

Sterling

eBook

**Form I-9
and the
Remote
Employee**



Remote Work for Employers

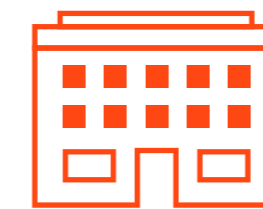
Remote work changes how employers operate, do business, and hire employees. Preparing to onboard a remote employee vs. an in-office employee brings its challenges as this may be a fairly new approach for some more traditional organizations.

With Covid as a catalyst, the reality of remote work has evolved. With increasing remote and hybrid workforces, one challenge employers now face is how to smoothly and quickly onboard expanded numbers of remote employees.



The Rise of Remote Work

Below is a look into the percentage of remote work before the pandemic, during the pandemic, and a view as to what it might look like in the future.



Pre-pandemic

6% of the workforce was remote²



Mid 2020

Over 43% of workforce became remote due to the pandemic²



December 2021

Approximately 38% of the workforce was remote²



2023-2024

An estimated 48% of total workforce will be remote or hybrid³

¹ [nytimes.com/2022/03/10/business/remote-work-office-life.html](https://www.nytimes.com/2022/03/10/business/remote-work-office-life.html)

² [informationweek.com/strategic-cio/the-future-of-work-optimizing-hybrid-for-2023](https://www.informationweek.com/strategic-cio/the-future-of-work-optimizing-hybrid-for-2023)

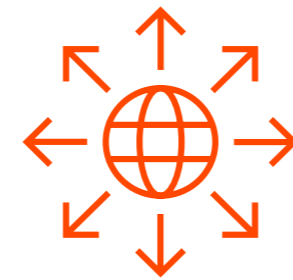
Supporting Remote Workers in the Form I-9 Process

As part of traditional in-office onboarding, on Day One the employer is there to provide guidance to their new employee as they fill out the I-9 form.

With careful direction, the employee interactively confirms they are following the process and completing the form correctly and on time, while the employer oversees that their compliance requirements are met.

The expansion of remote work and the recent highly anticipated shift to include long-term virtual alternative procedures changes these dynamics. Although some remote employees may be required to come to a physical workplace setting, new remote employees generally work from home and typically onboard using emailed instructions supplemented by virtual meetings.

Without the benefit of careful guidance, remote employees are left to figure out how to fill out their onboarding forms themselves, increasing the possibility of mistakes. In the absence of in-person oversight, the form process may stall or be forgotten. This is especially concerning when it comes to completing a Form I-9 with its compliance-driven requirements.



Companies may benefit from a scalable online solution that provides a seamless candidate and verifier experience with clear, step-by-step Form I-9 instructions as if someone was there guiding them, especially when remote employees are involved.

The right Form I-9 and E-Verify service can provide the support employees and verifiers need to help them complete the end-to-end Form I-9 process quickly, confidently, and compliantly.

Specific Form I-9 Requirements

Whether an employer is using a traditional method of paper and pen or an online Form I-9 and E-Verify service, the requirements and timeline for completion of a Form I-9 are the same. However, using an online I-9 service can transform this procedure into an efficient, seamless process for both employee and employer.

Let's examine the specifics of what is required when completing a Form I-9. →



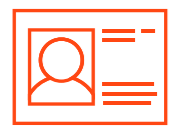
Section 1

Section 1 must be filled out by the new remote employee no later than the first day of employment, but not before accepting the job offer.

When filling out Section 1, it's important that the employee follows all the instructions. Knowing which fields need to be filled out, and entering the right information is crucial. Once the fields are properly filled out, the employee must attest to their citizenship status and sign and date the form.

In preparation for Section 2, which is handled by the verifier or appointed authorized representative, the employee can use the [List of Acceptable Documents](#)³ to ensure they have the proper documents.

Employees Must Provide Either



One - List A document – Which establishes both Identity and Employment Authorization

OR



One - List B document – Which establishes Identity

AND



One - List C document – Which establishes Employment Authorization

In addition, there are special circumstances where more detailed instruction is required.

- Guidance for employees receiving help from a preparer or translator for [Completing the Section 1 Preparer and/or Translator Certification](#).⁴
- Instructions for forms completed for a [minor](#)⁵ or [employees with disabilities](#)⁶.

