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E-Verify's 2027 Countdown: Save Older Records, Check Your Software, and Get To Know E-Verify+

Employers enrolled in E-Verify face two upcoming deadlines that may affect how they preserve older case records and submit new ones. U.S. Citizenship and Immigration Services (USCIS) will dispose of certain older E-Verify case records in January 2027, and developers of software that connects directly to E-Verify must complete an update by March 2027. E-Verify has also published new guides for E-Verify+, an optional service that combines parts of the Form I-9 and E-Verify processes.

Which developments require action depends on how an employer uses E-Verify. An employer with older cases should preserve records before USCIS deletes them. An employer that submits cases through an electronic Form I-9 platform or third-party agent should confirm whether its cases are sent through a direct software connection to E-Verify and, if so, whether the party maintaining that connection will meet the new requirements. Ultimately, the employer, not the third-party agent, is responsible for compliance. Employers using or considering E-Verify+ should consult the new guides to see how new hires complete the Form I-9 online and what documentation employers must review and retain as part of the Form I-9 process.

Who Must Use E-Verify?

E-Verify is an online system that compares information from a new hire's Form I-9 with government records to help confirm the person's eligibility to work in the United States. Although E-Verify is voluntary for most employers, Alabama, Arizona, Mississippi, and South Carolina require private employers to use it. Florida, Georgia, North Carolina, and Tennessee also require it when an employer meets the applicable employee-count threshold. Utah requires private employers with at least 150 employees to use a qualifying electronic verification system—E-Verify is one option, but the state permits others. Employers may also be required to use E-Verify under a federal contract containing an E-Verify clause, under narrower state rules for government contractors or particular industries, or under a settlement or conciliation agreement with a federal agency.

Older E-Verify Cases Will Be Deleted in January

USCIS announced that E-Verify cases last updated on or before December 31, 2016, will be disposed of on January 11, 2027. Many employers still employ workers whose Form I-9 documentation was entered into E-Verify on or before that date. Employers have until **January 8, 2027**, to download information from those cases through E-Verify's Historical Records Report.

The cutoff is based on the date a case was **last updated** rather than the employee's hire date. Therefore, USCIS will delete a case last updated on or before December 31, 2016, even if the employee still works for the employer. The Historical Records Report contains basic company information, case identifiers, and case resolution information. It does not replace the employee's Form I-9.

Employers should determine whether they have cases within the disposal period and, if so, have their E-Verify program administrator download the report before January 8. They should retain the report with the corresponding Forms I-9 and confirm that the E-Verify case verification number is recorded on each form or that a copy of the case details page is

attached. Notably, USCIS's deletion of an E-Verify case does not allow an employer to discard the employee's Form I-9 or otherwise affect an employer's Form I-9 obligations. The employer must keep Form I-9 documentation throughout employment and, after employment ends, until the later of three years after hire or one year after termination.

Software That Connects to E-Verify Faces a March 2027 Deadline

Employers can enter cases directly on E-Verify's website, or they can use software that sends Form I-9 information to E-Verify. This second method, a direct software connection E-Verify calls "web services," may be built into an employer's system or used by a third-party agent acting on the employer's behalf. On September 22, E-Verify released version 32 of its Interface Control Agreement, which provides guidance to developers regarding how connected software must communicate with E-Verify.

Under the update, each case must identify an associated hiring site. For an employee hired remotely, E-Verify instructs users to select the site responsible for completing that employee's Form I-9. The update also adds information identifying the software used to submit the case and whether the employer used the Department of Homeland Security's optional procedure to examine Form I-9 documents remotely, which involves reviewing copies of the documents and meeting with the employee by live video. Version 32 also adds optional features that allow third-party agents to enroll client companies and manage hiring sites through their software.

Developers of software that connects directly to E-Verify must update their software and pass E-Verify's required testing by **March 31, 2027**. E-Verify says that after March 31, it will begin phasing out version 31 of the software interface used to submit cases directly to E-Verify. Employers that maintain their own connection should confirm their development team is on track. Employers using an outside platform or third-party agent should confirm whether their cases are submitted through web services and, if so, whether the party maintaining that connection will meet the deadline. Employers that enter cases directly on E-Verify's website are not affected by this software deadline.

New Guides Explain How E-Verify+ Works

On October 1, E-Verify published new employer and employee guides for its existing E-Verify+ service. E-Verify+ is an optional service that combines Form I-9 and the E-Verify check in one online process: The employer starts a case, and the new hire receives an email inviting them to complete their portion of Form I-9 and upload images of the documents they choose to present. The employer still examines those documents and completes its portion of the form. Using E-Verify+ may reduce employers' duplicate data entry between Form I-9 and E-Verify, but it does not eliminate employers' document review, signature, and retention responsibilities under the law.

The employer guide explains how to start a case, review the employee's information and documents, sign Form I-9, and download the completed form and documents by the deadline displayed in E-Verify+. The employer guide also addresses receipts for lost, stolen, or damaged documents. If a new hire presents such a receipt, the employer must track the 90-day deadline for the employee to provide the replacement document, update its retained Form I-9 when the document arrives, and then create a regular E-Verify case outside E-Verify+. The employee guide explains how new hires enter their information, upload documents, update their profiles, and respond to mismatches with government records.

The guides are for employers that choose to use E-Verify+. Their publication does not require employers to adopt it. E-Verify+ is currently unavailable through E-Verify's web services connection or through third-party agents.

Takeaways

Employers should identify their E-Verify program administrator(s) and check whether they have cases last updated on or before December 31, 2016. If they do, they should download the Historical Records Report by **January 8, 2027**, and confirm that the corresponding Forms I-9 contain the required E-Verify case information.

Employers that use an electronic Form I-9 platform or a third-party agent should also confirm how their cases are submitted. If the cases are submitted through web services, rather than entered on E-Verify's website, employers should obtain an

update from the party maintaining the software connection on its plans to complete integration and testing by **March 31, 2027**.

Current E-Verify+ users should review the new guides and confirm their procedures address document examination, downloading and retaining completed Forms I-9, and following up on replacement document receipts. Employers considering E-Verify+ should review the new guides to assess whether its online process fits their onboarding practices, paying particular attention to how they will examine documents and download and retain completed Forms I-9.

Employers unsure whether they are required to use E-Verify or how these developments affect them should contact counsel.

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