

From: CIS Ombudsman <CIS.ombudsman@messages.dhs.gov>
Sent: Tuesday, January 19, 2021 5:22 PM
To:
Subject: DACA: Completing Form I-9 for Employees with Extended Work Authorization

January 19, 2021



Homeland Security

DACA: Completing Form I-9 for Employees with Extended Work Authorization

Dear Stakeholder,

[The Office of the Citizenship and Immigration Services Ombudsman](#) (CIS Ombudsman) is sending this message to inform you that U.S. Citizenship and Immigration Services (USCIS) announced new guidance for completing Form I-9, Employment Eligibility Verification, related to employees with extended work authorization under Deferred Action for Childhood Arrivals (DACA).

Instructions for Employees

You may choose to present your **unexpired** Form I-766, Employment Authorization Document (EAD) with Category code of C33 that was issued on or after July 28, 2020, along with a Form I-797 Extension Notice issued by USCIS that shows a one-year extension of deferred action and work authorization under DACA. In Section 1 on the Form I-9, employees may enter the end validity date from the

Helpful Resources

[CIS Ombudsman's Homepage](#)

[Case Assistance](#)

[CIS Ombudsman's Annual Report to Congress](#)

[Contact the CIS Ombudsman](#)

[Immigration Resources](#)

Form I-797 Extension Notice in the “Authorized to Work Until” field.

Instruction for Employers

If your employee presents both an unexpired Form I-766 and Form I-797 Extension Notice, you must enter the end validity date from the Form I-797 Extension Notice in the “Expiration Date” field on Form I-9 in Section 2. Enter “DACA Ext.” in the “Additional Information” field.

You may reverify a current employee before reverification is required if he or she presents this document combination to you. Enter the end validity date from the Form I-797 Extension Notice as the “Expiration Date” on Form I-9 in Section 3. Enter “DACA Ext.” in the “Additional Information” field in Section 2.

Background

On June 15, 2012, the Secretary of the Department of Homeland Security announced that certain people who come to the United States as children and meet certain criteria may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status.

More Information

For additional details and USCIS guidance on how to properly fill out Form I-9 for DACA recipients, please see the USCIS [I-9 Central webpage](#).

The CIS Ombudsman will continue to work on requests for case assistance regarding DACA and will share further updates on this topic as appropriate.

For more information on our office, view the [CIS Ombudsman’s Annual Report to Congress](#), issued in June 2020, or visit our [website](#).



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