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Immigration

DHS Extends Form I-9 Requirement Flexibility

Legal Update

11.24.2020

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) extended until December 31, 2020, flexibility in complying with requirements related to Form I-9, Employment Eligibility Verification, due to ongoing precautions related to the COVID-19 pandemic. The temporary guidance was set to expire November 19, 2020.

DHS noted that this provision only applies to employers and workplaces that are operating remotely. The original news release gives more information on how to obtain, remotely inspect, and retain copies of the identity and employment eligibility documents to complete Section 2 of Form I-9. DHS said that employers must monitor the DHS and ICE websites for additional updates about when the extensions end and normal operations resume.

E-Verify participants who meet the criteria and choose the remote inspection option should continue to follow current guidance and create cases for their new hires within three business days from the date of hire.