



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Updating Form I-9

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Updating Form I-9

Reference Number: MTAS-2022

To update the I-9 form, the employer must

- Record the date of rehire and the employee's name, if applicable:
- Sign and date Section 3; and
- If updating on a new Form I-9, write the employee's name in Section 1.

You are not required to update Form I-9 when your employee has a legal change of name. However, it is recommended that you maintain correct information on forms I-9 and note any name changes in Section 3. Form I-9 regulations do not require that employee present documentation to show that they have changed their name. You should take steps to be reasonably assured your employee's identity and the accuracy of your employee's legal name change. Such a change may call into question your continued ability to rely on the documents presented by your employee in their previous name as reasonably relating to them. These steps may include asking the employee to provide documentation of the legal change of name to keep with Form I-9, so that your actions are well-documented if the government asks to inspect your Form I-9.

You may encounter situations other than a legal change of name where an employee informs you that their identity is different from that previously used to complete Form I-9. If your employee informs you that their name, date of birth, or Social Security number is substantially different from that previously provided on form I-9, and is unable to provide evidence linking the new information to the identity previously used, you should:

- Complete a new Form I-9.
- Write the original hire date in "The employee's first day of employment (MM/DD/YYYY)" space, and attach the new Form I-9 to the previously completed Form I-9.
- If the Section 1 information has not substantially changed but the employee has offered different evidence of work authorization, then you should examine the documentation to determine if it appears to be genuine and to relate to your employee presenting it. If so, complete Section 3 of the previous Form I-9.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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