



News & Types: Client Advisories

DHS Ending COVID Accommodation for I-9s

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Practices: Immigration

The Department of Homeland Security (DHS) has announced that it is ending its temporary policy allowing employers to accept expired List B documents for I-9 purposes as of May 1, 2022.

Under current law, employers are required to complete Form I-9 upon hiring a new employee. The employee is required to present one document showing both identity and employment authorization ("List A" document), or a combination of documents showing both identity ("List B" document) and authorization to work ("List C" document).

As a result of the difficulties many individuals experienced with renewing documents during the COVID-19 pandemic, DHS previously adopted a policy allowing expired List B identity documents. Due to government reopening and alternatives to in person renewals, DHS has announced it is ending this policy. Beginning May 1st, employers must only accept unexpired List B documents.

In addition, employers are required to update their I-9 forms for employees that presented expired List B documents between May 1, 2020 and April 20, 2022. This update must be completed by July 31, 2022. If the employee is no longer employed by the company or if the document presented was auto-extended by the issuing authority, no action is required.

Detailed information on the announcement and directions for employers can be found [here](#). Employers with questions about this change are encouraged to contact our firm.