



---

# covid-19 temporary flexibilities for form i-9, employment eligibility verification, will end on july 31, 2023

---

Frida P. Glucoft & Lauren Hazday  
*MSK Client Alert*

July 17, 2023

**Introduction:** In March 2020, U.S. Immigration and Customs Enforcement (ICE) introduced COVID-19 temporary flexibilities for Form I-9, Employment Eligibility Verification that allowed employers operating remotely to verify employee identity and employment authorization documents virtually (e.g. fax, email or video). These measures have been extended several times, most recently in October 2022 through July 31, 2023. However, ICE has announced that these temporary flexibilities will end on July 31, 2023. For employees whose documents were inspected remotely during the temporary flexibilities during the past three (3) years, employers must now complete in-person physical document inspections by August 30, 2023. In addition, employers must meet with the employees who were not physically present in the past. As to all new employees hired on or after March 20, 2020, they must appear in person before the August 30, 2023 deadline if their employer only conducted a remote inspection consistent with the flexibilities first announced in March 2020.

**MSK Analysis:** MSK encourages companies that have not yet started in-person reviews of employee identity and employment authorization documents to start as soon as possible. ICE will give employers a 30-day grace period, or until August 30, 2023, to reach compliance with Form I-9 document inspection requirements after the special measures end. This means employers will be required to conduct physical inspections of original documents and update Form I-9 for employees whose documents were inspected remotely during the temporary COVID-19 flexibility policy. As a reminder, employers can only accept certain employment identity and employment authorization from the Form I-9 Acceptable Documents lists. Please contact your MSK counsel as soon as possible regarding any questions on how to complete in-person document review and Form I-9 compliance.

## **attorneys**

Frida P. Glucoft  
Lauren Hazday

## **practice areas**

immigration