

ICE Extends Relaxed Enforcement of Form I-9 Rules

By Roy Maurer
June 17, 2020

 Organizations that are operating completely remotely will be able to continue to defer the requirement to review Form I-9 documents in person with new hires until July 19.

U.S. Immigration and Customs Enforcement (ICE) announced the extension of its modified remote I-9 document inspection policy on June 16, due to continued precautions related to the coronavirus pandemic.

Eligible employers—those that are operating 100 percent remotely as a result of the pandemic—are not required to review I-9 identity and employment authorization documents in the employee's physical presence until the interim policy expires.

The policy was initially issued in March (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/Pages/DHS-Relaxes-Form-I9-Review-Requirements-COVID-coronavirus.aspx) and set to expire on May 19 before it was extended for 30 days. It has been extended once again.

Eligible employers can inspect Section 2 documents remotely—by video, fax or e-mail—and must retain copies of the documents. The timelines for I-9 completion remain in effect. Section 1 of the form must be completed by the employee's start date, and Section 2 must be completed within three business days of the start date. Employers should enter "COVID-19" as the reason for the physical inspection delay in the Section 2 additional information field.

ICE may also permit these relaxed verification procedures on a case-by-case basis where newly hired employees are subject to quarantine or lockdown protocols such as state and local stay-at-home orders. Employers taking advantage of these relaxed procedures must provide written documentation of their remote onboarding and telework policies for each employee.

The remote guidelines are not mandatory and employers may continue to follow standard Form I-9 procedures (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/Pages/How-to-Complete-I9-Verification-During-Coronavirus-Pandemic.aspx), including the use of agents to complete verification on the employer's behalf.

Once normal operations resume, employers will need to physically inspect documents within three business days for all employees onboarded remotely. After doing so, the employer should add "documents physically examined" with the date of inspection to the Section 2 additional information field.

I-9 Audit Hiatus Extended

Employers that were served notices of inspection by ICE during the month of March and had not already responded were granted an automatic extension of 60 days from the original deadline to respond. In May that deadline was extended by 30 days, and ICE is now granting an additional 30-day extension to these employers. This will be the final extension, the agency said.

HR DAILY NEWSLETTER

News, trends and analysis, as well as breaking news alerts, to help HR professionals do their jobs better each business day.

Email Address

**CONTACT US (WWW.SHRM.ORG/ABOUT-SHRM/PAGES/CONTACT-US.ASPX) | 800.283.SHRM
(7476)**

© 2020 SHRM. All Rights Reserved

SHRM provides content as a service to its readers and members. It does not offer legal advice, and cannot guarantee the accuracy or suitability of its content for a particular purpose.

[Disclaimer \(www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer\)](http://www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer)

Feedback