

Important USCIS Update- Employers Should Act Now: Complete In-Person Physical I-9 Inspections and Update Forms I-9 Completed Virtually During COVID-19 Pandemic

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On May 5, 2023, the U.S. Citizenship and Immigration Services (USCIS) announced that the previously issued COVID-19 temporary flexibilities allowing for the virtual review of employees' Form I-9 documents for the Form I-9 process, will end on July 31, 2023. Per USCIS, employers must complete in-person physical document inspections **by August 30, 2023**, for employees whose documents were inspected virtually, such as via video link, fax or e-mail, during the temporary COVID-19 flexibilities period. This announcement gives employers additional time to complete in-person physical inspection of identity and employment authorization documents, and annotate the Form I-9 for this population. The USCIS instructions for employers include completing the in-person physical document inspection with the employee, and adding to Section 2 of the existing Form I-9 the notation "Documents Physically Examined" with the reviewers' initials and date. The I-9 flexibilities were initially announced in March 2020 at the start of the COVID-19 pandemic when employers began taking COVID-19 and social distancing precautions.

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Practice Areas

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