



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: Expiration of Flexibility in Requirements Related to Form I-9 Compliance During the Coronavirus Disease 2019 Emergency

AUDIENCE: Appropriated Fund and Nonappropriated Fund Personnel

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

REFERENCES:

- a. U.S. Immigration and Customs Enforcement News Release, May 4, 2023, <https://www.ice.gov/news/releases/ice-updates-form-i-9-requirement-flexibility-grant-employers-more-time-comply>
- b. U.S. Office of Personnel Management Memorandum, "On-Boarding Processes for New Employees During the COVID-19 Emergency," March 24, 2020, <https://www.chcoc.gov/content/boarding-processes-new-employees-during-covid-19-emergency>

BACKGROUND/INTENT: On May 4, 2023, the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), published reference (a), notifying employers that the flexibility in rules related to Form I-9 compliance expired July 31, 2023, and will not be extended. As of August 1, 2023, DoD Components are required to conduct physical examinations to verify the identity and employment authorization of individuals. Additionally, DoD Components must perform all required physical examination of identity and employment eligibility documents for those individuals hired on or after March 20, 2020, and who have only received a virtual or remote examination under the flexibilities listed in reference (b). This must be completed no later than August 30, 2023, and all Form I-9s must be updated to reflect the date of the physical examination.

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