

## Immigration Alert: I-9 Flexibility Extended for Another 30 Days to July 19, 2020

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The Department of Homeland Security (DHS) announced on June 16, 2020 that it will extend the previously announced policy to defer the physical presence requirements associated with the Employment Eligibility Verification process (Form I-9) to **July 19, 2020**. DHS initially announced the policy on March 20, 2020 to permit relaxed requirements due to the COVID-19 outbreak until May 19, 2020, and subsequently extended the policy for an additional 30 days.

The flexibility only applies to employers operating 100% remotely in light of COVID-19, and employers whose workers are physically present at a work location still must physically examine documents. Employers continuing to operate remotely and implementing the relaxed requirements should refer to the following additional details provided by DHS:

- While physical examination of the documents is not required, employers must inspect the Section 2 documents remotely (e.g., over video conferencing, fax, email, or similar means) within three business days of the date of hire.
- Employer must also obtain, inspect, and retain copies of the documents, within three business days from the date of hire.
- Employer must provide written documentation of their remote onboarding and telework policy for each employee.
- Once normal operations resume, all employees who were onboarded using remote verification must report to their employer within **three business days** for in-person verification of identity and employment eligibility documentation.
- After in-person verification has occurred, the employer should enter "COVID-19" in the Section 2 Additional Information field (or in Section 3 for reverifications) and add "documents physically examined" with the date of the physical inspection.

Employers may implement the relaxed requirements until July 19, 2020, OR until three business days after the termination of the National Emergency, whichever comes first. DHS will continue to monitor the

ongoing National Emergency and provide updated guidance as needed. Employers are required to monitor the DHS and ICE websites for additional updates regarding when the extensions will be terminated, and normal operations will resume.

In addition, DHS has also extended the deadlines for responding to notices of inspections (NOIs) served during March 2020 for an additional 30 days. This extension is in addition to the automatic 60-day extension that was previously granted to these NOIs. DHS has announced that this new extension is the final extension for NOIs served during March 2020.

If you have any questions regarding Form I-9 compliance, we encourage you to contact your Vorys attorney.

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### **VORYS COVID-19 TASK FORCE**

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at [vorys.com/coronavirus](https://www.vorys.com/coronavirus).