

Sample Policy for I-9 Remote Traditional Verification

With ongoing remote work, which is likely to continue and increase, employers, want to understand the option for completing the Form I-9 for remote hires using an agent or authorized employer representative.

An agent or authorized employer representative can be another HR professional, manager, notary, family member, or other trusted person.

Here is a step-by-step overview of this traditional remote verification process:

Section 1

The employer provides the new hire with the Form I-9, List of Acceptable Documents and Form I-9 instructions to complete Section 1 on or before the date of hire. The new hire completes Section 1 and attests authorization to work in the U.S. on the first date of hire.

Section 2

The designated agent assists in the completion of the Form I-9 Section 2 process:
The agent must inspect the original documents in the presence of the new hire within three business days of the hire.

The agent must determine that if each document presented reasonably appears to be genuine and relates to the employee presenting it.

The agent completes Section 2 and signs the Certification as the employer's I-9 agent or authorized representative.

Section 3

An employer may also use an agent to reverify the employee's employment authorization. The process is similar to the Section 2 process. The agent must inspect the original documents and complete Section 3 when the employee's original employment authorization documents are expiring.

The examination of documents via webcam or some other remote means is not allowed. (See Limited COVID Flexibility Chapter below.)

Who Cannot Act as an Employer Agent?

***This material is not intended to substitute as legal advice.**

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State law may restrict who can be designated as an employer agent in order to complete the I-9. For example, California limits such services to licensed attorneys, individuals authorized under federal law to provide immigration services, and individuals qualified and bonded as an immigration consultant under state law.

Below are some of our tips for employers using an agent:

- Have a policy that outlines the remote verification process, including the individuals who might act as an agent for your organization. At the end of this chapter, we provide you with a sample.
- Provide instructions and guidance to the agent as to how to complete the process while minimizing mistakes.
- Employers can technically select any individual to serve as an agent. However, it is best to select someone with I-9 process experience.
- Review the Form I-9 as soon as possible after completion by an agent so that you can make any corrections necessary.
- When reviewing the I-9, look for common agent mistakes, such as:
 - Accepting wrong documents
 - Failure to complete verification in a timely manner
 - Failure to retain copies of acceptable documents
- Remember that the employer – not the agent – continues to be liable for any violations or errors in the I-9.
- Be mindful of the E-Verify requirements if you are an E-Verify employer.

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