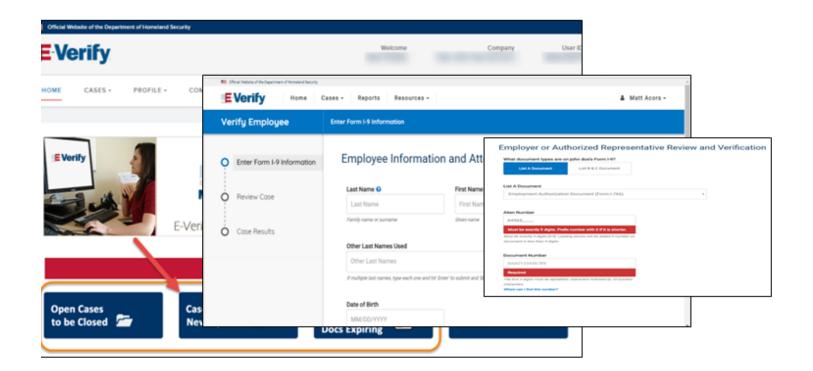


# E-Verify in 30



### Disclaimer

This presentation is intended for E-Verify employers and E-Verify employer agents. This presentation provides basic guidance about the rules and responsibilities during the employment eligibility verification process. For more information visit the <u>e-verify.gov</u> website.

This presentation is not intended for members of the media. For all media inquires visit the <u>U.S. Citizenship and Immigration Services Media Contacts</u> webpage.



# Agenda

**■** E-Verify – The Big Picture

Enrollment and Use

Employer Responsibilities

Features and Resources



# What is E-Verify?

- Free web-based service that's fast and easy to use
- ✓ Electronically verifies the employment eligibility of newly hired employees.
- Existing employees assigned to work on a qualifying federal contract \*
- ✓ Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)





<sup>\*</sup>Contract that includes the E-Verify Federal Acquisition Regulation (FAR) clause.

# What Does E-Verify Not Do?

### E-Verify is not...

- ...a system that provides immigration status
- ...used for prescreening
- ...a safe harbor from worksite enforcement

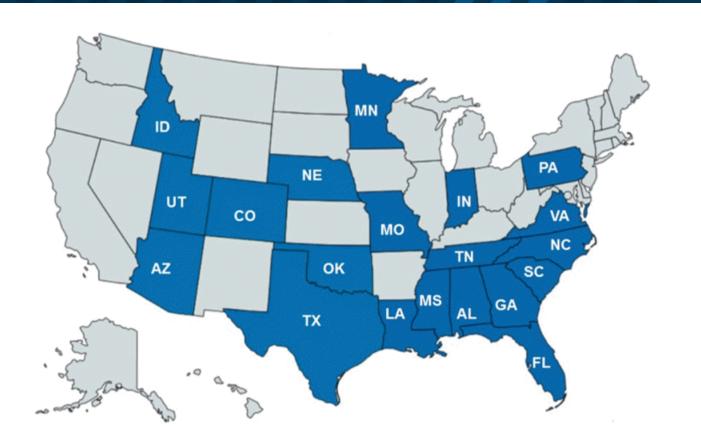


# Why use E-Verify?

- Ensures a legal workforce
- Protects jobs for authorized workers
- Deters document and identity fraud
- ✓ Works seamlessly with Form I-9



# **State E-Verify Requirements**



Enacted
legislation
requiring
mandatory use of
E-Verify that may
include most
employers,
various public
entities /
contractors

<sup>\*</sup>Also see Interim Final Rule implementing the Northern Mariana Islands U.S. Workforce Act of 2018 which requires CW-1 employers to enroll in E-Verify



# Form I-9 Reminders

#### All employees MUST

- ✓ Complete Form I-9, Section 1 by 1st day of work for pay
- Choose and present acceptable documents by 3rd business day after first day of work for pay

#### **All employers MUST**

- ✓ Have Form I-9 for all current employees (hired after November 6, 1986).
- Use Form I-9 with revision date 10/21/2019 for new hires and reverifications
- ✓ Complete Form I-9, Section 2 by 3rd business day after first day of work for pay.
- ✓ Not use Form I-9 to prescreen
- \*Starting May 1, you can only use edition <u>Form I-9</u>, <u>Employment Eligibility Verification</u>, with the 10/21/2019 edition date. Visit <u>I-9 Central What's New</u>.



