

FAQ: How Long Should Employers Retain Their Immigration Records?

Immigration filings and compliance involve storing a lot of documents and you're left wondering, "Do I really need to keep all this stuff?"

Here is a short summary of what to keep and what not to keep. If you have questions about your company's immigration compliance, 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 ● Notices 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 <u>plus</u> one year after the date of employment listed on the LCA.
PERM / Labor Certification	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 the PERM application filing
Form I-9	Form I-9 and supporting documents	Either three years from the date of employment <u>or</u> one year after date of termination, whichever is longer
Foreign Workers's Family	<ul style="list-style-type: none"> ● Employers are NOT required to keep the foregin 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.

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