



End of the Line? 4 Steps for Employers to Prepare for Impending End of Remote I-9 Verification Policy

Insights

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If you remotely verified I-9 forms during the pandemic, your deadline for completing in person verification is fast approaching. The Department of Homeland Security (DHS) previously announced that employers would have until July 31 to complete in person review of I-9 documents that had originally been reviewed remotely under the COVID I-9 Flexibility policy. On May 4, however, DHS announced a 30-day grace period that extends the deadline until August 30. While immigration officials have repeatedly extended the I-9 flexibility since initially adopting the policy in March 2020, the issuance of a grace period instead of another extension signals that the policy is finally coming to an end. What are the four things you need to do to prepare for this jolt to reality?

4 Steps to Complete the In-Person Review

We had [previously provided guidance](#) for employers enjoying the flexibility that DHS offered through its remote review process. Now that this policy appears to be coming to an end, here are four steps you should follow to prepare for in-person reviews.

1. If the person who performed the remote inspection also performs the physical inspection, they should indicate the date they physically examined the documents then add their initials in the Additional Information field. Example: “*COVID-19; Documents physically examined on DATE by INITIALS.*”
2. If the original employer representative who examined a worker’s documents through an electronic means is no longer employed or otherwise unavailable to conduct the subsequent in-person inspection, the new employer representative conducting the in-person inspection should complete a new Page 2, Section 2 of Form I-9, and attach it to the employee’s I-9.
3. If one or more of the documents has expired since the original remote I-9 process was undertaken, the expired document remains acceptable for in-person review (provided, of course, the document was valid at the time the original Form I-9 was executed).
4. If a document was previously reviewed remotely and has since become lost or is otherwise unavailable for in-person inspection, the employee should complete a new Section 1 of Form I-9 and present any qualifying document from List A, or combination of documents from Lists B and C. The employer’s representative should indicate the same hire date on the new Form I-9, as was shown on the original and attach the new I-9 to the original. The employer’s representative

should indicate in the “Additional Information” field that the new I-9 was necessary because the employee’s original documents were unavailable.

Conclusion

Fisher Phillips will continue to monitor developments will provide additional guidance as it becomes available. Make sure you are subscribed to [Fisher Phillips’ Insight system](#) to get the most up-to-date information. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney on our [Immigration Practice Group](#).

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