

**Q: Can an employee use a social security card other than the card that was the subject of the no-match letter as part of the I-9 re-verification process that occurs between the 90<sup>th</sup> and 93<sup>rd</sup> day after receipt of the no-match letter?**

With the re-verification process using the I-9 form, the employee may use a social security card, as long as that card does not contain the number which was in the no-match letter.

**Q: Do I have an obligation under the new regulation to verify the newly presented social security number?**

If a new social security card is presented during the I-9 re-verification process that occurs during the 90<sup>th</sup> and 93<sup>rd</sup> day after receipt of the no-match letter if the discrepancy is not resolved prior to that time, you do need to verify that number with SSA. In other words, if the employee comes to you with a new card between the 1st and 90th day, you have an obligation to re-verify that number. That same obligation exists if the new card is brought to you between the 90th and 93rd day.

The regulation provides that a discrepancy will be considered resolved only if the employer verifies with SSA that the employee's name matches in SSA's records the number assigned to that name. The regulation expressly acknowledges that the valid number may be a new number resulting from the employee's contacting SSA to resolve the discrepancy. Employers may verify a SSN with SSA by telephoning toll free 800-772-6270 weekdays from 7a to 7p. For information on SSA's online verification procedure, see <http://www.ssa.gov/employer/ssnv.htm>. Employers are advised to make a record of the manner, date and time of any such verification, as SSA may not provide any documentation.

**Q: What if the employee complies with the I-9 re-verification process by producing documents other than a document that contains the social security number which was the subject of the no-match letter? Do I have an obligation to verify the authenticity of those documents?**

During the I-9 verification, the employer can and should rely on other documents allowed under the I-9 form that do not contain a SSN but that can nevertheless demonstrate identity and employment authorization. For example, a US Passport, DHS Permanent Resident Alien Card, or other specified DHS immigration documents. During the I-9 re-verification process, you have no obligation to call SSA to do any verifying if the employee meets the I-9 re-verification requirements without use of a social security card. The regulation does note, however, that employers in this situation should urge the employee to clear up the social security number discrepancy for payroll purposes and so the employer does not receive another no-match letter the following year.