

## e-Alert

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# DHS & ICE Extend Remote Verification of I-9 Documents

## Background

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement Division (ICE) announced that effective August 31, 2021, the temporary regulations allowing employers operating remotely due to COVID-19 to verify new hires' Form I-9 documents remotely will be extended. 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 through most of 2021.

## Summary

The number of remote employees has grown rapidly over the past 18 months due to the pandemic. Hiring employees remotely presents an additional challenge for employers to confirm the validity of I-9 documents. To help guide employers through this administrative challenge, DHS and ICE have made a [flexibility arrangement](#) for verifying I-9 documents.

The flexibility arrangement exempts employees hired on or after April 1, 2021, from the physical inspection requirements when verifying I-9 documents. The revised deadline to

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physically inspect these documents is now December 31, 2021, or when a business returns to a physical work site on a regular basis — whichever event comes first. It is important to note that the flexibility arrangement applies only to employees who are working exclusively in a remote environment. Employees who report to a physical work site are not subject to the limitations of the flexibility arrangement.

## 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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