

### **End of I-9 Virtual Review - Employer Guide**

This document contains information available as of May 8, 2023.

#### **Purpose of the Guide**

In 2020, ICE and DHS <u>temporarily relaxed the requirement</u> to physically view work authorization documents as part of Form I-9 employment eligibility verification. These relaxed guidelines are ending on July 31st, 2023, when **ALL virtually-reviewed documents will require physical inspection within 30 days**.

This guide summarizes the currently available government guidance on process and documentation to remain compliant through this expiration.

#### Does this apply to your organization?

• If your organization has **current** employees who completed Form I-9 but did not have their work authorization documents **physically reviewed** by an authorized party, you will need to follow the instructions in this guide.

#### **Before You Begin:**

- Ensure ALL I-9s that included a remote document inspection have "Remote inspection completed on [date]" in the Additional Information field per <u>USCIS guidelines</u>.
- You will be documenting the physical inspection on the **original I-9** so ensure it is available at the time of review.

Additional Information	
Remote inspection	
completed on 03/30/2020	

#### **Immediate Employer Implications:**

- 1. **No more virtual review:** You need to implement a physical review process for every new employee hired after July 31st, 2023 (even for remote hires).
- 2. **Document reconciliation:** Any documents your organization virtually reviewed need a documented physical inspection **by August 30th, 2023**.

#### **Process Overview:**

<u>USCIS</u> outlines the employer responsibilities for document reconciliation:

- 1. Employee meets with authorized company representative
- 2. Reviewer performs physical work authorization document inspection
- 3. Reviewer records physical inspection in Additional Information field of original I-9

The following page outlines various review scenarios and the corresponding notation.



## **Physical Review Scenarios**

This page is a summary of the <u>USCIS</u> guidance <u>here</u>.

#### Same Reviewer, Same Documents

**Scenario:** The person who performed the remote inspection also performs the physical inspection, and the documents are the same that were virtually reviewed.

**Documentation:** In the Additional Information field, write "COVID-19" followed by "Documents physically examined on mm/dd/yyyy by [reviewer initals]".

#### **Different Reviewer, Same Documents**

**Scenario:** A different authorized person reviews the same documents that were virtually reviewed.

**Documentation:** In the Additional Information field, write "COVID-19" followed by "Documents physically examined on mm/dd/yyyy by [job title] [full reviewer name]".

#### **Physical Review for Reverification**

**Scenario:** Physical review of Employment Authorization Documents viewed virtually during Section 3 re-verification. **Documentation:** If the same person performs both the remote and subsequent physical inspections for a re-verification, use the notation in the image on the right. If a different person performs the physical inspection, that person should write their full name and title, instead of their initials.

Additional Information Remote inspection completed on 03/30/2020

COVID-19 Documents physically examined on mm/dd/yyyy by AA

Additional Information Remote inspection completed on 03/30/2020

COVID-19 Documents physically examined on mm/dd/yyyy by HR Manager Betsy Ross

Additional Information

Remote inspection completed on mm/dd/yyyy

COVID-19

Document physically examined on mm/dd/yyyy by JA

#### **Employee Presents Different Documents**

**Scenario:** Employee provides different documents than were presented during the virtual review.

**Documentation:** Complete new Section 2 and attach it to the original I-9 that included virtual review. Document in the Additional Information field with the same notation from Scenario 1 or 2 based on who performs the physical review.

**Disclaimer**: Best efforts have been made to assemble this guidance for the highest level of compliance. Additionally, we always suggest that any I-9 actions across your existing workforce are throughly reviewed by your HR and/or legal counsel.



### **Frequently Asked Questions**

Some common questions related to the end of virtual review.

# Q: Do we complete this process for employees no longer with the organization?

**A:** There is no specific government guidance on this, but it is reasonable to assume you do not need to perform a physical examination of documents for employees no longer working for your organization.

## Q: What if an employee's documents are expired at the time of physical review?

**A:** As long as the employee's document was unexpired at the time of remote inspection, the employer should not request a new document and can proceed with the physical inspection following DHS guidance.

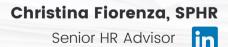
# Q: We have remote employees that aren't near a physical office. How can we complete a physical inspection?

**A:** Employers may choose to use an authorized representative to fill out their portion of Form I-9 on their behalf. Authorized representatives may also complete the in-person inspection as needed.

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in Scott Mastley, SPHR
Chief Human Resources Officer





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