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Immigration

ICE Announces Extension of I-9 Flexibilities to October 31, 2022

Legal Update

05.13.2022

By Immigration Group

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.

On April 25, 2022, U.S. Immigration and Customs Enforcement (ICE) announced an extension of Form I-9 flexibilities until October 31, 2022. The extension relates to deferral of the physical presence requirements of the employment eligibility verification process for certain employees, first announced on March 20, 2020, and updated periodically.

The requirement that employers inspect employees' Form I-9 identity and employment eligibility documentation in person applies only to those employees "who physically report to work at a company location on any regular, consistent, or predictable basis," ICE said. Employees working exclusively remotely who were hired on or after April 1, 2021, are temporarily exempt from the physical inspection requirements.