

E-Verify Records Scheduled for Disposal - Action Needed by January 4, 2026

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The Department of Homeland Security announced that it will permanently delete E-Verify employer records that are more than 10 years old on January 5, 2026.

E-Verify is a web-based system through which employers electronically confirm the employment eligibility of their employees during the onboarding process and then at certain milestones depending on the basis of the employee's work authorization/immigration status.

All employers that have used E-Verify, including federal contractors, will lose access to affected E-Verify employer records in the E-Verify portal once purged. Annual disposal follows the program's records schedule with the National Archives and Records Administration (NARA). E-Verify performs an annual purge of employer records that are 10+ years old under its NARA-approved schedule. This year's purge will affect all E-Verify cases last updated on or before December 31, 2015. Once deleted, these records will be permanently deleted.

Many employers rely on E-Verify case data for internal audits, government inspections, and future verification requests. Maintaining accurate and complete E-Verify and Form I-9 records is a critical component of an employer's compliance program. Preserving a copy of historical E-Verify case data and I-9 records support audit readiness but should also be structured against record retention laws.

Because the correct approach can vary depending on how your organization manages I-9s and E-Verify cases (including whether a third-party vendor manages the process), we recommend contacting Eckert attorneys for guidance on:

- Assessing whether your organization has affected records;
- Generating a tailored standard operating procedure checklist; and
- Determining what documentation should be retained.