

HR Compliance Solutions, LLC Eva the Compliance Diva Answers Your Questions!

May 2023- DHS Terminates the I-9 Form Remote Option Flexibility



Hi Eva,

My name is Horace and I just heard that the I-9 Form Remote Option is going to be terminated. Can you tell me when the termination is effective. Can you help me prepare a process that will meet DHS compliance?

Answer- Hi Horace,

You are correct. The Department of Homeland Security (DHS) finally terminated the I-9 Remote Option Flexibility process on May 4th, 2023. The expiration date of the "Flexibility" is July 31, 2023, as indicated by DHS. However, Employers must review all documents for employees where the Flexibility was used from March 20, 2020, until July 31, 2023, by August 30th, 2023.

For at least a year, DHS and immigration attorneys have been encouraging employers who have been using the temporary flexibility to prepare for the end of that program. On May 1, 2023, the White House announced that the COVID-19 Public Health Emergency would end on May 11, 2023, thus means that DHS has considered Normal Operations are resumed. Now, with less than three months to go, all Employers must prepare for compliance.



Ways To Prepare for the New Requirements

- Prepare a list of all employees who were verified virtually.
- Determine who will be conducting the in-person verifications and how the company will be reaching out to the affected employees.

- Train staff on how to update I-9 forms after the in-person review. The virtually completed I-9s should have been annotated in the Additional Information field with "COVID-19" as the reason for the delayed in-person inspection. This must be updated by annotating "documents physically examined" with the accurate date and the name of the person who conducted the review in Section 2 of the I-9 or in Section 3 (for reverification), as appropriate.
- Make sure staff are aware of the special rules regarding I-9s for individuals who are eligible for automatic extensions of work authorization or who have work authorization based upon their status.
- Consider whether the company will use authorized agents to conduct some of the necessary document examinations and how the company will implement that process.

Section 2. Employer or Authorized Representative Review and Verification

Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents."

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I. (Initial)	Citizenship/Immigration Status
Dest	Employee		Q	1

List A	OR	List B	AND	List C
Identify and Employment Authorization		Identify		Employment Authorization
Document Title		Document Title		Document Title
U.S. Passport		N/A		N/A
Issuing Authority		Issuing Authority		Issuing Authority
U.S. Department of State		N/A		N/A
Document Number		Document Number		Document Number
1234567		N/A		N/A
Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)
03/20/2030		N/A		N/A
Document Title				
N/A				
Issuing Authority				
N/A				
Document Number				

Additional Information: COVID-19

QR Code - Section 2 & 3
Do Not Write in This Space

I-9 Form Remote Policy

Don't forget, Employers Must Still Provide a remote policy, and attach it to each Employee's I-9 Form where the Remote I-9 Option Flexibility was used.

Please reach out to my website for more updates on workplace regulations and internal audits at www.hrcompliance.biz



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