

Publications

Immigration Alert: I-9 Requirements Relaxed under COVID-19 Outbreak

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The Department of Homeland Security (DHS) announced on March 20, 2020 that it will exercise discretion to defer the physical presence requirements associated with Employment Eligibility Verification (Form I-9). Employers who have instituted remote work will not be required to review the employee's identity and employment authorization documents in the employee's physical presence. Employers who are physically present at a work location must continue to physically examine documents. DHS has provided additional details regarding the relaxed requirements for employers who have instituted remote work.

- 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 May 19, 2020, OR within 3 business days after the termination of the National Emergency, whichever comes first. Going forward, 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.

If you utilize a third party vendor to complete your I-9 forms, we recommend that you reach out to them as soon as possible to understand the procedures being implemented to accommodate this change. 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).