



Department of Homeland Security (DHS) Extends the Flexibility for Remote I-9 Forms!

January 29, 2021

Once again, DHS has announced a further extension of flexibility in its rules related to I-9 compliance. The extension will continue through **March 31, 2021**.

This means that:

- Employers may continue to inspect Section 2 Form I-9 documents virtually (e.g., over video link, by fax, or by email).
- The flexibility applies only to employers with workplaces that are operating remotely. ICE reiterates that if employees are physically present at the workplace, no exceptions will be implemented.
- Any employees onboarded virtually must report for in-person verification once the employer's normal operations resume (which may be before March 31, 2021) or once the employee is physically present at the work location, whichever is earlier.
- Employers not eligible for the flexibility, if necessary, may designate authorized representatives to act on their behalf to conduct in-person review of documents.

What should Employers Do?

- Prepare to communicate these changes to employees responsible for onboarding employees and processing I-9 Forms.
- Prepare to re-verify the ID documents of those employees where the I-9 form Remote option was used once DHS resumes normal operations.
- Create a policy indicating how you used the flexibility in its rules related to I-9 compliance for each of the employees as required by DHS.

Resources Link

<https://www.ice.gov/news/releases/ice-announces-extension-i-9-compliance-flexibility-2>

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