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DHS Announces Relaxed Standards for I-9 Verification and USCIS Signatures

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On Friday, March 20, 2020, the Department of Homeland Security announced several new and unprecedented changes intended to assist employers during the coronavirus pandemic. The new rules permit copies of employer and attorney signatures rather than originals on certain immigration forms submitted to the USCIS such as the forms associated with the H-1B visa, and more flexible standards in completing the I-9 Employment Eligibility Verification Form. Specifically, for the next 60 days, employers may remotely view I-9 identity and work authorization documents such as a driver's license or Social Security card remotely by video conference or by e-mail. This applies only to new hires working off-site and on-site employees whose documents cannot be verified in-person due to quarantine or lockdown requirements. Please see the suggested policy below.

I-9 Procedure for Remote Hires or Quarantined New Hires:

1. **Section 1** - New hires would still complete Section 1 after an offer is made and on or before the first day of employment;

2. **Section 2** - For remote employees or on-site employees whose documents cannot be verified in-person due to quarantine or lockdown requirements, HR may review the Section 2 documents remotely (e.g., over video link, fax, or email, etc.)

1. ICE expects employers to retain copies of the I-9 identity documents in this circumstance.
2. Employers also should enter "COVID-19" as the reason for the physical inspection delay in the Section 2 Additional Information field.
3. Employers must retain documentation to demonstrate that the employee was off-site or remotely on-boarded, which could be maintained in your HRIS.

3. Once normal operations resume or the remote/quarantined employee is able to come on-site, please have the **employee bring the original I-9 identity/work authorization documents** to HR or their manager, so that they can inspect the document(s) to confirm a) it appears to be reasonably genuine and corresponds to the new employee; and b) it is consistent with the information provided on the I-9 (i.e. the Social Security Card number matches the information on the card, and all documents are unexpired).

1. HR should notate the Section 2 additional information field to

indicate “documents physically examined on [date].”

2. This policy will be in place for the next 60 days, unless the national state of emergency ends before that date.

This new guidance does not change an employer's ability to use I-9 software to complete and store the I-9 form, nor does it alter an employer's ability to assign a designated “agent” to complete Section 2 of the I-9, as long as an employer accepts the liability of any errors made by the agent.

New ICE Policy on I-9s

New USCIS Policy on Non-Original Signatures

We encourage you to visit Holland & Hart's [Coronavirus Resource Site](#), a consolidated informational resource offering practical guidelines and proactive solutions to help companies protect their business interests and their workforce. The dynamic Resource Site is regularly refreshed with new topics and updates as the COVID-19 outbreak and the legal and regulatory responses continue to evolve. Sign up to receive updates and for upcoming webinars.