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Client Alert: DHS Relaxes Form I-9 Verification Requirements for Remote Employers

BY ROBERT G. YOUNG • MARCH 23, 2020

On March 20, 2020, the [Department of Homeland Security \(DHS\)](#) announced that it will defer the physical presence requirement of the Form I-9 verification process for those employers who are operating remotely (this does *not* apply to employers who have employees present at a work location).

Under this guidance, employers will not need to review identification and employment authorization documentation in the employee's actual presence for the time being. Employers still must inspect the required documents within three business days of hire, but can do so remotely (by video, email, etc.). Employers also must obtain and inspect physical copies of the required documentation within three business days of hiring. Additionally, employers wishing to take advantage of remote inspection of Form I-9 documentation must have a written policy on telework and remote onboarding for employees.

In-person inspection of all Form I-9 documentation, even those previously inspected remotely, must restart immediately once normal business operations resume, but for now employers may enter "COVID-19" in Section 2 of the Form I-9 to explain the delay in in-person inspection. When physical inspection does occur, employers must note the date of such inspection on the Form I-9.

This guidance will remain in place for the shorter of 60 days or 3 business days after the current National Emergency terminates. When the guidance expires, employees will have three business days to report to the employer's offices for in-person inspection of Form I-9 documentation.