

How Long Should Employers Retain Their Immigration Records?

Your filing cabinet is overflowing. Boxes are taking over your workspace. And you're left wondering, "Do I *really* need to keep all this stuff?"

As an HR professional, an important part of your job is ensuring compliance with business immigration laws. This means:

- Keeping immigration records for current and former employees who are foreign nationals working in the US
- Ensuring files are accessible at either the principal place of business or the worksite
- Storing immigration records separately from personnel files

It's also important to know when to get rid of your files – and not just because your storage is maxed out. Due to the increasing number of government audits, you should purge expired records when possible and retain only those documents required.

Ever wish you had a cheat sheet that explained what documents to keep – and when to toss them? Well, you'll find one below! If you have questions about your company's compliance with maintaining or purging immigration files, please contact us for assistance.

	Documents to Keep	Retention Period
H-1B and E-3 / H1-B1 Workers	Public Access File (PAF) including: <ul style="list-style-type: none"> – Labor Condition Application (LCA) – Prevailing Wage documentation – Summary of employees' benefits – Notice to workers and foreign employee Complete copy of the foreign employee's petition with supporting documents and approval notices	Duration of worker's employment validity as noted on the LCA plus one year after the date of employment listed on the LCA
PERM	PERM compliance file including: <ul style="list-style-type: none"> – Applications received – PERM application (ETA Form 9089) – Prevailing Wage determination – Recruitment summary – Copies of all recruitment conducted and notices 	Five years from the date of PERM application filing
Form I-9	<ul style="list-style-type: none"> • Form I-9 and supporting documents 	Either three years from the date of employment or one year after date of termination, whichever is longer
Foreign Worker's Family	<ul style="list-style-type: none"> • Employers are NOT required to keep the foreign worker's family paperwork. • It is up to the worker and his/her family to maintain the family's immigration documents. 	N/A

*This material is not intended to substitute as legal advice.