



**DEPARTMENT OF DEFENSE**  
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VA 22350-1100

FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Mr. Daniel J. Hester

SUBJECT: Extension of Flexibility in Requirements Related to Form I-9 Compliance during the COVID-19 Emergency

AUDIENCE: Nonappropriated Fund and Appropriated Fund Personnel

ACTION: Disseminate to Department of Defense Human Resources Practitioners and Hiring Managers

REFERENCES:

- a. U.S. Immigration and Customs Enforcement News Release, December 20, 2021, <https://www.uscis.gov/i-9-central/covid-19-form-i-9-related-news/dhs-extends-form-i-9-requirement-flexibility-effective-january-1-2022>
- b. Office of Personnel Management memorandum, "On-Boarding Processes for New Employees During the COVID-19 Emergency," dated March 24, 2020, <https://www.chcoc.gov/content/boarding-processes-new-employees-during-covid-19-emergency>
- c. DCPAS Message 2021029 (attached)

BACKGROUND/INTENT: On December 20, 2021, the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), published reference (a), further extending the flexibility in rules related to Form I-9 compliance to April 30, 2022. Reference (b) provided the original guidance concerning this flexibility and the onboarding of new employees during the COVID-19 emergency. Components may continue to implement the provisions of the memorandum in reference (b), to include the DHS, ICE April 1, 2021, updates to the Form I-9 compliance previously disseminated by DCPAS through reference (c).

POINT OF CONTACT: Employment and Compensation, Field Advisory & Support, [dodhra.mc-alex.dcpas.list.ec-field-advisory--support@mail.mil](mailto:dodhra.mc-alex.dcpas.list.ec-field-advisory--support@mail.mil)

Attachment:  
As stated



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FROM: Defense Civilian Personnel Advisory Service Director, Ms. Michelle LoweSolis

SUBJECT: Extension of Flexibility in Requirements Related to Form I-9 Compliance During the COVID-19 Emergency

AUDIENCE: Nonappropriated Fund and Appropriated Fund Personnel

ACTION: Disseminate to Department of Defense Human Resources Practitioners and Hiring Managers

REFERENCES:

- a. U.S. Immigration and Customs Enforcement News Release, March 31, 2021, <https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>
- b. Office of Personnel Management memorandum, "On-Boarding Processes for New Employees During the COVID-19 Emergency," dated March 24, 2020, <https://www.chcoc.gov/content/boarding-processes-new-employees-during-covid-19-emergency>

BACKGROUND/INTENT: On March 31, 2021, the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), published reference (a), extending the flexibility in rules related to Form I-9 compliance to May 31, 2021,. Reference (b) provided the original guidance concerning this flexibility and the on-boarding of new employees during the COVID-19 emergency. Components may continue to implement the provisions of the memorandum.

DHS, ICE News Release Updates (effective April 1, 2021):

- Employers are required to inspect an employees' Form I-9 identity and employment eligibility documentation in-person only for those employees who physically report to work at a company location on any regular, consistent, or predictable basis.
- Employees hired on or after April 1, 2021, who work exclusively in a remote setting due to COVID-19-related precautions, are temporarily exempt from the physical inspection requirements associated with the Form I-9, under Section 274A of the Immigration and Nationality Act, until they undertake non-remote employment on a regular, consistent, or predictable basis, or the extension of the flexibilities related to such requirements is terminated, whichever is earlier.

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- The flexibilities guidance does not preclude employers from commencing, at their discretion, the in-person verification of identity and employment eligibility documentation for employees who were hired on or after March 20, 2020, and presented such documents for remote inspection in reliance on the flexibilities first announced in March 2020.
- DHS will continue to monitor the ongoing national emergency and provide updated guidance as needed.

POINT OF CONTACT: Steven Tran, Employment & Compensation, (210) 308-1934 or [steven.v.tran.civ@mail.mil](mailto:steven.v.tran.civ@mail.mil).

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