# Form I-9 Process with E-Verify

### All employees of E-Verify employers MUST

- ✓ Provide Social Security number (SSN) on Form I-9
- ✓ Select List B documents with photo, if provided for Form I-9

### All E-Verify employers MUST

- ✓ Use completed Form I-9
- ✓ Create E-Verify case by 3rd business day after first day of work for pay.
- Enter employee e-mail address into E-Verify, if provided for Form I-9
- ✓ Keep copy of photo matching document, if provided
- ✓ Reverify Section 3 of Form I-9 only



# **Enroll in E-Verify**

- Step 1: Visit <u>Enrollment</u> Website
- Step 2: Answer Access Method
   Questions
- Step 3: Sign Memorandum of Understanding (MOU)
- Step 4: Enter Company
   Information
- Step 5: Print MOU





### **How to Enroll**



1

#### ALREADY ENROLLED?

Use our search tool to see if your company is already enrolled in E-Verify.

CHECK STATUS

2

#### **ENROLLMENT CHECKLIST**

Make sure you have all the information and documentation you need to expedite the enrollment process.

VIEW CHECKLIST

3

#### ENROLLMENT PROCESS

Take an in-depth look at the entire process to get a better understanding of what is required for enrollment.

REVIEW THE PROCESS



# Compliance

**Employee Rights** 

### **Employers should:**

- Display E-Verify Participation posters
- Display You Have Rights poster
- ✓ Contact Immigrant & Employee Rights (IER) with questions:

1-800-255-8155

(TDD: 1-800-362-2735)





— U.S DEPARTMENT OF JUSTICE —

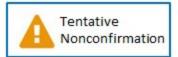
IMMIGRANT & EMPLOYEE RIGHTS SECTION

— CIVIL RIGHTS DIVISION —

# Form I-9 & E-Verify Work Together











#### **Verification Process Overview**

### CREATE A CASE



The employer uses information from the employee's Form I-9 to create a case in **E-Verify**.

### GET RESULTS



E-Verify displays an initial case result within a few seconds, though some cases may require additional action.

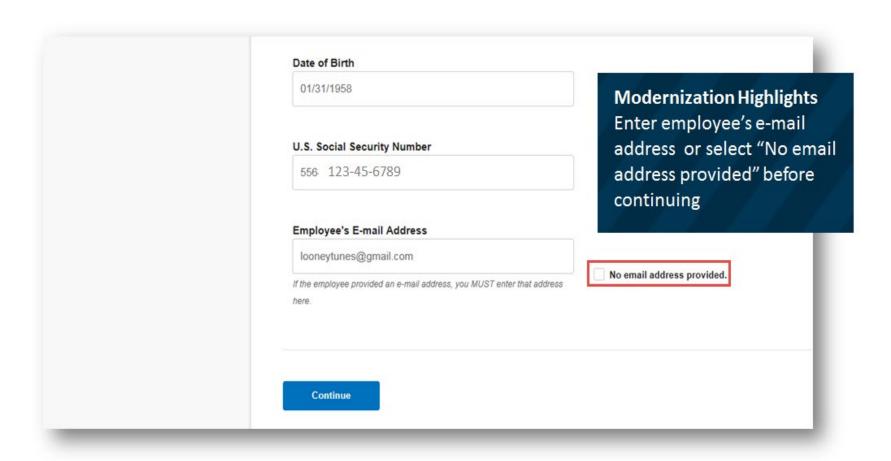
### CLOSE THE CASE



The employer closes the case once **E-Verify** displays a final case result.

