

Top 10 I-9 Compliance FAQs

Your most important questions, answered by Mitratech's I-9 experts

During our recent **Ask Me Anything session** with Alex Plumb and Paul McKenna, hundreds of HR professionals joined us to talk through the real-world challenges of I-9 compliance. They all asked thoughtful, practical questions. We listened, answered, and now we've compiled the most valuable insights into this easy-to-reference FAQ.

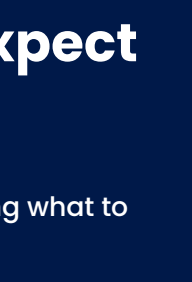
1. What happens if Section 2 is completed late?

Timeliness is one of the most scrutinized elements of I-9 compliance, and it can trip up even experienced HR teams.

If you discover a late Section 2, don't backdate it. That would constitute falsifying information. Instead, acknowledge the situation with a signed and dated explanation attached to the I-9. Then take a step back and examine your processes. Do you have adequate reminders? Are your workflows clear? Are there guardrails in place to prevent this from happening again?

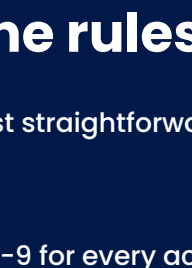
"Section 2 of the I-9 needs to be completed no later than 3 days from the employee's first day of work for pay. Regardless of circumstances, this is typically considered a paperwork violation."

Paul McKenna
Senior Product Manager
MITRATECH



"You're going to receive a written notice of inspection with at least 3 days of business notice."

Alex Plumb
Group Product Manager
MITRATECH



2. What should we expect during an I-9 audit?

Audits can feel overwhelming, but knowing what to expect helps you prepare effectively.

When a Notice of Inspection (NOI) arrives, the response window is short. Employers generally have three business days to produce requested Form I-9s and supporting documentation. That can include system history showing who completed key steps, when actions occurred, and how corrections were handled. The inspection guidance typically outlines what to provide, and follow-up requests may come if additional detail is needed.

MITRATECH'S PERSPECTIVE: The most effective audit prep is built before the NOI arrives. Centralized storage, consistent workflows, and reliable record history reduce scramble and help teams respond with confidence.

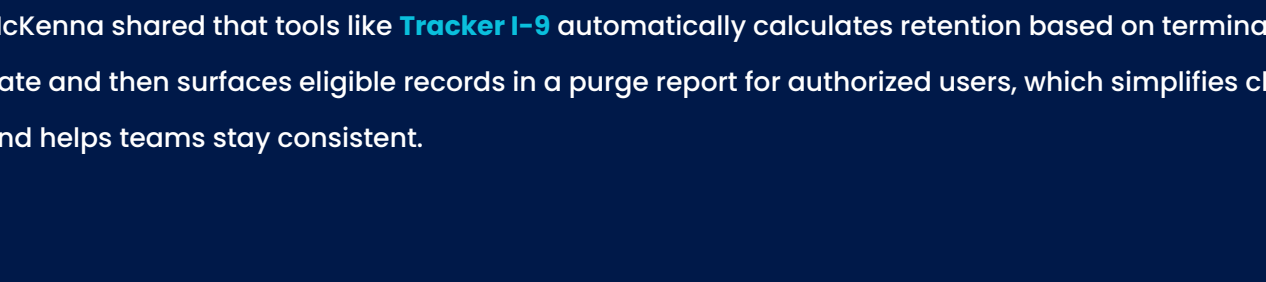
3. What are the rules for I-9 retention and purging?

Retention is one of the most straightforward requirements, and one of the easiest places to build ongoing discipline.

Employers must retain an I-9 for every active employee. After an employee leaves, retention is based on a date comparison often called the one-year, three-year rule: keep the I-9 until the later of **hire date + 3 years or termination date + 1 year**.

Example:

If someone was hired on January 1, 2020 and terminated on June 30, 2023:



McKenna shared that tools like **Tracker I-9** automatically calculates retention based on termination date and then surfaces eligible records in a purge report for authorized users, which simplifies cleanup and helps teams stay consistent.

4. How should we handle rehires and Supplement B?

Rehire workflows can be confusing, especially when deciding whether to use the original I-9 or start fresh.

When a rehire occurs within three years of the original I-9 completion date, employers can often rely on the original form. That does not mean the workflow is complete. The rehire date still needs to be recorded in Supplement B, and the update should be signed and dated. Reverification may also be required in situations where prior work authorization documentation has expired.

Some employers choose to complete a brand-new I-9 for rehires, which is also permitted. What matters most is consistency. Applying different paths to different employee groups can create compliance and discrimination concerns.

"If the rehire event is occurring within 3 years from when that employee's original I-9 was completed, then technically you can leverage the original I-9."

Paul McKenna
Senior Product Manager
MITRATECH



5. What if an employee's start date changes after the I-9 is completed?

Start dates shift, and that is not unusual. Risk shows up when the record does not explain what changed and why.