An online Form I-9 and E-Verify service helps your new employee navigate the nuances of each situation by providing simple step-by-step guidance. Once the Section 1 task is completed, the system further notifies the verifier that their task is ready, moving the process forward and making the transition to Section 2 seamless.

As an added benefit, employers can regularly report on the progress of their Form I-9s so that program owners can gain updated visibility into what tasks need to be actioned in order to help facilitate timely form completion.



³ scis.gov/i-9-central/form-i-9-acceptable-documents

⁴ uscis.gov/i-9-central/complete-correct-form-i-9/completing-section-1-employee-information-and-attestation

⁵ uscis.gov/i-9-central/complete-correct-form-i-9/minors

⁶ uscis.gov/i-9-central/complete-correct-form-i-9/disabled-employees

Section 2

Section 2 must be completed and signed no later than 3 business days after the employee's first day of paid work.

Traditionally, a company representative starts Section 2 by meeting with the employee and examining the physical documents that show proof of identity and work authorization, confirming they are both real and current. The representative also checks that the documents provided support the employment authorization claimed by the new employee.

In the case of the remote employee who isn't initially reporting to an office, a company representative or employer-assigned verifier meets with the employee and completes Section 2.

Introduction of Department of Homeland Security (DHS) Alternative Procedures



Recent changes to DHS procedures now allow qualified employers to complete the Section 2 task via a virtual meeting.

On July 25, 2023, DHS published a [document](#)⁷ describing and authorizing the new remote document inspection option.

The alternative verification procedures allow eligible employers to take advantage of the DHS authorized remote I-9 document inspection as long as the employer:

- Is currently a participant in good standing with E-Verify
- Applies the alternative process consistently to their new employees
- Notates use of the alternative procedures to perform document review on the Form I-9
- Conducts or arranges a live virtual meeting with the employee for document review
- Retains clear and legible copies of all reviewed documents for audit purposes
- Creates an E-Verify case if the employee is a new hire

The introduction of the new alternative verification procedures offers immediate benefit for employers enrolled and participating in E-Verify who are onboarding remote employees. They can now arrange a virtual meeting with their new employee and compliantly complete Section 2 of the Form I-9.

However, the remote option does not change the necessity for timely and consistent completion of the I-9. Alignment with the established I-9 guidelines continues to be an essential component of Section 2 processes.

⁷ [federalregister.gov/documents/2023/07/25/2023-15532/optional-alternatives-to-the-physical-document-examination-associated-with-employment-eligibility](https://www.federalregister.gov/documents/2023/07/25/2023-15532/optional-alternatives-to-the-physical-document-examination-associated-with-employment-eligibility)



Section 2 Document Inspection



Companies using an online Form I-9 and E-Verify service are assisted in their Section 2 compliance by notifications that help drive the process and automatic validation of form field entries.

Additionally, the system checks the suitability of the documents provided against the work authorization claim and flags any inconsistencies. Online systems can also provide easy access to an expanded network of Section 2 verifying services that can complete the task as your authorized representative.

For Sterling I-9, remote verification options include:



Company Representative: A company designated representative serves as the agent, completing Section 2 in-person or virtually.



Employee Selected Verifier: An agent selected by the employee who is assigned to complete Section 2 using the Sterling online tool.



Notary Network: A network of notary agents in all 50 states across the U.S. who are available for verifying Section 2. Employees are contacted by the notary agent who will set up a mutually available time and place for them to meet.



Verifier Network: The Verification Network allows the employee to select the appointment time and location from approximately 420 set locations. The verifier has access to their own portal where they can manage the individual Section 2 task during the in-person meeting.



Virtual I-9 Document Review (coming soon): The Virtual I-9 Document Review service leverages ID.me's Trusted Referees to complete Form I-9 Section 2 on behalf of the employer in a secure online meeting. Offering virtual document inspections by expertly trained staff with 24/7 availability, this option actively extends the convenience and flexibility put into play with DHS's new alternative procedures.

These verifier service options help employers more effectively and compliantly support the inevitably broader geographic scale of a remote workforce.

Supplement B Reverification and Rehire

There are a few situations when an employer must or may complete Supplement B (formerly Section 3)⁹.

The employer **MUST** complete if:

- An employee's employment authorization or employment authorization documents are already expired, or if the expiration date is approaching. (See *Additional Considerations* section).

