



# I-9 RETENTION WORKSHEET

**I-9 Retention Rule:** All current employees, hired after November 6, 1986, must have I-9 Forms on file with the employer. An employer must retain the I-9 Form for each employee either three years after the date of hire or one year after the employee's last date of employment, whichever is later. The USCIS regulations state that the Form I-9 "*should be retained for three (3) years after the date of hire, or one (1) year after the date employment ends-whichever is later.*" So, current employees should always have an I-9 on file; only after they are terminated should employers begin to calculate the retention requirements.

**Instructions:** For all current employees, complete this form in its entirety on the employee's last day of employment as a part of your closeout procedures.

**STEP 1:** On the employee's **first day of employment**, complete employee name and date of hire. Staple this form directly to the I-9.

**STEP 2:** On the employee's **last day** of employment, complete date of separation, complete the calculations, and enter the retention date in the box provided.

**STEP 3:** On the retention date, or during your annual review and purge of expired Form I-9s, destroy this form and the I-9 form.

<b>EMPLOYEE NAME:</b>			
<b>1. Date of Hire:</b>		<b>+ three (3) years =</b>	<b>Date A:</b>
<b>2. Date of Separation:</b>		<b>+ one (1) year =</b>	<b>Date B:</b>
<b>3. Take the LATER date of Date A or Date B and enter here:</b>	<b>I-9 Retention Date:</b>		
<b>USCIS Form I-9 RETENTION DATE: Retain this employee's I-9 until the date above.</b>			

## Example

John Doe is hired on 5/14/07 and is terminated on 2/9/14. Using the calculation above we will determine how long to keep John Doe's Form I-9 on file.

1. Date John Doe began work for pay: 5/14/07 > **Date A: Add three years to the date of hire: 5/14/10**
2. The date John Doe's employment was terminated: 2/9/14 > **Date B: Add one year to the date of John Doe's termination: 2/9/15**
3. Which date is later; A or B? Date B is later > **Retention Date: Enter the later date: 2/9/15 in the shaded box**

## Key Points and Next Steps for Employers

- Retain Form I-9s on file for all **ACTIVE** employees indefinitely, until they are terminated from employment.
- Determine record retention dates for **TERMINATED** employees only
- File your terminated I-9s chronologically according to their retention date
- Shred only those I-9's that have retention dates have passed for terminated employees only
- Download a copy of the current I-9 Handbook for Employers at <http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>.

## Storage of Form I-9s

Form I-9s should be maintained separately from employee personnel files. Most often, I-9s are maintained in an electronic or hard copy file. We recommend utilizing three-ring binders that are accessible only to a few individuals in the human resources department.

1. The first three-ring binder would include your active employee Form I-9s. Active employee I-9 records should be maintained alphabetically by last name so that they can be easily audited against a current payroll list.
2. The second three-ring binder is for your terminated employee Form I-9s. When an employee is terminated, pull their Form I-9 from the active employee section and file in the terminated I-9 binder.
3. A third three-ring binder can be used to store those Form I-9 documents that need to be reverified before they expire. A list of those document that need to be reverified before they expire are:
  - **List A Documents that need to be reverified:**
    - Temporary Evidence of Lawful Permanent Residence in the form of I-551 Stamp in a Foreign Passport
    - Temporary Evidence of Lawful Permanent Residence in the form of a machine-readable Immigrant Visa with a I-551 Notation
    - Employment Authorization Document Form I-776
    - Foreign Passport with I-94 Showing Status Allowing Work for the Employer
  - **List C Documents that need to be reverified:**
    - I-20 with CPT notation (for students)
    - DS 2019 (for J exchange visitors)