



Temporary I-9 Guidelines During The COVID-19 Pandemic

March 24, 2020

LEGAL DISCLAIMER

Temporary I-9 Guidelines during COVID-19 Precautions



This communication and any accompanying documents are intended for educational and informational purposes only, do not constitute legal information, and should not be relied on as such.



While we hope that you will learn a lot today, we are not attorneys, and the information should not be construed as legal advice. If you are seeking legal advice, you are encouraged to consult an attorney.

PURPOSE

Clarify steps that Employers operating remotely may take to safely and legally process new hire I-9 forms during the COVID-19 Pandemic.



COMPONENTS

- 1 Traditional I-9 Process
- 2 Option #1: Virtual Verification
- 3 Option #2: Use a Remote Agent
- 4 What to Keep in Mind

TRADITIONAL I-9 PROCESS

Most HR Professionals are familiar with the current standards for processing I-9's for new hires:

- Employees must complete Section 1, the Employee Information and Attestation, no later than the first day of employment.
- In the employee's presence, Employers must physically inspect the employee's I-9 documents.
- Employers must complete Section 2, the Employer or Authorized Representative Review and Verification.
- The employer portion of the inspection and paperwork must be completed within three business days of hire and must be completed by the same individual.

OPTION #1: VIRTUAL VERIFICATION



TEMPORARY I-9 PROVISIONS

- As of March 20, Employers will **not be required to physically review** the employee's identity and employment authorization documents in the employee's physical presence.
- Employers must obtain, inspect, and retain **copies of the documents within three business days** for purposes of completing Section 2.
- Employers should enter **“COVID-19” as the reason for the physical inspection delay in the Section 2 Additional Information field** once physical inspection takes place after normal operations resume.



ONCE NORMAL BUSINESS IS RESUMED

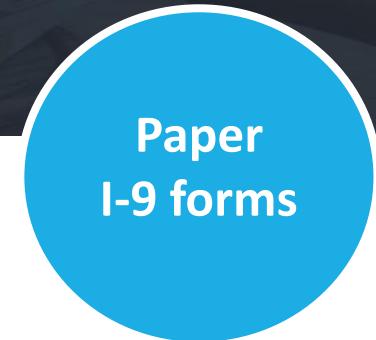
- All employees who were onboarded using virtual verification **must report to their employer within three business days** for in-person verification of identity and employment eligibility documentation for Form I-9, Employment Eligibility Verification.
- Once the documents have been physically inspected, the employer should add **“documents physically examined” with the date of inspection** to the Section 2 Additional Information field on the Form I-9, or to section 3 as appropriate.



The provision only applies to Employers or Specific Roles which are operating remotely.



VIRTUAL VERIFICATION: PROPERLY ANNOTATING THE I-9



Additional Information
03/23/2020-- COVID-19, Documents digitally examined on date of hire
05/27/2020-- Documents physically examined

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

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) Doe, First Name (Given Name) John, M.I. J, Citizenship/Immigration Status

Identity and Employment Authorization OR

List A	List B	List C
Document Title	Document Title	Document Title
Issuing Authority	Issuing Authority	Issuing Authority
Document Number	Document Number	Document Number
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)

Additional Information
03/23/2020-- COVID-19, Documents digitally examined on date of hire
05/27/2020-- Documents physically examined

OR Code - Section 2
Do Not Write in This Block

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): 03/23/2020 (See instructions for exemptions)

Signature of Employer or Authorized Representative: Today's Date (mm/dd/yyyy): Title of Employer or Authorized Representative: R. Business Partner

Last Name of Employer or Authorized Representative: First Name of Employer or Authorized Representative: Employee's Business or Organization Name: O'Bryan, Angelique, Company, Inc.

Employer's Business or Organization Address (Street Number and Name): City or Town: State: ZIP Code: 123 SW Main St, Anytown, AR, 72000

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable) B. Date of Rehire (if applicable)

Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative: Today's Date (mm/dd/yyyy): Name of Employer or Authorized Representative:

Page 2 of 3
Form I-9 10-21-2019

Using iSolved for I-9's? Simply complete in the system, then print, annotate, and scan/save.



OPTION #2: USE A REMOTE AGENT

EXISTING I-9 PROVISIONS

- Employers may designate an **authorized representative** to meet with the employee, examine original documents, and complete section 2 on behalf of the organization.
- Latest Form I-9 (10/19/20) instructions note that an authorized representative can be **any person you designate**. Employer may permit new hire's **friend or even family member** to review documents and sign Section 2.
- The **employer is liable** for any violations in connection with the form or the verification process completed by the remote agent.
- New hire **may be unable** to visit a third party due to state "shelter in place" requirements or similar social distancing recommendations.

HELPFUL TIPS

- Provide clear direction on **who you permit to act as the agent** (friend, family, etc.)
- **Avoid using minors**, as they may not fully understand the legal implications.
- **Clearly communicate** all instructions and deadlines.
- Address **frequently asked questions** such as how to complete the form, start date, business name/address, and title (consider providing sample I-9).
- Provide HR or hiring manager contact information and **consider using video conferencing** to observe the verification.
- Instruct the remote agent to **copy/scan the document(s)** the employee presents to ensure compliance.
- **E-Verify employers** will need copies of US passport, passport card, green card, or EAD for photo matching process.

The provision only applies to Employers who are operating remotely.

KEEP IN MIND...

These temporary I-9 provisions are not unrestricted.



The Virtual Verification provision is temporary and only applies to employers and workplaces that are operating remotely.



If there are employees physically present at a work location, no exceptions are being implemented at this time for in-person verification of identity and employment eligibility documentation for Form I-9, Employment Eligibility Verification.



Employers may designate an authorized representative to act on their behalf to complete Section 2. An authorized representative can be any person the employer designates to complete and sign Form I-9 on their behalf.



The employer is liable for any violations in connection with the form or the verification process, including any violations of the employer sanctions or laws committed by the person designated to act on the employer's behalf.



THANK YOU

Please contact us,
if you have any questions.

