

Should you redo I-9 after transgender name change?

When transgender employees notify an employer of a name/identity change, HR should treat the situation like any other legal name change, the U.S. Citizenship and Immigration Services announced last month. Employers may (but are not required to) record the new name in Section 3 of the Form I-9. Employers are advised to take steps to be “reasonably assured” of the new identity, including asking for documentation. This is not required so, when in doubt, check with your attorney.

Note: In 2016, the USCIS changed the “Other Names Used” field in Section 1 to “Other Last Names Used” in an effort to help protect the privacy of transgender people who do not want to reveal a previous identity.