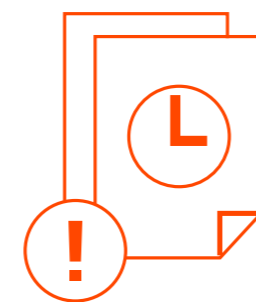
The employer **MAY** complete if:

- An employee is being rehired within 3 years of the original Form I-9.
- The employee has a legal name change.

⁹ uscis.gov/i-9-central/complete-correct-form-i-9/completing-supplement-b-reverification-and-rehires-formerly-section-3

Additional Considerations

- Employers are required to track employment authorization expiration dates associated with an employee's Form I-9. As the expiration date approaches, they must reverify that the employee has authorization to continue to work by documenting their new document title, document number, and expiration date, if any, in the Reverification and Rehire section of the Form I-9.



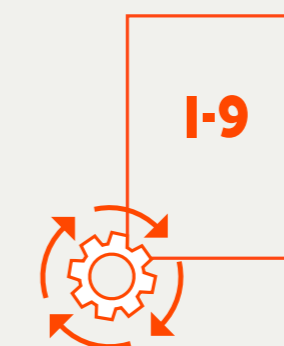
If the Employment Authorization document is expired, Supplement B **MUST** be filled out. USCIS suggests providing employees with a reminder 90 days prior to expired Employment Authorization.

- The original Form I-9 can often be used, but if it is not the current form version, employers should complete the Reverification and Rehire section of a current Form I-9. Once the renewed work authorization is documented, the completed Section 3 or Supplement B should be stored with the employee's original Form I-9.



Advantages of Using an Online Service

An online Form I-9 and E-Verify service can help simplify and streamline the reverification of employment authorization. The system proactively tracks expiration dates and notifies employers about an expiring employment authorization, giving the employer time to plan for the reverification and more easily meet the deadline. When a reverification is requested, the correct form is provided automatically.



Once the reverification is complete, an online Form I-9 service will automatically store the Reverification and Rehire section with the original Form I-9, where it can be easily accessed in case of an audit.

How to Make the I-9 Process Easier



Benefits of Using an Online Form I-9 and E-Verify Offering

- ✓ Clear guidance and step-by-step validation throughout the Form I-9 process
- ✓ Instruction for special scenarios requiring a translator or preparer, or for minor employees
- ✓ Timely reminders and task assignment notifications for both task owners and onboarding managers
- ✓ Virtual and in-person facilitated document review options to make Section 2 completion easy for nearly every hiring scenario
- ✓ Tracking of expiration dates, with reminders to complete reverification for expiring employment authorization documents
- ✓ Form and process updates as required, helping to facilitate compliance
- ✓ Automated integration with E-Verify, including timely case creation and robust case management tools
- ✓ Reporting insights that allow for simplified oversight and management of the entire Form I-9 process
- ✓ Detailed history and audit tracking at the field-by-field level for validation of compliance with Form I-9 requirements



Online I-9 and E-Verify services help simplify Form I-9 processes, alleviating HR resources from manual I-9 processing and encouraging compliance by providing the latest forms and tools needed.

Sterling's online I-9 and E-Verify services can complement a more extensive suite of services such as identity verification, background screening, fingerprinting and drug and health screening. For more information, visit: sterlingcheck.com/services/form-i-9-e-verify.



About Us

Sterling (NASDAQ: STER) is a leading global provider of background and identity services, offering background and identity verification services to help over 50,000 clients create people-first cultures built on a foundation of trust and safety. Sterling's tech-enabled services help organizations across all industries and regions establish great environments for their workers, partners, and customers. With operations in North America, Europe, the Middle East, Asia Pacific, and Latin America, Sterling conducted more than 110 million searches in the twelve months ending December 31, 2022.

Want More?

Sterling regularly publishes cutting-edge research and insight on the latest trends in human resources, talent acquisition and management, and hiring and onboarding.

For more information, visit us at: sterlingcheck.com/services/form-i-9-e-verify/



sterlingcheck.com

Please note that Sterling is not a law firm. The material available in this publication is for informational purposes only and nothing contained in it should be construed as legal advice. We encourage you to consult with your legal counsel to obtain a legal opinion specific to your needs.