

Legal Update

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DHS Ends Temporary COVID-19 Policy for Form I-9 Expired Documents

On May 1, 2022, the U.S. Department of Homeland Security (DHS) ended the [COVID-19 Temporary Policy for List B Identity Documents](#). As a result, employers are no longer allowed to accept expired [List B](#) documents when individuals fill out their [Form I-9](#). In addition, if an employee presented an expired List B document between May 1, 2020, and April 30, 2022, employers are required to update their Form I-9 by **July 31, 2022**.

Temporary Policy

DHS issued the temporary policy in response to the challenges many individuals experienced with renewing List B documents during the COVID-19 pandemic.

Now that document-issuing agencies have reopened and provide alternatives to in-person renewals, the DHS has ended this flexibility. Employers will need to update Form I-9 for employees who used expired documents from List B.

Required Form I-9 Updates

Employers must use the "Additional Information" field in the form's Section 2 to enter the title, issuing authority, number and expiration date of the unexpired document. Employees may present a renewed List B document, a different List B document or a document from [List A](#). Employers must also initial and date these changes.

Employers should note that no action is required for individuals who used expired List B documents if:

- They are no longer employed; or
- The List B document was auto-extended by the issuing authority (the document is considered unexpired when presented).

Important Dates

May 1, 2022

Expiration date of the DHS temporary policy that allowed employers to accept expired documents from the Form I-9 B list

July 31, 2022

Deadline for employers to update Form I-9 for employees who used expired documents from List B

Now that document-issuing agencies have reopened, employers will need to update Form I-9 for employees who used expired documents from List B.

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