



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

August 09, 2021

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,

We would like to congratulate you on your historic confirmation as Director of United States Citizenship and Immigration Services (USCIS). In addition, I write on behalf of the College and University Professional Association for Human Resources (CUPA-HR) and the undersigned higher education organizations to request that the U.S. Department of Homeland Security (DHS) further extend and amend its previously announced flexibilities on Form I-9 compliance requirements (the "I-9 Flexibility Guidance") in light of the widespread circulation of the COVID-19 Delta variant and ensuing guidance from the Centers for Disease Control and Prevention (CDC) pertaining to fully vaccinated people.

CUPA-HR serves as the voice of human resources in higher education, representing more than 31,000 human resources professionals and other campus leaders at over 2,000 colleges and universities across the country, including 93 percent of all United States doctoral institutions, 79 percent of all master's institutions, 57 percent of all bachelor's institutions and nearly 600 two-year and specialized institutions. Colleges and universities employ more than 3.5 million workers nationwide, and there are institutions of higher education located in all 50 states. Many universities are the largest employer in the state in which they operate.

On May 26, DHS [announced](#) an extension of the I-9 Flexibility Guidance that was initially granted in the Spring of 2020. Citing continued precautions due to COVID-19, the announcement declared that the flexibilities would be extended until August 31, 2021. That initial 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. Currently the flexibility applies until an employee undertakes non-remote employment on a regular, consistent, or predictable basis, or the extension of the flexibilities related to such requirements is terminated. Furthermore, the guidance requires employers to conduct in-person verification of identity and employment eligibility documentation within **three business days** once normal operations resume.

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 fulfilling their missions to their students as well as their surrounding communities. While a majority of institutions have indicated plans to operate at full capacity starting in the fall, changing [guidance](#) from the CDC in response to new evidence on the Delta variant currently circulating in the United States and an increasing number of [restrictions](#) by states on COVID-19 public health measures has created additional uncertainty for human resources professionals planning to bring employees back to campus.

In light of these uncertainties, it is critical that colleges and universities be able to continue to avail themselves of the I-9 Flexibility Guidance beyond its current expiration on August 31, 2021. Furthermore, DHS should include, in any additional extension of its I-9 Flexibility guidance, a reasonable timeframe for employers to conduct in-person verification of identity and employment eligibility documentation once employees return to campus. The current requirement that in-person verification take place within three business days places an undue burden on human resources professionals who will be tasked with implementing policies to ensure the health, safety, and welfare of employees at a time of tremendous unpredictability.

Colleges and universities have been on the frontlines of the pandemic since its onset and developed a vast array of experience-based tools to prevent and contain the spread of the virus on campus and their communities. Continued success in the face of an unpredictable virus will require maintaining and expanding upon existing workplace flexibilities that enable employers to be nimble as the virus evolves.

Thank you for your dedication to this important issue.

Sincerely,

Basil Thomson

Basil Thomson
Government Relations
CUPA-HR

On Behalf of:

American Association of State Colleges and Universities
American Council on Education
Association of American Universities
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
College and University Professional Association for Human Resources
Council for Christian Colleges & Universities
EDUCAUSE
NASPA - Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
State Higher Education Executive Officers Association