

# Can you review I-9 documents remotely?

For each new hire, employers must verify employment eligibility by reviewing original documents *in person* with the employee and then completing the Form I-9 within three days. But what if that new hire lives and works hundreds of miles away?

The Department of Homeland Security says “reviewing or examining documents via webcam is not permissible.” The law, however, does allow you to designate an “authorized representative” to meet with the remote employee, examine his or her documents and complete Section 2 on behalf of the company.

DHS doesn't specify who can serve as an authorized representative, but gives examples of “personnel officers, foremen, agents or notary public.” (For tips on choosing and using a representative, see “Remote I-9s: Best practices” below.)

Does the person who collects and reviews I-9 documents from new hires also have to be the one who attests on the I-9 to their authenticity?

That point was challenged in a recent lawsuit. A Minnesota staffing company hired several new employees from its El Paso location. The El Paso office reviewed the documents and gave the OK to the Minnesota office, which signed off on the I-9s attesting statement.

DHS auditors issued a \$227,000 fine, saying the same person did not examine the documents and complete Section 2. The 5th Circuit reversed the fine, saying neither federal regulations nor the form itself specifically takes the DHS position on attesting statements.

**Best bet:** Employers that plan to remotely review I-9 documents should consult with an attorney before doing so.

## Remote I-9s: Best practices

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If you hire from around the country, find out how to correctly use an “authorized representative” to complete I-9 forms at <http://www.lawlogix.com/top-5-best-practices-for-remote-i-9-compliance/>.