Friday, May 8, 2020


The policy was issued in light of the many safer-at-home orders across the nation that impact the ability of individuals to renew driver’s licenses and other identity documents. Under the policy, employers may accept an expired List B document from new employees when completing Form I-9 under certain conditions. Beginning May 1, 2020, identity documents found in List B of Form I-9 that are set to expire on or after March 1, 2020, and are not otherwise extended by the issuing authority, may be treated the same as if the employee presented a valid receipt for an acceptable document for Form I-9 purposes.

**EXPIRED DOCUMENTATION THAT HAS NOT BEEN EXTENDED BY THE ISSUING AUTHORITY**

If an employee provides an acceptable List B document that has expired and has not been extended by the issuing authority, the employer should record the document information in Section 2 under List B, as applicable, and enter the word “COVID-19” in the Additional Information field.

Within 90 days after DHS terminates this temporary policy, the employee must present a valid, unexpired document to replace the expired document that was presented when they were initially hired. While DHS would prefer that the employee
present the renewed version of the document that was originally presented, the employee is allowed to present a different List A or List B document or documents, as necessary. The required information for the new document should be recorded in the Section 2 Additional Information field, and the employer should initial and date the change.

**EXPIRED DOCUMENTATION THAT HAS BEEN EXTENDED BY THE ISSUING AUTHORITY**

For employees who present List B documents that have been automatically extended by the issuing authority at the time of hire, there is a different process. In that case, if the employee’s List B identity document expired on or after March 1, 2020, and the issuing authority has extended the document expiration date due to COVID-19, the document is acceptable as a List B document for Form I-9 during the extension timeframe specified by the issuing authority.

When this occurs, the employer should enter the required information in Section 2 for List B documents and enter the document’s expiration date. Additionally, the employer should enter “COVID-19 EXT” in the Additional Information field. Employers may also attach a copy of a webpage or other notice indicating that the issuing authority has extended the documents.

In these cases, employees are not required to later present a valid, unexpired List B document.

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