

## Form I-9 Expired List B Documents Must Be Updated by July 31, 2022

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July 27, 2022

Employees who presented an expired List B Identity document **between May 1, 2020, and April 30, 2022**, must present an unexpired document that establishes identity **by July 31, 2022**, to update their Form I-9, Employment Eligibility Verification.

On May 1, 2022, the Department of Homeland Security (DHS) ended the **temporary policy** that allowed employees to present an expired List B Identity Document used to complete Form I-9. DHS adopted this temporary policy to address employees' COVID-related challenges in renewing a driver's license, state ID card, or other Form I-9, List B Identity document.

Employers must be sure that employees who presented an expired List B Identity document between May 1, 2020, and April 30, 2022, provide an unexpired document that establishes their identity. DHS recommends that employees present the replacement of the actual document that was expired. Otherwise, the employee may present a different List A document (which establishes both identity and employment authorization) or a different List B document (which establishes identity only). **See a listing of acceptable documents for Form I-9 here.**

Form I-9 Updates are **NOT** required if the employee is no longer employed as of May 1, 2022, OR if the employee presented a List B Identity document that was auto-extended by the issuing authority on the date the List B Identity document was presented by the employee.

### Required Form I-9 Updates

Employers should be sure to complete any required Form I-9 updates right away. If an employer becomes the subject of an **I-9 audit**, and the Form I-9 is not completed properly, fines can add up very quickly, ranging from \$573 to \$20,130 per violation.

Additional information regarding temporary policies related to the I-9 Form and updating the I-9 Form can be found at the following websites:

- **Temporary Policies Related to COVID-19 | USCIS**
- **ICE announces extension, new employee guidance to I-9 compliance flexibility | ICE**
- **12.0 Acceptable Documents for Verifying Employment Authorization and Identity | USCIS**

Please contact the authors to further discuss how this impending change affects you.

*This information is based on the facts and guidance available at the time of publication and may change.*