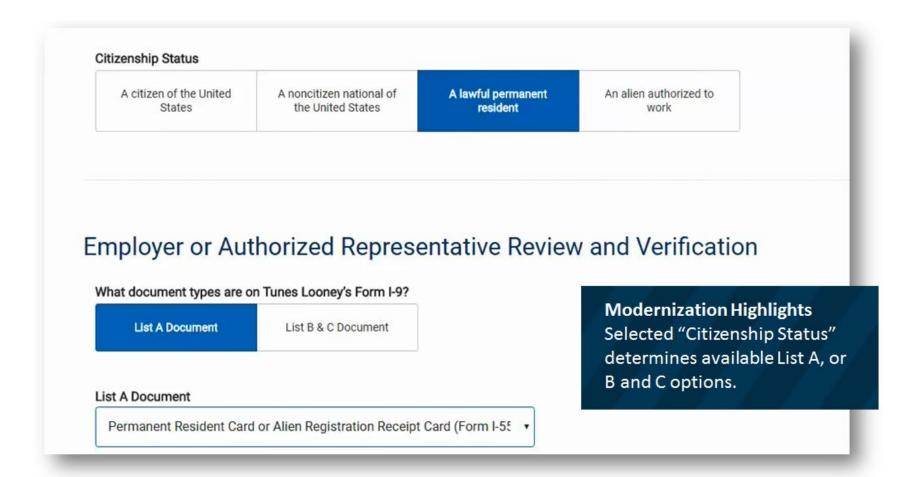


**E-mail Address** 



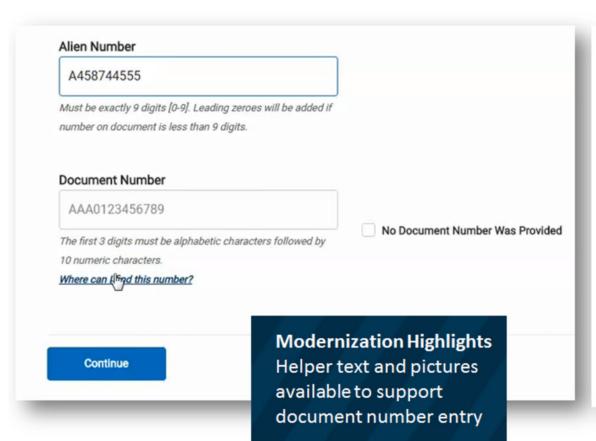


**Attestation and Documents** 





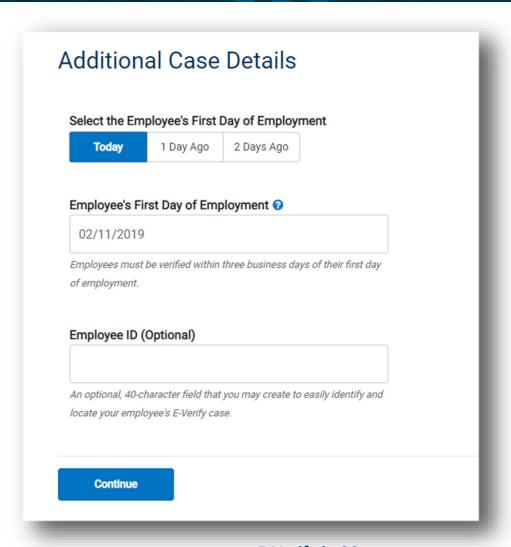
**Helper Text** 





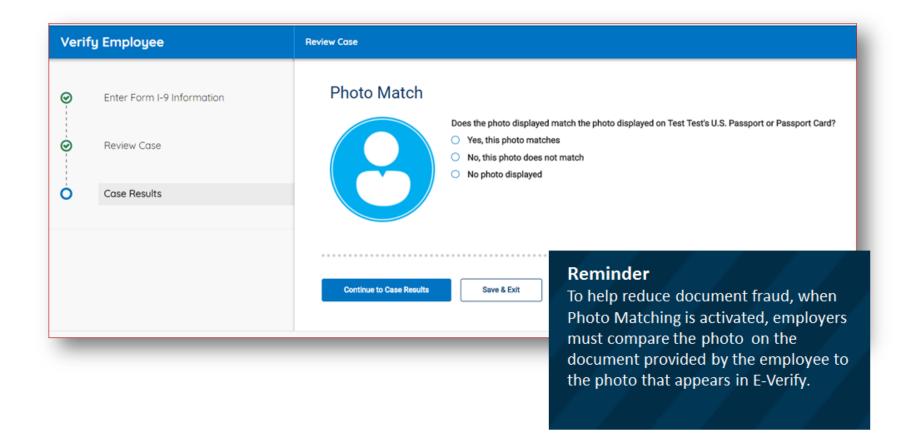


First Day of Employment





**Photo Match** 





# Tentative Nonconfirmation (TNC)

### **SSA TNC**

- ✓ The SSA could not confirm the employee's information. The employer must notify the employee of the TNC and refer him or her to SSA.
- \*See <u>E-Verify What's New</u> for E-Verify extensions due to SSA office closures

### **DHS TNC**

- ✓ DHS was unable to verify employment eligibility (employer should instruct the employee to call DHS to find out how to resolve the discrepancy), or
- ✓ The employer indicated that the photo displayed by E-Verify did not match the photo on the employee's document. If the employee contests this type of TNC, the employer must scan and upload an image of the document to E-Verify.



