

The Eve of Destruction: 5 things to know about saving old E-Verify records before it's too late

10.17.2024

The U.S. Citizenship and Immigration Services recently [announced](#) that it will permanently dispose of E-Verify records that were last updated on or before December 31, 2014. Employers using E-Verify should be aware of these five important details:

1-Deadline to Act: January 5, 2025

The permanent destruction will begin after January 5, 2025. If you want to preserve these records, you will have to download and save them before this date. If you fail to retain this data, you could have compliance issues, particularly if you are audited or if your company transitions from paper I-9s to an electronic system.

2-Why the USCIS is disposing of the records

The USCIS is required by the National Archives and Records Administration to dispose of E-Verify records that are 10 years old or older. This process helps reduce security and privacy risks by limiting the amount of personally identifiable information retained by the government.

3-Audit and compliance risks

Preserving your historic E-Verify records is crucial in case of an audit by the Department of Homeland Security, an investigation by the Department of Justice's Immigrant and Employee Rights section, or other regulatory review. In these audits, employers are often required to produce records related to E-Verify cases. The records contain essential data, such as case identifiers, resolution status, and other information that is critical for compliance.

4-Form compliance

If you are an E-Verify employer, you must do one of the following to comply with Form I-9 requirements:

- Record the E-Verify case verification number on the corresponding I-9 form, or
- Attach the E-Verify case details page to each I-9 form.

Ensuring that E-Verify records are kept with your I-9 forms is critical, not only as a compliance requirement, but also to ensure that you have the proper corresponding documentation necessary for an audit defense.

5-Managing E-Verify data across multiple systems

If your company has transitioned from paper I-9 forms to an electronic system or used multiple electronic systems over the years, managing historical E-Verify records can be complex. To ensure compliance, you should do the following:

- Designate someone in your company to oversee E-Verify management, including maintaining access to historical E-Verify accounts.
- Ensure that your team has access to all current and historical E-Verify accounts. If you aren't sure, check internally or contact the USCIS for assistance. In some cases, legal counsel can help with this process.
- Confirm that E-Verify records are retained correctly when transitioning between paper and electronic systems, or when changing electronic I-9 vendors. If you are using a vendor, check in with your vendor and validate that the data are stored and were transferred appropriately during system migrations.

Suggested next steps before January 5

1. **Download the Historic Records Report:** Make sure you [download](#) and save your E-Verify Historic Records report.
2. **Review I-9 Forms:** Check that the E-Verify case verification numbers or case details pages are attached to the corresponding I-9 forms.
3. **Consult Your Vendor:** If using an electronic I-9 system, confirm with your vendor that the vendor is storing all necessary E-Verify data, including older records.

By taking these steps, your company can remain compliant and well-prepared in case of an audit or system transition.

If you have additional questions on this or how to stay compliant generally with your Form I-9 or E-Verify compliance requirements, please contact any member of Constangy's Immigration Practice Group.