**I-9 FAQ – COVID Temporary Policies**

There have been some changes to permitted I-9 practices due to COVID-19, This link can assist with more detailed questions: <https://www.uscis.gov/i-9-central/form-i-9-related-news/temporary-policies-related-to-covid-19>

1. **I have a new hire/re-verify, but some of us are working onsite. Can I verify documents remotely?**

YES, in certain cases:

**Note: For employees hired before April 1st, 2021** you could only do a remote I-9 document verification if your company was taking physical proximity precautions and the employee was working remotely or the company was on a stay-at-home order and the employee was therefore working remotely due to COVID-19.

**For employees hired on or after April 1st, 2021** the DHS clarified that not all staff need to be remote to use the flexible remove inspection. However, the employee hired must be working remotely in this case.

***Currently, flexibility has been extended through April 30, 2022 – Keep an eye on the link at the top of this page for extensions.***

1. **Do I need to register with the USCIS to remote verify documents?**

NO; however, if you choose remote verification, document your remote onboarding and teleworking policy for each employee that you onboard in this way and keep a copy of it with the individual’s I-9.

1. **What new steps must I take when I verify an I-9 remotely?**

There are NO changes to the employee process. They still must complete Section 1 of the I-9 before their hire date.

The employer completes section 2 within 3 business days, as usual.

* You must obtain, inspect AND COPY the documents – this could be via email, fax or screen shot from online meeting, etc.
* You must write “COVID-19” as the reason for the physical inspection delay in Section 2, or if you are re-verifying using Section 3, write “COVID-19 EXT” in the margin or annotate in the additional information field.
* If you use an electronic I-9 system, such as the one Catapult partners with, indicate this information where you are able (could be by uploading a document to the system).
1. **When must I view the documents in person and what if my employee has terminated by that point?**
* This flexibility ends once the employee is non-remote again on a regular, consistent or predictable basis or the remote flexibility policy ends (whichever is earlier).
* The DHS indicates that the documents can be examined before the person returns to in-person work at the employer’s discretion to avoid a backlog.
* Once normal operations resume, the employees should present their documents to you within 3 business days.
* After inspecting, the employer should add “documents physically examined” with the date of inspection AND the person who conducted the physical inspection to Section 2’s additional information field, or to Section 3 (if appropriate).
* If the employee is no longer with the company, attach a note explaining the situation to the I-9.
1. **Our company is fully remote; when we re-open, many of our workers may be in other states permanently. How can we view the identification documents in a timely manner?**

You have to have someone view the documents that you feel comfortable is reviewing them in the best interest of the company, so we would advise against using friends or family as your representative, as you are still ultimately responsible for the accuracy of the document and any I-9 mistakes. If you have no other option, provide clear written instructions to the representative that you choose to select and review the I-9 carefully.

Remember that the person reviewing the original documents must be the one to complete Section 2.

Some I-9 applications will provide their own staff in this case to view documents in other states and locations. However, you can also work with a partner such as a staffing firm, notary public (they do not need to notarize) or CPA in some instances. Talk to your I-9 service or Catapult as state laws vary, and some states have more detailed requirements.

1. **Are there extensions related to expired documents or the 90-day receipt rule?**

**RECEIPTS:** There is NO extension for requiring documents which are needed within 90 days of an employee providing a receipt for their I-9 form, since most offices are in operation even if closed to the public and you may reach them via email, phone, etc.

There is an alternative option, which is that if the employee is able to provide another document (not the original for the receipt), you may use that document instead and attach it to the previous I-9 with the new section 2 completed and a note of explanation in the Additional Information section.

**EXPIRED LIST B DOCUMENTS:**

* If the employee’s state ID or driver’s license expired on or after March 1, 2020, and the state has extended the document expiration date due to COVID-19, then it is acceptable as a List B document for Form I-9. (NC, SC and VA have no such current extensions but it is always best to review the state DMV website.)
	+ Enter the document’s expiration date in Section 2 and enter “COVID-19 EXT” in the Additional Information field. Employers may also attach a copy of the state motor vehicle department’s webpage or other notice indicating that their documents have been extended.
	+ Employers can confirm that their state has auto-extended the expiration date of state IDs and driver’s licenses by checking the state Motor Vehicle Administration or Department of Motor Vehicle’s website.
* If a List B document is set to expire on or after March 1, 2020, and is NOT extended by the issuing authority, it may be treated as if the employee presented a valid receipt and MAY be valid for more than 90 days.
* Record the document information in Section 2 under List B, as applicable; and,
* Enter the word “COVID-19” in the Additional Information Field.

Within 90 days after DHS’s termination of this temporary policy, the employee will be required to present a valid unexpired document to replace the expired document presented when they were initially hired. (Best, but not required to present the same document.)

* In the Section 2 Additional Information field:
	+ Record the number and other required document information from the actual document presented;
	+ Initial and date the change.
1. **Are there changes to the E-Verify process required of all NC employers with 25 or more employees?**

In general, the E-Verify process remains the same, based on remote verification of documents for the I-9.  This means that you may have to enter an actual expired date in the E-Verify system. If there is some reason why the process is delayed due to COVID-19 , indicate “other” as the late reason, and “COVID-19” as the specific reason.

Tentative non-confirmations (TNC’s) deadlines may have extended timeframes for employees to resolve DHS TNC’s, specifically in the case that an employee cannot access an office due to public/private office closures. Likely this will no longer apply in most states.

Written by a Catapult Advisor