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Extension of Validity of Certain Forms I-797 Due to Continued Employment Authorization Document (EAD) Delays

USCIS [previously issued a notice](#) indicating that certain Forms I-797, Notice of Action, are acceptable for Form I-9, Employment Eligibility Verification, through Dec. 1, 2020. DHS is now extending the validity of these Forms I-797. To complete [Form I-9](#), new employees and current employees requiring reverification who are waiting for their EAD may continue to present a Form I-797 described below through Feb. 1, 2021 as a [List C](#) #7 document issued by the Department of Homeland Security that establishes employment authorization, 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](#). The last day that both new and current employees may present this notice to complete Form I-9 is Feb. 1, 2021. New employees will also need to present an acceptable [List B](#) identity document.

Employers who entered a Dec. 1, 2020 expiration date on Form I-9 for employees who presented this Form I-797 as a new hire or for reverification as directed in the [original notification](#) must update their employees' forms to document continued employment authorization. To do so, write Employment Authorization Ext Until 02/01/2021 in the Additional Information box in Section 2 of Form I-9.

By Feb. 1, 2021, employers must reverify employees who presented this Form I-797 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.

Last Reviewed/Updated: 11/23/2020