



**College and University Professional
Association for Human Resources**

April 21, 2022

The Honorable Ur Mendoza Jaddou
Director
United States Citizenship and Immigration Services
United States Department of Homeland Security
Washington, DC 20528

Re: Form I-9 Requirement Flexibility

Dear Director Jaddou:

I write on behalf of the College and University Professional Association for Human Resources (CUPA-HR) and the American Council on Education (ACE) to request that the U.S. Department of Homeland Security (DHS) further extend its previously announced flexibilities on Form I-9 compliance requirements (the "I-9 Flexibility Guidance"). While the nation is beginning to turn the corner on the COVID-19 pandemic, cases of COVID-19 have trended slightly upwards since March, and universities continue to rely on the flexibilities to help address historic workforce shortages across campus and pandemic-induced changes to workplace arrangements.

Last December, following a similar [request](#) from eleven associations, DHS [announced a further extension](#) of the flexibilities on Form I-9 verification requirements that were initially granted in the Spring of 2020. The Department cited continued precaution with the COVID-19 pandemic, in light of the then-rapidly spreading Omicron variant, as reason to extend the I-9 Flexibility Guidance through April 30, 2022. The guidance, which has been extended and amended numerous times, permits remote inspection of employee identity and employment authorization documents in situations where employees work exclusively in a remote setting due to COVID-19-related precautions.

Human resources professionals at colleges and universities have relied on the I-9 Flexibility Guidance for employee onboarding throughout the pandemic to ensure that institutions can continue serving their students and their surrounding communities with minimum disruption. As we enter new phases of the pandemic, however, such flexibilities remain critical as colleges and universities face worker shortages and a tight labor market that make maintaining campus

operations increasingly difficult. As a result of these shortages, institutions have successfully turned to out-of-state professionals and faculty to help fill open positions critical to institutions' missions. The flexibilities allow institutions to seamlessly hire and integrate such workers at a time when campuses are increasingly relying on the hybrid workplace model. Extending the flexibilities past April 30 will ensure institutions can continue to adapt to changing needs and challenges as they arise.

Additionally, DHS is already pursuing options to modernize the Form I-9 examination requirements, including the consideration of a permanent option for Form I-9 remote verification. In October, DHS issued a [Request for Public Input](#) (RPI) to determine whether the Form I-9 remote inspection flexibilities should be kept in place permanently. CUPA-HR submitted [comments](#) that included membership survey data that showed widespread support and use of the Form I-9 flexibility guidance as well as support for a permanent option for remote verification. Additionally, DHS announced in the [Fall 2021 Unified Agenda of Regulatory and Deregulatory Actions](#) its plans to [issue](#) a Notice of Proposed Rulemaking (NPRM) in June 2022 to "revise employment eligibility verification regulations to allow the Secretary to authorize alternative document examination procedures in certain circumstances or with respect to certain employers" for Form I-9. DHS should therefore consider extending the flexibilities as the Department works on developing the NPRM and subsequent final rule.

As colleges and universities continue to battle the economic consequences of the pandemic, the DHS Form I-9 flexibilities have helped institutions continue to provide quality education and services to everyone on campus. Extending the flexibilities past April 30 will ensure institutions can continue to adapt to and recover from the pandemic.

Thank you for your consideration of this request.

Sincerely,

Basil Thomson

Basil Thomson
Government Relations
CUPA-HR