### **Tentative Nonconfirmation**

### **Action Required**

- Employer prints the TNC Further Action Notice and reviews it with the employee promptly and privately.
- Employee decides whether or not to take action on the TNC.
- ✓ If employee chooses to take action, employer provides the Referral Date Confirmation.
- ✓ Employee visits SSA or calls DHS. See <u>E-Verify What's New</u> for E-Verify extensions due to SSA office closures.
- Employer receives updated results in E-Verify and closes the case.

Chooses to Takes Action	Chooses Not to Take Action
Employer refers employee to	Employer may terminate employee
appropriate agency.	and close the E-Verify case.



### **Tentative Nonconfirmation**

#### **Dual Further Action Notice**





### Further Action Notice Tentative Nonconfirmation (TNC)

(Social Security Administration (SSA) and U.S. Department of Homeland Security (DHS))

For SSA Field Office Staff: use EV-STAR and see POMS RM 10245.005ff		
Employee's Last Name, First Name	Employee's Social Security Number	
Employee's A-Number	Employee's Month/Year of Birth	
Date of Tentative Nonconfirmation	Case Verification Number	
Reason for this Notice:		

Your employer, [EMPLOYER NAME], participates in E-Verify. E-Verify compares the information that you provided on your Form I-9 (Employment Eligibility Verification) with Social Security Administration (SSA) and Department of Homeland Security (DHS) records to confirm that you are authorized to work in the United States.]

#### Why you received this notice:

You received this Further Action Notice from [EMPLOYER NAME] because it appears that some of the information that your employer entered into E-Verify does not match the records that DHS and SSA currently have for you. This does not necessarily mean you gave incorrect information to your employer, or that you are not authorized to work in the United States. There are several reasons why your information may not have matched – you can read more about these reasons online

(https://www.uscis.gov/e-verify/employees/tentative-nonconfirmation-overview).

Next, you will need to take a few steps before E-Verify can let your employer know that you are authorized to work in the United States.

#### What you need to do:

- Review your information at the top of this page. Let [EMPLOYER NAME] know if there are any
  errors. Your employer will be able to close this case and input your information in E-Verify again with
  the correct information, hopefully resolving this case. If your information is correct, move to step 2.
- Decide if you want to take action to resolve this case. If your information above is correct, then you can choose to take action to correct your record so that DHS and SSA records reflect that you are authorized to work in the United States.

If you decide not to take action to resolve this case, E-Verify will be unable to confirm that you are authorized to work in the United States and your employer can terminate your employment.







For information on employee rights and responsibilities, visit <a href="www.uscis.gov/e-verify/employees/employee-rights-and-responsibilities">www.uscis.gov/e-verify/employees/employee-rights-and-responsibilities</a>.

#### Taking action to resolve a case:

You have 8 Federal Government working days to take action (visit an SSA field office AND contact DHS) from the date your employer sends your case in E-Venffy. Your employer must give you a Referral Date Confirmation, which will tell you the date by which you must visit SSA and contact DHs.

#### Visit SSA Field Office:

To take action to begin to resolve this case, you must visit an SSA field office to update your information. If you live in an area where there is a SSA Card Center, you are required to visit the Card Center. To locate an SSA office, visit <a href="https://www.socialsecurity.gov/locator">www.socialsecurity.gov/locator</a>, or call SSA at 800-772-1213 (TTY: 800-325-0778)

Bring this Further Action Notice when you visit SSA. Tell SSA that you have an E-Verify issue.

SSA cannot update your record without proof that a change is needed. Below are examples of documents you may need to prove your age, identity, name change, and citizenship status. Bring original documents, not photocopies:

- · Proof of your age: a birth certificate or passport
- · Proof of your identity: a driver's license or passport
- . Proof of a legal name change: a marriage certificate, if you current name is not on your SSN card
- · Proof of a U.S. citizenship or work-authorized status:
  - o If a U.S. citizen a Naturalization Certificate, U.S. public birth certificate, or U.S. passport, or
  - If you are not a U.S. citizen a Permanent Resident Card (Form I-551), Employment Authorization Document (Form I-766), or Armval-Departure Record (Form I-94) showing workauthorized status.

#### Contact DHS:

To take action to resolve this case, call DHS at 800-877-8339 (TTY: 800-877-8339). A representative will help you work through the details of your case.

Have this Further Action Notice open when you call DHS, so that you can refer to it. The DHS representative may ask you for additional information or documents to resolve your case. If you need help in another language, be sure to ask for an interpreter.

