

News & Types: Client Advisories

DHS Ending COVID-19-related Temporary Form I-9 Policies

7/7/2022

By: Derek W. Strain

Practices: Immigration

The U.S. Department of Homeland Security (DHS) is ending its COVID-19-related temporary Form I-9, Employment Eligibility Verification, policies due to the reopening of government offices. As of May 1, 2022, employers must only accept unexpired List B identity documents as part of the I-9 process. Also, after July 15, 2022, E-Verify will no longer provide extended timeframes for employees to visit the Social Security Administration (SSA) to resolve Social Security mismatches.

As a result of COVID-19 and the many closures of state driver's license facilities, DHS temporarily allowed employers to accept expired List B identity documents as part of the I-9 process in certain cases. DHS indicated that it was acceptable for employers to accept expired state IDs or driver's licenses for List B if the document expired on or after March 1, 2020, and the state extended the document expiration date due to COVID-19.

This policy ended on May 1, 2022 due to the reopening of state document-issuing facilities, and now, employers must only accept unexpired List B documents. In addition, employers have until July 31, 2022 to update their I-9 Forms for employees that presented expired List B documents between May 1, 2020, and April 30, 2022. A chart detailing these changes can be found [here](#).

Similarly, due to the closure of SSA offices to the public, USCIS allowed employers participating in E-Verify to postpone dealing with Social Security mismatches (cases in which an employee's Social Security number did not match the number in the E-Verify database resulting in a "TNC" or "tentative non-confirmation"). Before the pandemic, an employee contesting a TNC was required to contact the government office (SSA) within 8 federal working days or risk getting a Final Nonconfirmation and loss of employment. Beginning March 2, 2020, this requirement was relaxed and employees were provided an extended timeframe to visit the SSA to resolve mismatches.

As of July 15, 2022, employees receiving a TNC for a Social Security mismatch will again be required to contact the SSA within 8 federal working days to resolve the mismatch. Employees with mismatches between March 2, 2020 and July 14, 2022 have until September 29, 2023 to resolve their cases. A chart explaining the preferred timeline for these cases can be found [here](#).

If you have questions about how these changes may affect your I-9 processes, please contact your attorney at our firm.

