HOMELAND SECURITY AUTHORIZES REMOTE I-9 PROCESS

Due to the COVID-19 pandemic, the Department of Homeland Security is allowing a change regarding I-9 documents and authorization to work. This differences allow companies to onboard new employees remotely.

- If the employee is working remotely and/or is not coming (or cannot come) in to an office for his/her first day, employers are allowed to designate a member of the new employee’s family as the Employer’s Authorized Representative to fill out Section 2 of the form. This family-member Authorized Representative must look at the actual, physical, original documentation/authorization to work in the U.S. Copies are not sufficient.
  - That means that a member of the new employee’s family or household will be permitted to serve as the company’s Authorized Representative for I-9 purposes.
  - The Authorized Representative must look at actual I-9 compliant documents - not copies.

- Best practice: Have someone at the company (who is familiar with the I-9 process) talk the family member/Employer’s Authorized Representative through the process over the phone. The form can be confusing and it seems to go much more smoothly when a Company “expert” assists.

- The Company must have a copy of the Form I-9 and identification documents being used to verify his/her authorization to work in U.S. before the employee has been working or teleworking for 3 days.

- Instruct the employee to bring the original Form I-9 in when the employee begins working in the office – or at some point when the employee can at least come in to the office.

- The method, described above, has been deemed acceptable by the U.S. Department of Homeland Security.