



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 temporarily relaxed the requirement 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 USCIS guidelines.
- 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:

USCIS 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 [USCIS guidance here](#).

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 initials]".

Additional Information Remote inspection completed on 03/30/2020 COVID-19 Documents physically examined on mm/dd/yyyy by AA

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]".

Additional Information Remote inspection completed on 03/30/2020 COVID-19 Documents physically examined on mm/dd/yyyy by HR Manager Betty Ross
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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 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 thoroughly 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.

Connect with our experts on LinkedIn for additional insights!



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