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07/18/2020

ICE announces another extension to I-9 compliance flexibility, no more extensions for employers to respond to NOIs served in March

WASHINGTON – U.S. Immigration and Customs Enforcement (ICE) today announced an extension of the flexibilities in rules related to Form I-9 compliance that was granted earlier this year. Due to the continued precautions related to COVID-19, the Department of Homeland Security (DHS) has decided to once again extend this policy for an additional 30 days. The expiration date for these accommodations is now August 19, 2020.

On March 19, due to precautions implemented by employers and employees associated with COVID-19, 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, and again on June 19, DHS extended this policy for an additional 30 days respectively.

ICE also announced today that after July 19 no additional extensions will be granted to employers who were served notices of inspection (NOIs) by ICE during the month of March 2020.

The original guidance including eligibility requirements can be found here <https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>.

Going forward 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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