A accurate start date does not automatically create an error. What matters is whether the I-9 remains accurate and whether timing requirements, including the three-day window for Section 2, are still met. When start dates change, update the record using proper correction methods and leave a clear trail. Date and initial the change so the file tells the story without guesswork.

MITRATECH'S PERSPECTIVE: Clean documentation protects good-faith compliance. If an auditor sees a mismatch with no explanation, it can look like a gap. If the record shows what changed and when, it reads as controlled, transparent execution.

6. What counts as a "minor typo," and how should we correct it?

Small mistakes can seem harmless, but they still matter in an audit, especially if they show a pattern across multiple forms.

In the AMA, Mitratech emphasized correcting errors as soon as they're discovered using proper correction methods. A "minor typo" can include things like an incorrect issuing authority, transposed digits in a document number, or missing information that should have been entered.

BEST PRACTICE:

Make corrections right away, document them properly, and avoid waiting until an audit to clean things up. Delayed fixes can make a compliant program look reactive. The goal is a clear record that shows what changed, when it changed, and that the update was made in good faith.

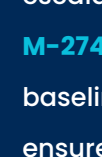
MITRATECH'S PERSPECTIVE:

Even small process gaps can create outsized risk over time. Tight correction habits prevent one-off mistakes from becoming repeat audit exposure.

7. Are I-797C approval notices acceptable as receipts or substitutes for I-94s?

Document questions are where well-meaning teams can drift into risk, especially when assumptions replace a consistent review standard.

I-797 notices are not interchangeable. Some versions support work authorization in a way that aligns with I-9 requirements, while others do not. HR teams should review the specific notice type carefully and validate what it represents before treating it as acceptable for I-9 purposes.



MITRATECH'S PERSPECTIVE:

When documents create uncertainty, standardize escalation. Use the **USCIS M-274 Handbook** as the baseline reference and ensure your hiring teams follow the same review approach each time.

8. How do we properly complete I-9s for remote or off-site employees?

Remote hiring is now routine. Compliance depends on defining who completes Section 2 and how document inspection is handled every time.

Some employers bring remote hires on-site during their first week, which supports in-person inspection. When that is not possible, the common approach is using an authorized representative to inspect documents and complete Section 2 on the employer's behalf. The employer remains responsible for the I-9, so oversight matters.

MITRATECH'S PERSPECTIVE:

Remote hiring needs guardrails. Clear procedures, training for authorized representatives, and internal checkpoints help protect the three-day deadline and reduce errors across locations and teams.

9. Is it enough to store I-9s digitally, and what are the best practices for digital storage?

Electronic storage is permitted, and it can strengthen compliance when it supports retrieval, security, and record integrity.

A compliant digital process should allow employers to retrieve I-9s quickly, reproduce legible copies, and show reliable record history. Controls that limit unauthorized changes and preserve form integrity are essential. Audit readiness also depends on being able to provide supporting records within required timelines.

10. What should we do if we discover errors or missing I-9s during an internal audit?

Internal audits are one of the strongest tools for reducing risk, especially when teams treat findings as process improvements rather than one-off fixes.

When issues are found, correct them promptly using proper methods. Then look for patterns. Repeated late Section 2s, recurring typos, or inconsistent rehire handling often point to gaps in review, unclear ownership, or missing reminders. Strengthening job aids, checklists, and workflow controls helps prevent the same issues from repeating.

"It's in your best interest to correct those errors as soon as they're discovered, using proper correction methods."

Paul McKenna
Senior Product Manager
MITRATECH



Building Confidence in Your I-9 Program

I-9 compliance continues to evolve as hiring models shift, technology advances, and federal guidance adapts to new realities. The questions raised during our **AMA** reflect a broader trend: HR teams want clarity, consistency, and tools that reduce risk without slowing down the hiring experience.

As we move forward, Mitratech remains committed to supporting organizations with solutions that simplify compliance, strengthen audit readiness, and adapt to the changing landscape.



Alex Plumb
Group Project Manager, Mitratech

Alex Plumb is a Group Product Manager at Mitratech, leading the company's I-9 and E-Verify compliance solution, Tracker I-9. He has been with Mitratech for a little over 4.5 years, focused on I-9 solutions across Tracker I-9 and other products in the Mitratech portfolio. Fun fact: Alex has lived in six different states and is currently in Virginia.



Paul McKenna
Senior Product Manager, Mitratech

Paul McKenna is a Senior Product Manager at Mitratech with oversight of the company's I-9 and E-Verify compliance solution. He has been with Mitratech for over 12 years and brings more than 20 years of experience in the HR technology space. Paul is based just outside Atlanta, Georgia, and enjoys helping teams navigate real-world compliance questions with practical guidance.

With the right processes and technology in place, your team can **approach I-9 management with confidence** and stay ahead of regulatory expectations.

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About the Experts