

## **Form I-9 Remote Inspection Flexibility to End on July 31, 2023**

Thursday, June 8, 2023

On May 4, 2023, the U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) announced that after the I-9 requirement flexibilities implemented during the COVID-19 pandemic sunset on July 31, 2023, employers will have thirty (30) days to reach compliance with Form I-9 requirements. Specifically, for employees hired on or after March 20, 2020, whose employment eligibility documents were only virtually or remotely examined, employers have until August 30, 2023, to perform all required physical examination of such original documents.

Since March 2020, ICE has temporarily permitted employers to review employees' identity and employment authorization documents remotely (e.g., via fax or email). ICE later clarified that once employees physically report to work on a regular, consistent, or predictable basis, the employee must report to the employer for in-person verification of their I-9 documentation. In October 2022, DHS and ICE announced that the flexibilities will extend until July 31, 2023. In their most recent announcement, ICE and DHS announced that employers have an additional 30 days beyond July 31, until August 30, to complete physical examination of all original documents.

Once an employer completes physical examination of an employee's original identity and work authorization documentation in the presence of the employee, the employer should enter "COVID 19" as the reason for the physical inspection delay, the phrase "documents physically examined," the date of physical inspection, and who conducted it in the Additional Information field. ICE has provided [Form I-9 mockups](#) for visual examples of how remote and physical inspection should be notated. For additional guidance, ICE has compiled a list of [frequently asked questions and answers](#) related to the requirements.

If you have any questions, please contact an RLF employment attorney.

