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06/16/2020

ICE announces another 30-day extension of flexibility in rules related to Form I-9 compliance

WASHINGTON – U.S. Immigration and Customs Enforcement (ICE) today announced another extension of the flexibilities in rules related to Form I-9 compliance that was granted earlier this year.

On March 19 due to precautions implemented by employers and employees associated with COVID-19, the Department of Homeland Security (DHS) announced that it would exercise prosecutorial discretion to defer the physical presence requirements associated with the Employment Eligibility Verification (Form I-9) under section 274A of the Immigration and Nationality Act. This provision, as explained in the guidance below, was implemented for 60 days and was set to expire on May 19.

On May 19, DHS extended this policy for an additional 30 days.

Due to the continued precautions related to COVID-19, DHS has decided to once again extend this policy for employers operating 100% remotely in light of COVID-19 for an additional 30 days. The expiration date for these accommodations is now July 19.

Employers who were served notices of inspection (NOIs) by ICE during the month of March 2020 and had not already responded were granted an automatic extension for 60 days from the effective date. ICE will grant an additional extension of 30 days to these employers. This will be the final extension relative to NOIs served by ICE during the month of March 2020.

The original guidance including eligibility requirements can be found [here](#).

DHS will continue to monitor the ongoing national emergency and provide updated guidance as needed. Employers are required to monitor the DHS and ICE websites for additional updates regarding when the extensions will be terminated, and normal operations will resume.

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