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DHS Extends Remote Verification of I-9 Documents to November 19

Background

Effective March 20, 2020, the Department of Homeland Security (DHS) and US Citizenship and Immigration Services (USCIS) announced [temporary regulations](#) allowing employers operating remotely due to COVID-19 to verify new hires' Form I-9 documents remotely as well. The regulations specify that employers are still responsible for physically verifying I-9 documents in-person when operations return to normal and include instructions for documenting this physical verification on the Form I-9. Initially, the temporary regulations were set to expire after 60 days on May 20, 2020, but they have been extended multiple times as the pandemic has stretched into 2020.

Summary

On September 15, 2020, the USCIS issued an additional 60-day extension to the temporary

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regulations allowing employers to remotely verify their new hires' I-9 documents. These regulations were set to expire on September 19, 2020, but will now remain in effect until November 19, 2020, instead. Aside from the expiration date, all other terms of the temporary regulations will remain in place. As before, it is entirely possible that these temporary regulations will be extended beyond November 19, but that remains to be seen.

Please note that this extension only applies to employers who continue to operate remotely due to COVID-19. Employers that have physically reopened their workplace must resume physical inspection of all I-9 documents. However, if newly hired or existing employees are subject to COVID-19 quarantine or lockdown protocols, DHS will evaluate this on a case-by-case basis.

Employer Next Steps

- Make your Human Resources team and all hiring managers aware of this extension.
- Continue tracking all employees whose I-9 documents are verified virtually so that you can physically inspect their documents when operations return to normal.
- Consider scheduling an I-9 audit through HRK or another service provider after reverting to normal processes to ensure that all your Form I-9s have been updated correctly.
- Consider moving to a [cloud-based I-9 platform](#).
- If you are a Full-Service or Virtual HR client and would like our assistance updating your I-9 processing and storage practices, please [email us](#).

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