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Immigration

Extension, New Employee Guidance on I-9 Compliance Flexibility

Legal Update

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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.

U.S. Immigration and Customs Enforcement (ICE) announced an extension until August 31, 2021, of the flexibilities in rules related to Form I-9 compliance that were initially granted last year due to precautions related to COVID-19.

The latest extension includes guidance for employees hired on or after June 1, 2021, who work exclusively in a remote setting due to COVID-19-related precautions. Those employees are temporarily exempt from the physical inspection requirements associated with the Employment Eligibility Verification (Form I-9) process until they undertake non-remote employment on a “regular, consistent, or predictable basis,” or the extension of the flexibilities related to such requirements is terminated, whichever is earlier. If there are employees physically present at a work location, *no exceptions* are implemented for in-person verification of identity and employment eligibility documentation.