



December 9, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
1880 2nd Street SW
Washington, D.C. 20024

Dear Secretary Mayorkas:

On behalf of the undersigned organizations representing a broad spectrum of the employment-based immigration community, we write to strongly encourage the extension of the U.S. Department of Homeland Security's (DHS) flexibilities on Form I-9 compliance requirements, permitting remote inspection of employee identity and employment authorization documents (the "I-9 Flexibility Policy") and the employment verification process, on or before December 17, 2021, with the extension lasting through at least June 30, 2022.

Due to the ongoing precautions related to COVID-19, DHS and/or U.S. Immigration and Customs Enforcement (ICE) previously announced several extensions to the I-9 Flexibility Policy, including the following examples:

- On March 20, 2020, ICE [issued](#) its initial announcement of the I-9 Flexibility Policy, with a 30-day extension [announced](#) on May 14, 2020.
- On March 31, 2021, *the day of expiration* of the policy, ICE [announced](#) a 60-day extension of the policy through May 31, 2021.
- On May 26, 2021, *four days prior* to the expiration of the I-9 Flexibility Policy, ICE [announced](#) a 90-day extension of the policy through August 31, 2021.
- On August 31, 2021, *on the day of expiration* of the I-9 Flexibility Policy, DHS and ICE [announced](#) an additional extension of the policy through December 31, 2021.

As illustrated above, several extensions to the I-9 Flexibility Policy have been announced within one to four days of their expiration, causing both confusion and anxiety for stakeholders when considering their organization's compliance with the policy. In addition, each of the previous extensions have been issued for periods of less than six months. The current I-9 Flexibility Policy states:

“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.”

A 2021 SHRM survey found that **more than seven in 10** employers believe it will be challenging for their organization to obtain, inspect and retain copies of documents collected during the remote work period within the three business days as required by the I-9 Flexibility Policy.

With ongoing precautions related to COVID-19 still in effect, and employers providing continued remote work flexibilities as the holiday season approaches, the undersigned organizations request DHS, ICE and the U.S. Citizenship and Immigration Services (USCIS) extend the I-9 Flexibility Policy on or before December 17, 2021 through June 30, 2022. This extension would allow impacted stakeholders to better plan for all compliance requirements associated with the I-9 Flexibility Policy. Moreover, it would allow USCIS sufficient time to consider responses to the [Request for Public Input on Remote Document Examination for Form I-9, Employment Eligibility Verification](#).

Thank you for your consideration and commitment to an efficient immigration policy that balances the needs of employers and employees.

Sincerely,

SHRM, the Society for Human Resource Management

AILA, The American Immigration Lawyers Association

U.S. Chamber of Commerce

Compete America

CC:

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Tae Johnson
Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
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