

Form I-9 In-Person Verification Requirement Changes

On July 25, 2023, the Department of Homeland Security published a new Form I-9 rule. Under the rule, effective **August 1, 2023**, the U.S. Citizenship and Immigration Services (USCIS) will allow employers to participate in an alternative verification procedure for remote employees if such employers and employees qualify to use the E-Verify platform for verification.

Do I qualify for this alternative virtual verification procedure? To qualify, employers must:

- Be in good standing and in compliance with all requirements of the E-Verify program;
- Verify the employment eligibility of newly hired employees in the United States;
- Enroll in E-Verify for all hiring sites in the United States that the employers use the alternative procedure; and
- Complete the required E-Verify training on fraud awareness and anti-discrimination.

What must I do if my business qualifies and wants to participate? Employers must:

- Retain and examine the copies of all Form I-9 documents;
- Verify the Form I-9 documents via a live video with the employee;
- Select the check box on the new Form I-9 indicating that the employer is conducting the alternative virtual verification procedure; and
- Make available copies of the employee Form I-9 documents in case of an investigation or audit.

If you opt to use this alternative procedure, avoid discriminatory practices by ensuring that you do not adopt this practice in a way that treats employees differently based on their citizenship, immigration status, or national origin. If you're concerned about the potential of discriminatory practices, please reach out to your HR Business Partner.

Will this alternative procedure help me comply with the August 30, 2023, deadline to perform all physical examinations of identity and employment eligibility documents for employees that only received a virtual examination under the COVID-19 flexibilities?

It can. Employers may participate in the alternative verification process to fulfill the USCIS requirement if they meet the following criteria:

- (1) took advantage of the COVID-19 flexibilities between March 20, 2020, and July 31, 2023,
- (2) were enrolled in E-Verify at the time the employer performed the virtual examination of the employee's Form I-9 documentation to complete Section 2 or the re-verification, and
- (3) created a case on E-Verify for the employee whose documents were verified during the COVID-19 flexibility (except for re-verification purposes).

*Note that employers that did not enroll with E-Verify during the COVID-19 flexibilities must still complete the in-person physical document examination by Aug 30, 2023.

For more information on the new alternative virtual verification procedure, please visit the [federal register website](#).

PrestigePEO is here to help.

If you have questions regarding the Form I-9 document verification process or the upcoming deadline to perform all physical examinations of identity and employment eligibility documents for employees who only received a virtual examination under the COVID-19 flexibilities, please contact your HR Business Partner.