documents from the Lists of Acceptable Documents on Form I-9.” See</p>
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4.	Commenter: WhoPoo App	
0724	End H1b and F1 visas. 7% of all AMERICAN computer engineering graduates are unemployed!!	<p>Response: This comment was out of scope for this information collection and did not provide feedback on the nature of the information collection. This action is intended to extend approval of this information collection for use under the Paperwork Reduction Act.</p>