



The Challenges for Remotely Completing Form I-9s

Question:

What are the challenges of completing Section 2 of the Form I-9 for remote employees?

Response & Analysis:

As remote employees continue to make up a larger portion of today's workforce, the need for employers to remotely complete Form I-9s has grown. Due to a number of recently-adopted regulations in this area, the process of remotely completing Form I-9s has become increasingly complex and difficult for employers. As a result, employers are beginning to rely more heavily on vendors who can provide a nationwide network of authorized representatives and remote I-9 services.

The U.S. Citizenship and Immigration Services (USCIS) requires that employers complete Section 2 of the Form I-9 within three business days of the date employment begins. In doing so, the employee must present an original document or documents that show his or her identity and employment authorization, and the employer must physically examine each original document to determine if it reasonably appears to be genuine and if it relates to the person presenting it. The employee must be physically present with the examiner of the documents, and the person who examines the documents must be the same person who signs Section 2 of the I-9.¹

In order to overcome these obstacles inherent in completing the I-9 for remote employees, USCIS allows an employer to designate an authorized representative to complete the Form I-9 on its behalf, such as a personnel officer, foreman, agent or a notary public.²

The authorized representative must physically inspect the documents on behalf of the employer while the employee is present. Thus, creative methods

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such as video conferences fail to satisfy this in-person physical examination requirement.

A growing number of employers are turning to notaries who can act as authorized representatives to remotely complete the Form I-9, but some states are beginning to prohibit this practice as well. For example, the Texas Secretary of State has stated that notaries in the state do not have the authority to complete Form I-9s under Texas law, and thus should refuse any request to complete any portion of a Form I-9 in their capacity as notaries public.³

Similarly, the California Secretary of State's Notary Public & Special Filings Section clarified that California notaries who are not also qualified and bonded as immigration consultants under the Business and Professions Code §§ 22440-22449 may not complete or make a certification on Form I-9, even in a non-notarial capacity.⁴

Because of the aforementioned challenges with remote completion of Form I-9, employers are looking to third-party vendors who can provide a nationwide network of individuals to act as authorized representatives. With more than 1,100 active electronic collection sites, Truescreen, through our sister-company Fieldprint, provides access to the largest remote services network in the nation. Fieldprint offers a USCIS-compliant remote I-9 Section 2 completion service to handle remote hires in areas where an office or a company representative is not available. To learn more, [click here](#).

¹ Handbook for Employers: Guidance for Completing Form I-9 (Employment Eligibility Verification Form), U.S. CITIZENSHIP & IMMIGRATION SERVICES 5 (Rev. Apr. 30, 2013), available at <http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>.

² Id. at 48.

³ Tex. Sec'y of State, Frequently Asked Questions for Notaries Public, <http://www.sos.state.tx.us/statdoc/faqs2300.shtml#np26>.

⁴ Kristin A. Meister, California's Special Restrictions on Who May Complete Form I-9, LITTLER MENDELSON P.C. (Aug. 10, 2015), <https://www.littler.com/publication-press/publication/californias-special-restrictions-who-may-complete-form-i-9>.

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