

Recent Updates on Temporary Covid I-9 Procedures



By [Andrew M. Wilson](#)

April 13, 2022 | **IMMIGRATION**

There are two important updates regarding temporary Covid I-9 procedures:

1. **Expired List B Identity Documents No Longer Acceptable**

As of May 1, 2022, employers can no longer accept expired List B identity documents for the I-9 process. This was allowed as of May 2020 due to issues with applicable government agencies being able to issue documents.

Additional Date: July 31, 2022 Employers are required to update the I-9s of any employee who provided an expired List B document between May 1, 2020 and April 30, 2022. This needs to be completed by July 31, 2022.

See <https://www.uscis.gov/i-9-central/covid-19-form-i-9-related-news/reminder-dhs-to-end-covid-19-temporary-policy-for-expired-list-b-identity-documents#:~:text=DHS%20is%20ending%20the%20COVID,during%20the%20COVID%2D19%20pandemic>.

<https://www.uscis.gov/i-9-central/covid-19-form-i-9-related-news/temporary-policies-related-to-covid-19>

2. **Virtual Review of I-9 Documents**

We will have to see what happens with the rules regarding virtual review of I-9 docs. That remains in effect until at least April 30th, and we will see if it is extended.

See: <https://www.uscis.gov/i-9-central/covid-19-form-i-9-related-news/dhs-extends-form-i-9-requirement-flexibility-effective-january-1-2022>

There is supposed to be a new rule coming out in June 2020 that will make remote verification options more permanent.

See: <https://www.federalregister.gov/documents/2021/10/26/2021-23260/remote-document-examination-for-form-i-9-employment-eligibility-verification-request-for-public>

The understanding right now is that DHS will provide some advance notice when and how previously virtual I-9 processes will need to be confirmed in-person. Employers can start to gather a list of the those names whose I-9s may need to be verified in-person.

There should be a new rule providing for virtual verification of I-9s going forward, but we do not know if that will address the virtual I-9s during Covid. Those may still need to be verified in-person if a new rule is finalized.

We should see an update shortly on:

- 1. Virtual I-9 verification after April 30, 2022
- 2. What to do re: virtual I-9s verified during Covid
- 3. New rule allowing for virtual I-9 verification going forward

You can always track announcements at:

[https://www.ice.gov/newsroom?](https://www.ice.gov/newsroom?field_news_release_topics_tag_target_id=172&field_field_location_administrative_area=All&field_published_date_value%5Bmin%5D=&field_published_date_value%5Bmax%5D=&con)

[field_news_release_topics_tag_target_id=172&field_field_location_administrative_area=All&field_published_date_value%5Bmin%5D=&field_published_date_value%5Bmax%5D=&con](https://www.ice.gov/newsroom?field_news_release_topics_tag_target_id=172&field_field_location_administrative_area=All&field_published_date_value%5Bmin%5D=&field_published_date_value%5Bmax%5D=&con)

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Related Team



Andrew M. Wilson

Partner | Chief Advisory Officer |
Team Co-Leader - Immigration

Nisha V. Fontaine (Jagtiani)

Partner

Elizabeth M. Klarin

Partner

Eileen M. Martin

Partner | Team Co-Leader -
Immigration | Team Leader -
Canada-U.S. Cross Border

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