USCIS FORM I-9 RETENTION CALCULATION & ARCHIVE FORM

I-9 Retention Rule: All current employees, hired after November 6, 1986, must have I-9 Forms on file with the employer. 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 date requirements.

INSTRUCTIONS – As a part of your off-boarding process for terminated employees, complete this form on the employee's last day of employment. On the employee's last day of employment, complete the calculations, and enter the retention date in the shaded box provided. Complete the following sections of the table below:

1. **Employee Full Name**: Print the employee's full name as it appears on Section 1 of the Form I-9
2. **Last 4 of SSN**: Enter the last 4 digits of the employee's SSN for verification.
3. **First day of Employment**: The original start date from Section 2 – be sure that it matches the date in your payroll system. Perform the calculation, and enter that date as "Date A."
4. **Last Day of Employment**: The final day the employee renders-paid work or services - be sure that it matches the date in your payroll system. Perform the calculation, and enter that date as "Date B."
5. **Retention Date**: Enter the LATER date of "Date A" or "Date B" in the shaded box.

Transfer to Inactive Status: Attach this form to the front of the Form I-9, and transfer it out of active binders/databases and into a secure, separate inactive storage file or system accessible only to authorized personnel. Be sure to retain all other attachments to the Form I-9.

1. EMPLOYEE FULL NAME:		**2. Last 4 of SSN:**	
3. First Date of Employment:	/ /	**+ Three (3) Years:**	**Date A:** / /
4. Last Day of Employment:	/ /	**+ One (1) Year:**	**Date B:** / /
5. RETENTION DATE: ***Enter the LATER of Date A or Date B here:***		***Form I-9 Retention Date***: / /	

Compliance & Audit Readiness - When archiving Form I-9s, you must ensure they are fully prepared for a potential inspection by Immigration and Customs Enforcement (ICE) or the Department of Justice (DOJ).

- **Inspection timeline**: You must be able to produce all requested I-9 forms within **three business days** of receiving an official Notice of Inspection (NOI).
- **Missing documentation**: If an inactive employee's I-9 is missing, do not backdate a new form; instead, document the exact dates of employment and the reason for the missing file.
- **Discrimination risks**: Apply the exact same archival and destruction timelines to all employees to avoid claims of national origin or citizenship status discrimination.
- **Internal self-audits**: Review your inactive files annually to ensure no forms have been kept past their required purge date.

Purging & Secure Destruction - On the retention date, or during your annual review and purge of expired Form I-9s, destroy this form and the I-9 form according to the guidelines below. Keeping I-9 forms longer than the required law demands increases your organization's legal liability during a government audit.

- **Secure shredding**: Destroy physical forms using cross-cut shredding or a certified secure document disposal service.
- **Digital wiping**: Delete electronic files permanently from all active servers, cloud storage, and hard drives, ensuring they cannot be recovered.
- **Destruction log**: Maintain a master log tracking whose I-9s were destroyed, the date of destruction, and the method used.
- **Never mix files**: Do not store active and inactive I-9 forms in the same digital folder or physical binder.

I-9 STORAGE & VERIFICATION CHECKLIST

☐ Form I-9 is fully completed (Section 1, Section 2, and Supplement B if applicable).
☐ Any retained document copies are clearly legible and firmly attached or linked.
☐ Form has been completely removed from active employee files/databases.
☐ Form has been placed in the designated secure inactive storage location.

AUTHORIZATION & ARCHIVAL SIGN-OFF

Processed By *(Name/Title)*: ____

Signature: ____ **Date**: ______ / ____ / ______