

Human Resources Branch Memorandum

SUBJECT: Flexibility in Requirements related to Form I-9 Compliance during COVID-19 National Emergency	NUMBER: HRB 20-010
	DATE ISSUED: March 30, 2020
DISTRIBUTION: CDFW Managers and Supervisors	EXPIRES: Until Superseded

Action Required Informational Only Control Agency Directive

Purpose

The purpose of this memorandum is to provide California Department of Fish and Wildlife (CDFW) Managers and Supervisors, the Department of Homeland Security's flexibility in requirements related to Form I-9 compliance announcement during the COVID-19 National Emergency.

Authority

- https://www.uscis.gov/news/alerts/uscis-announces-flexibility-submitting-required-signatures-during-covid-19-national-emergency#_ftnref1
- <https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>

Processing Employment Eligibility Verification (Form I-9)

Due to precautions being implemented by employers and employees related to physical proximity associated with COVID-19, the Department of Homeland Security (DHS) announced today that it will exercise discretion to defer the physical presence requirements associated with Employment Eligibility Verification (Form I-9) under Section 274A of the Immigration and Nationality Act (INA). Employers with employees taking physical proximity precautions due to COVID-19 will not be required to review the employee's identity and employment authorization documents in the employee's physical presence.

Employers must [inspect the Section 2 documents](#) remotely (e.g., over video link, fax or email, etc.) and obtain, inspect, and retain copies of these documents remotely, within three business days from the employee start date for purposes of completing Section 2. After resuming normal operations, employers also should enter "COVID-19" as the reason for the physical inspection delay in the Section 2 Additional Information field **once physical inspection of the original documents takes place**. Once the documents have been physically inspected in person, 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. These provisions may be implemented by employers for a period of 60 days from the date of this notice OR within 3 business days after the termination of the National Emergency, whichever comes first.

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.

Original “Wet” signatures

For Employment Eligibility Verification (Form I-9) that require an original “wet” signature, per form instructions, U.S. Citizenship and Immigration Services (USCIS) will accept electronically reproduced original signatures for the duration of the National Emergency.

Individuals or entities that submit documents bearing an electronically reproduced original signature must also retain copies of the original documents containing the “wet” signature. USCIS may, at any time, request the original documents, which if not produced, could negatively impact the adjudication of the immigration benefit.

Contact

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