

Relaxed Rules and Required Recordkeeping for Employment Eligibility Verification (Form I-9)

In these unprecedented times, organizations need to be on top of relaxed regulations for the duration of the crisis, and they must produce and maintain required documentation that will likely be requested during an audit.

The Department of Homeland Security (DHS) relaxed the requirement for employers to physically review acceptable employment verification documents, as listed on Employment Eligibility Verification (Form I-9), to verify an employee's identity if the organization is operating remotely.

Does this apply to my organization?

This provision *only applies to employers and workplaces that are operating remotely.*

My organization is operating remotely. What do we need to do to comply with this new process?

The operational guidance from DHS is very specific and these actions are required by employers:

- ▶ **Employers must inspect Section 2 documents remotely** (e.g., over video, fax or email, etc.) and obtain, inspect, and retain copies of the documents, **within three business days of a new hire's employment** for purposes of completing Section 2.
- ▶ **Upon resumption of normal operations...**
 - ⦿ **Within three business days**, all new employees onboarded using remote verification must **report to their employer for in-person verification of identity and employment eligibility** documentation for Form I-9, Employment Eligibility Verification.
 - ⦿ Upon visual inspection of documentation for Form I-9, **employers should enter "COVID-19"** as the reason for physical inspection delay in I-9 Section 2 "Additional Information."
 - ⦿ In addition, employers should state **"Documents physically examined on mm/dd/yyyy" (date of inspection)** to I-9 Section 2 "Additional Information," or to Section 3 as appropriate.
- ▶ These provisions are in effect until May 19, 2020, OR within 3 business days after the termination of the National Emergency, whichever comes first.
- ▶ **Employers who avail themselves of this option must provide written documentation of their remote onboarding and telework policy for each employee.**
- ▶ Any audit of subsequent Forms I-9 would use the "in-person completed date" as a starting point for these employees only.



My organization has some staff who are physically present at our work location. Are the rules relaxed for us?

If there are employees physically present at a work location, *no exceptions* are being implemented at this time for in-person verification of identity and employment eligibility documentation for Form I-9, Employment Eligibility Verification. In this case, employers may designate an authorized representative to act on their behalf to complete Section 2. An authorized representative can be any person the employer designates to complete and sign Form I-9 on their behalf.

Please note: the employer is liable for any violations in connection with the form or the verification process, including any violations of the [Employer Sanctions Law](#) committed by the person designated to act on the employer's behalf.

In this case, CCSI recommends that organizations designate and train supervisors or other members of leadership to attest to the physical documentation presented by a new hire and accurately complete and sign Section 2 of the Form I-9.

For additional guidance about Form I-9, employers should refer to the Handbook for Employers: Guidance for Completing Form I-9 (M-274) or download a manual here: <https://www.uscis.gov/i-9-central>.

E-Verify can help you comply!

Is your organization enrolled in E-Verify? E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS).

To learn more about the E-Verify program, visit the site.



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Where can I find more information?

Going forward, DHS will continue to monitor the ongoing National Emergency and provide updated guidance as needed. Employers are required to monitor the U.S. Immigration and Customs Enforcement (ICE) website for additional updates regarding when the extensions will be terminated, and normal operations will resume.

U.S. Immigrations and Customs Enforcement (ICE), visit the site.



We're here to help...

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