

**CLIENT ALERT: Flexibilities in Form I-9 Verification Set to Expire April 30th
March 30, 2022**

New hires are required to complete Form I-9 to verify their identity and legal authorization to work in the United States. Ordinarily employers must review an employee's I-9 documentation in person, but during the pandemic U.S. Immigration and Customs Enforcement relaxed its [guidance](#) and permitted employers to inspect documents remotely.

There is speculation that Immigrations and Custom Enforcement is working on a permanent rule that would permit employers to conduct I-9 document inspections remotely. The rule may be published this summer. In the meantime, the current policy is set to expire on April 30, 2022, so employers should be prepared for in-person document inspection unless the policy is extended once more.

What is the current policy?

Employees hired on or after April 1, 2021 who work remotely due to covid-19 precautions are temporarily exempt from the in-person document inspection requirements. Once an employee begins working in the office on a consistent basis, employers must verify I-9 documentation in-person within three business days.

Are all new hires eligible to have their documents inspected remotely?

No, only those new hires who are "exclusively" working remotely due to covid-19 precautions are eligible for remote document verification. Employees who regularly visit the workplace are not eligible. New hires who work remotely, unrelated to covid-19 precautions, are not eligible for remote document inspection.

Newly hired employees worked from home due to our company's covid-19 protocol. When do we need to conduct in-person inspections for I-9 purposes?

Any virtual document inspections are subject to subsequent confirmation by in-person inspections. In-person inspections must be completed within three business days of the individual reporting to the workplace on a consistent basis, or within three business days of the policy expiring, whichever occurs first. If your new hires are still working remotely on April 30, 2022, you will be required to perform all in-person inspections within three business days of the policy's expiration (before May 5, 2022).

What are an employer's obligations when inspecting I-9 documents?

Employees must provide documentation to show their identity and authorization to work in the United States. Employers must examine each document to determine if it "reasonably appears to be genuine and relates to the person presenting it." If the documentation does not reasonably appear genuine and relate to the employee, the employee should be permitted to present other documentation

from the list of acceptable documents. For additional guidance on document examination please see [here](#).

What types of documents are acceptable?

It is most common for employees to present their U.S. passport, but employees can present other documents such as their driver's license or state ID, school-issued ID, or social security card. Employees may choose which document(s) to present, although any documentation must be unexpired and original (no photocopies). To view the full list of acceptable documents please see [here](#).