

LEGAL UPDATE

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).

Provided to you by [Ellis Agency Insurance](#)

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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.

