

## Form I-9 Requirements Flexibility Extended for Another 30 Days to July 19, 2020

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On Tuesday, June 16, 2020, U.S. Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS) announced they would again extend flexibility related to in-person Form I-9 compliance that was granted earlier this year, in March 2020. As discussed in our previous [posts](#) on this issue, employers whose workforce was working remotely can defer the physical presence requirements associated with the Employment Eligibility Verification (Form I-9) under section 274A of the Immigration and Nationality Act. This change was due to state mandated stay-at-home and shelter-in-place orders associated with COVID-19 that resulted in the majority of employers shifting to remote work environments.

Because of ongoing precautions related to COVID-19, DHS and ICE have now extended this policy, which was set to expire June 18, 2020, for an additional 30 days until July 19, 2020. This policy only applies to employers and workplaces that are operating 100% remotely.

The policy includes the following:

Employers that have gathering bans or restrictions due to COVID-19 are not required to perform an in-person review of the employee's identity and employment authorization documents, but are permitted to inspect the employee's "Section 2" I-9 documents remotely, using "video link, fax or email, etc." as long as they provide written documentation of their remote onboarding and remote work policy on each employee's Form I-9 and review in person within 3 days of returning to work.

ICE also granted an additional 30-day extension to respond to employers who had received Notices of Inspection (NOIs) during March 2020. These employers had already received an extension of 60 days from the original order. According to the ICE announcement, this will be the final extension relate to these NOIs served during the month of March 2020.

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