

05/1/20

COVID-19 Temporary Policy for List B Identity Documents

Because many areas are under stay-at-home orders due to COVID-19 and some online renewal services have restrictions, employees may experience challenges renewing a state driver's license, a state ID card, or other Form I-9, Employment Eligibility Verification, List B identity document. Considering these circumstances, DHS is issuing a temporary policy regarding expired List B identity documents used to complete Form I-9, Employment Eligibility Verification.

Beginning on May 1, identity documents found in List B set to expire on or after March 1, 2020, and 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.

When your employee provides an acceptable expired List B document that has not been extended by the issuing authority you 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's termination of this temporary policy, the employee will be required to present a valid unexpired document to replace the expired document presented when they were initially hired.

Note: It is best if the employee can present the replacement of the actual document that was expired, but if necessary, the employee may choose to present a different List A or List B document or documents and record the new document information in the Additional Information Field.

When the employee later presents an unexpired document, you should:

- In the Section 2 Additional Information field:
 - Record the number and other required document information from the actual document presented;
 - Initial and date the change.

Procedure for List B Documents extended by an Issuing Authority

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 (not as a receipt) during the extension timeframe specified by the issuing authority.

When your employee provides an acceptable expired List B document that has been extended by the issuing authority you should:

- Enter the document's expiration date in Section 2; and,
- 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. Employers can confirm that their state has auto-extended the expiration date of state IDs and driver's licenses by checking the state Motor Vehicle Administration or Department of Motor Vehicles' website.

Note: For extended documents, the employee is not required to later present a valid unexpired List B document.

E-Verify participating employers should use the employee's expired List B document number from Section 2 of the Form I-9 to create an E-Verify case as usual within three days of the date of hire.

DHS continues to monitor the ongoing COVID-19 national emergency and will provide updated guidance as needed.