

LEGAL UPDATE

Remote Verification of Form I-9 Documents Extended to Nov. 19

Because of the ongoing COVID-19 pandemic, the U.S. Department of Homeland Security (DHS) is allowing employers that are operating remotely to conduct a remote verification of approved Form I-9 documents. On Sept. 15, 2020, DHS extended yet again this exemption for an additional 60 days. The new expiration date for the exemption is now Nov. 19, 2020.

Physical Inspection

Employers must complete and sign Section 2 of Form I-9 **within three business days** of the employee's first day of employment. Employers are required to **physically examine** the documents the employee presents from the list of acceptable documents to prove his or her employment eligibility.

Remote Verification

The exemption also applies only to employers that are operating remotely due to COVID-19 and new hires affected by quarantine or lockdown protocols. The exemption does not apply to employers that have employees physically present at a work location.

Under the exemption, employers must complete a **remote inspection** of approved documents **within three business days and enter "COVID-19"** as the reason for the physical inspection delay. Employers that use this exemption must also keep written documentation of their remote onboarding and telework policy for each employee.

Within three days of when normal operations resume, all employees who were onboarded using remote verification must present their approved documents for a physical inspection. When this happens, employers will need to add "documents physically examined" with the date of inspection to affected I-9 forms.

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Important Dates

March 11, 2020

National emergency declared for the coronavirus (COVID-19) outbreak.

March 19, 2020

DHS grants exemption from physical inspection of Form I-9 documents.

Nov. 19, 2020

Final date for the remote verification exemption.

DHS is allowing employers that are operating remotely to conduct a remote verification of approved I-9 documents until Nov. 19, 2020.



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