

Form I-9 FAQs

How should I-9s be stored?

It's a best practice to keep hardcopy Form I-9s in a separate file (not in employee personnel files) so they are easily available for inspection.

If you retain Form I-9s electronically, you're required to implement an effective records security program that ensures all of the following:

- Only authorized personnel have access to the electronic records.
- Authorized personnel are properly trained to minimize the risk of wrongfully or accidentally altering or erasing electronic records.
- You have a backup plan for record recovery.
- The system creates a secure and permanent record when an individual creates, completes, updates, modifies, alters, or corrects an electronic file.

For ease of organization, we recommend removing an employee's Form I-9 from the master file or binder on their termination date and storing it in a separate "terminated employee" Form I-9 file until the appropriate destroy date.

How long do we need to keep them?

Form I-9s need to be retained for three years after the date of hire, or one year after the date employment ends, *whichever is later*. Once the Form I-9 is past its retention period, you should destroy it. We recommend using a secure shredding company to ensure proper disposal and that documents related to an employee's identity are secure.

Do we need to keep copies of supporting documents?

Usually not. Unless you participate in the E-Verify program, you're not required to photocopy or scan documents for retention, and doing so is voluntary. However, if you wish to make photocopies of documents other than those used for E-Verify, you should do so for *all* employees, regardless of national origin, citizenship, or work authorization. In addition, these photocopies must be stapled to the Form I-9 and may not be used for any other purpose.

Do all workers need to complete Form I-9?

No, just *employees*. Properly classified non-employees—including volunteers, unpaid interns, and independent contractors—should not complete a Form I-9.

Additionally, those hired before November 6, 1986, those hired for casual domestic work in a private home, and those who do not perform work on U.S. soil do not need to complete a Form I-9.

Lastly, those doing work for you but who are actually employed by a contractor providing contract services (e.g., employee leasing or temporary agencies) don't need to complete a Form I-9 with you—it should be done with their primary employer.

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If an employee legally changes their name, do they need a new Form I-9?

Usually not. Except for some government contractors or in certain situations involving use of fraudulent documents, employers don't need to update or complete a new Form I-9 when an employee changes their legal name.

However, U.S. Citizenship and Immigration Services (USCIS) recommends completing Supplement B, Reverification and Rehire, and taking steps to ensure the name change is legitimate. To complete Supplement B, enter the employee's last name, first name, and middle initial in the fields at the top of the page and then enter the new, legally changed name in the appropriate New Name field. Then enter the employer name or employer's authorized representative name, and sign and date in the appropriate fields.

To ensure the employee's name change is accurate and legitimate, USCIS recommends that you ask the employee to provide legal documentation showing the name change, such as a marriage certificate. If you keep copies of an employee's supporting documentation, make a copy of the document to keep with the employee's Form I-9.