**Pennsylvania’s State System of Higher Education**
**Office of the Chancellor**
**Guidance

Completing I-9 Employment Eligibility Verification**

**During COVID-19 Emergency**

**March 23, 2020**

This guidance is offered as information regarding recent updates from the U.S. Department of Homeland Security (“DHS”) regarding completion of Form I-9, Section 2, during the COVID-19 emergency. This guidance also serves as the State System’s official policy statement regarding completion of Form I-9, Section 2, during the COVID-19 emergency.[[1]](#footnote-1)

The current requirements, as set forth in Section 4 of the USCIS Handbook for Employers,[[2]](#footnote-2) provide, in part:

Within three business days of the date employment begins, the employee must present to you an original document or documents that show their identity and employment authorization.

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Physically examine each original document the employee presents to determine if the document reasonably appears to be genuine and relates to the person presenting it. Make sure the person who examines the documents is the same person who attests and signs Section 2.

The employee must be physically present with the document examiner.

Under normal circumstances, the document examination must occur in person. However, the Department of Homeland Security (“DHS”) is authorizing employers to defer physical examination of documents in the presence of the employee where the employer is using remote work technology due to COVID-19. In these instances, DHS has provided the following guidance:[[3]](#footnote-3)

* employers must inspect the Section 2 documents remotely (e.g., over video link, fax or email, etc.) and obtain, inspect, and retain copies of the documents, within three business days for purposes of completing Section 2.
* Once normal operations resume, all employees who were onboarded using remote verification, must report to their employer within **three business days** for in-person verification of identity and employment eligibility documentation for Form I-9, Employment Eligibility Verification.
* Once the documents have been physically inspected, the employer should add “documents physically examined” with the date of inspection to the Section 2 additional information field on the Form I-9, or to section 3 as appropriate.
* Employers also should enter “COVID-19” as the reason for the physical inspection delay in the Section 2 Additional Information field **once physical inspection takes place after normal operations resume**.

In accordance with guidance from DHS and unless otherwise modified or extended, this guidance and policy statement is effective through May 19, 2020 or until 3 business days after the termination of the National Emergency, whichever comes first.

1. Additional reference should be made to Procedure/Standard Number 2020-43, Emergency Remote Work and Telecommuting. [↑](#footnote-ref-1)
2. <https://www.uscis.gov/i-9-central/40-completing-section-2-form-i-9> [↑](#footnote-ref-2)
3. The full press release with guidance from DHS can be found here: <https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance> [↑](#footnote-ref-3)