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## **NEW RULE ON ELECTRONIC FORM I-9 SIGNATURES AND STORAGE EFFECTIVE AUGUST 23, 2010**

Today, January 22, 2010, the DHS published a final rule, which will go into effect August 23, 2010. The final rule offers additional clarification as well as modifications regarding retention of audit trails that track when a Form I-9 is created, completed, updated, or corrected.

In 2006, the U.S. Department of Homeland Security (DHS) published an interim final rule authorizing the electronic completion, signature, and retention of the Form I-9 Employment Eligibility Verification documentation that employers must complete for employees hired after November 6, 1986.

The clarifications and modifications implemented in today's final rule are:

- Employers must complete a Form I-9 within three business days (not calendar days) (clarification of language in the interim final rule).
- Employers may use paper, electronic systems, or a combination of paper and electronic systems.
- Employers may change electronic storage systems as long as the systems meet the performance requirements of the regulations.
- Employer do not need to retain an audit trail for each time an electronic Form I-9 is viewed; rather, the audit trail must record each time a From I-9 is created, completed, updated, modified, altered, or corrected.
- Employers may provide or transmit confirmation of a Form I-9 transaction, but are not required to do so unless the employee requests a copy.

As always, FosterQuan will continue to monitor changes related to an employer's Form I-9 Employment Eligibility Verification obligations and will make additional updates available via future Immigration Updates<sup>©</sup> or via our firm's website at [www.fosterquan.com](http://www.fosterquan.com).