



Employment Authorization Document (EAD) Delays Due to COVID-19

09/23/2020

Issuance of certain Employment Authorization Documents (Form I-766, EADs) may be delayed due to the COVID-19 global pandemic. To complete Form I-9, new employees who are waiting for their EAD and current employees who require reverification may present certain Forms I-797, Notice of Action, as a List C #7 document issued by the Department of Homeland Security that establishes employment eligibility, even though the notice states it is not evidence of employment authorization.

For the notice to be acceptable, it must include a Notice Date from Dec. 1, 2019, through and including Aug. 20, 2020, and indicate that USCIS has approved the employee's Form I-765, Application for Employment Authorization. Both new and current employees may present this notice to complete Form I-9 until Dec. 1, 2020. New employees will also need to present an acceptable List B identity document.

By Dec. 1, employers must reverify employees who presented this notice as a List C document. These employees must present new evidence of employment authorization -- either their new EAD or any other acceptable documentation they choose -- from either List A or List C.