

LEGAL UPDATE

I-9 Form In-Person Rule May Be Deferred for Coronavirus

In-person requirements of the Employment Eligibility Verification (I-9 Form) process may be deferred under certain circumstances during the coronavirus (COVID-19) pandemic, the U.S. Department of Homeland Security (DHS) [announced](#) on March 20, 2020.

Remote Verification

An employer that is taking social distancing precautions due to COVID-19 may verify a new employee's identity and employment authorization documents remotely (such as over video link, fax or email) rather than in person, as long as the verification process meets certain requirements. An employer that wishes to use this process must still obtain physical copies of the required documents and inspect them in the employee's physical presence, but has until three business days "after normal operations resume" to do so.

This option is only available for employers and workplaces that are operating remotely because of COVID-19. Employers that use the new option must provide written documentation of their remote onboarding and telework policies for each employee.

If a work location has employees physically present, the employer must use the usual, in-person verification process for all new employees in that location. However, the DHS may allow exceptions in situations where newly hired or existing employees are subject to COVID-19 quarantine or lockdown protocols.

Inspection Response Extension

The DHS' guidance also grants an automatic 60-day extension to any employers that were served with a DHS Notice of Inspection in March 2020 and have not already responded.

Important Dates

March 11, 2020

The U.S. President declared a national emergency due to the coronavirus (COVID-19) outbreak.

March 19, 2020

DHS issued guidance that allows employers to verify a new employee's identity remotely during the COVID-19 outbreak.

Employers operating remotely due to COVID-19 may defer in-person inspection of a new employee's I-9 Form documents.

Provided to you by [Wallace Welch & Willingham](#)

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