

e-Alert

04.14.22

Form I-9 List B COVID-19 Temporary Policy End Announced

Background

The Department of Homeland Security (DHS) enacted a [temporary policy](#) in May of 2020 allowing employers the flexibility to validate a new hire's Form I-9 with an expired List B document. This provision was enacted due to the COVID-19 pandemic where several state and municipal offices throughout the country temporarily ceased in-person documentation renewal appointments. **The DHS recently announced that the temporary policy will sunset on April 30, 2022.**

Summary

Effective May 1, 2022, employers must revert to accepting valid, **unexpired [List B Documents for Section 2 of the I-9](#)**. Employees who provided expired documents between May 1, 2020, and April 30, 2022, must now provide their employers with an updated document by July 31, 2022. It is important to note that some issuing authorities automatically extended the validity of List B documents. Employers are encouraged to check with the issuing authority to determine if a particular document was affected.

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Employees whose documents were affected by this auto-extension were considered to have a valid document at the time section 2 was completed. These individuals are not required to amend their Form I-9. The United States Citizenship and Immigration Services (USCIS) recommends employers take the following action items to meet the July 31, 2022 deadline:

- If an employee is still active, and presents a non-expired List B document, the employer must input the document's title, issuing authority, document number, and document expiration date in the "Additional Information" field in Section 2.
- If an employee was hired while the temporary policy was in force, but has since separated from the company, the employer has no further obligation to amend the Form I-9.

As COVID-19 extensions come to an end, employers find themselves faced with employees working in multiple states. The DHS is still in discussion toward a permanent solution in verifying supporting documentation for the Form I-9 in a remote environment.

Employer Next Steps

- Make your Human Resources team and all hiring managers aware of the upcoming expiration.
- Ensure the Human Resources team and all hiring managers are familiar with the [I-9 amendment process](#).
- Consider scheduling a Form I-9 audit either internally or by outsourcing to a provider like HRK after reverting to normal processes to ensure all your Form I-9s have been updated correctly.
- Consider moving to a cloud-based Form I-9 platform.
- If you are a Full-Service or Virtual HR client and would like our assistance updating your Form I-9 processing and storage practices, please [email us](#).

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