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Client Alert: E-Verify Updates Clients Need to Know

Multiple developments affecting employers' employment eligibility verification obligations and compliance practices have emerged in early January 2026. These changes will require immediate planning and operational adjustments for impacted employers, including contractors, subcontractors, and employer agents.

INDUSTRY SECTOR

Real Estate, Construction & Development

SERVICE LINE

Immigration

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U.S. Citizenship and Immigration Services (USCIS) Extends Deadline to Download Historical E-Verify Records

On January 2, 2026, USCIS announced that employers have until **January 22, 2026**, to download the Historical Records Report for E-Verify cases last updated on or before December 31, 2015. Starting January 23, 2026, USCIS will dispose of E-Verify records older than ten (10) years. Program administrators can generate the Historical Records Report, which contains company information, case identifiers, and resolution data. Employers must ensure the E-Verify case verification number is recorded on each corresponding Form I-9 or attach the case details page and retain the Historical Records Report with Forms I-9 in accordance with retention requirements.

E-Verify Reintroduces Points of Contact (POC) Management

Effective **January 5, 2026**, E-Verify reintroduced the capability for organizations to manage their POC information directly within their accounts, facilitating compliance with the Memorandum of Understanding (MOU) requirement to maintain up-to-date contact information and to ensure receipt of important program communications. Program administrators and corporate administrators can manage POC information in the Company Profile or Corporate Profile sections, respectively. The MOU Signatory is automatically designated as a POC and cannot be removed, though their contact information can be updated. If the MOU Signatory has departed, employers should ensure at least one active POC is maintained and that all POC details remain accurate. E-Verify provides navigational instructions for administrators to update POCs, including how corporate administrators view location-level profiles and how employer agent users manage client profiles. Keeping POC information current supports smooth communications and ongoing compliance with E-Verify's operational requirements.

Practical Considerations and Next Steps

Given the imminent Ohio mandate and federal program updates, employers should prepare for increased verification rigor and oversight across multiple fronts. Ohio construction industry participants should inventory affected contracts and workstreams, refresh internal E-Verify protocols, and coordinate with subcontractors and unions well in advance of the March 19, 2026, effective date.

All E-Verify participants should immediately download the Historical Records Report for cases updated on or before December 31, 2015, by January 22, 2026; retain the report with the corresponding Forms I-9; and document compliance internally. Employers should also log into E-Verify to confirm POC information is accurate and that at least one active POC is designated, particularly if organizational roles have changed since the original MOU execution.

Continue to check back with us for updates on the status of this important foreign policy issue. For more information, please contact Maria del Carmen Ramos or Haley Kole.