IMPORTANT: If you are a naturalized U.S. citizen and the reason for this notice on Page 1 is "SSA is unable to confirm U.S. citizenship," you do not need to visit an SSA field office to resolve the SSA TNC. Instead, call DHS at 888-897-7781 within 8 Federal Government working days from the date your employer refers your case (TTY: 800-877-8339) to confirm your status as a U.S. citizen. Provide DHS the following information:

- . The case verification number from Page 1 of this Further Action Notice; AND
- Your Naturalization Certificate Number or Alien Number. If you do not have your Naturalization Certificate Number or your Alien Number, visit an SSA field office with your proof of U.S. citizenship to resolve the SSA TNC.



### **Tentative Nonconfirmation**

#### **Dual Referral Date Confirmation**





#### Referral Date Confirmation

Social Security Administration Tentative Nonconfirmation (SSA TNC)

E-Verify Case Verification Number: 2016278124852RC

Employee Name:

Your employer referred your E-Verify case to SSA after you decided to contest (take action to resolve) an SSA Tentative Nonconfirmation (SSA TNC). This document confirms that your case was referred to SSA.

#### What you should do

Visit an SSA field office within 8 Federal Government working days, by 10/17/2016 (MM/DD/YYYY), to begin to resolve the SSA TNC. If you have not received the SSA TNC Further Action Notice from your employer, contact your employer immediately to obtain this notice.

The SSA TNC Further Action Notice includes information about your E-Verify case and which documents you need when you visit SSA. You must have the SSA TNC Further Action Notice when you visit SSA.

If you do not take action within 8 Federal Government working days, by 10/17/2016 (MM/DD/YYYY), a Final Nonconfirmation will be issued and your employer may terminate your employment. Employers must allow you to contest an SSA TNC and may not take adverse action against you because of the SSA TNC while you are contesting the SSA TNC and your E-Verify case is pending.

#### For More Information

If you have questions about what to do, contact E-Verify at 888-897-7781 (TTY: 877-875-6028) or email E-Verify@dhs.gov. If you need assistance in a language other than English, you may ask the E-Verify customer representative for an interpreter. For more information on E-Verify, including our privacy practices and program rules, visit the E-Verify website at www.dhs.gov/E-Verify.





#### Referral Date Confirmation

Tentative Nonconfirmation (TNC)

(Social Security Administration (SSA) and U.S. Department of Homeland Security (DHS))

E-Verify Case Verification Number: 2018064194603WZ

Employee Name:

Doe, John

Your employer referred your E-Verify case to SSA and DHS after you decided to take action to resolve a Tentative Nonconfirmation. This document confirms that your case was referred to SSA and DHS.

#### What you should do

Visit an SSA field office and call DHS within 8 Federal Government working days, by 03/15/2018 (MM/DD/YYYY), to begin to resolve the TNC. If you have not received the E-Verify Further Action Notice from your employer, contact your employer immediately to obtain this notice.

The E-Verify Further Action Notice includes information about your E-Verify case and which documents you need when you visit SSA and contact DHS. Have the E-Verify Further Action Notice when you visit an SSA field office and contact DHS.

IMPORTANT: If you are a naturalized U.S. citizen and the reason for this notice on Page 1 is "SSA is unable to confirm U.S. citizenship;" you do not need to visit an SSA field office to resolve the SSA TNC. Instead, call DHS at 888-897-7781 within 8 Federal Government working days from the date your employer refers your case (TTY: 800-877-8339) to confirm your status as a U.S. citizen. Provide DHS the following information:

- The case verification number from this Referral Date Confirmation; AND
- Your Naturalization Certificate Number or Alien Number. If you do not have your Naturalization Certificate Number or your Alien Number, visit an SSA field office with your proof of U.S. citizenship to resolve the SSA TNC.

If you do not take action within 8 Federal Government working days, by 03/15/2018 (MM/DD/YYYY), a Final Nonconfirmation will be issued and your employer may terminate your employment. Employers must allow you to take action to resolve a TNC and may not take adverse action against you because of the TNC while you are contesting the DHS TNC and your E-Verify case is pending.

#### For More Information

If you have questions about what to do, contact E-Verify at 888-897-7781 (TTY: 877-875-6028) or email E-Verify@dhs.gov. If you need assistance in a language other than English, you may ask the E-Verify customer representative for an interpreter. For more information on E-Verify, including our privacy practices and program rules, visit the E-Verify website at www.e-verify.gov.



### **Best Practices**

**Case Status Updates** 

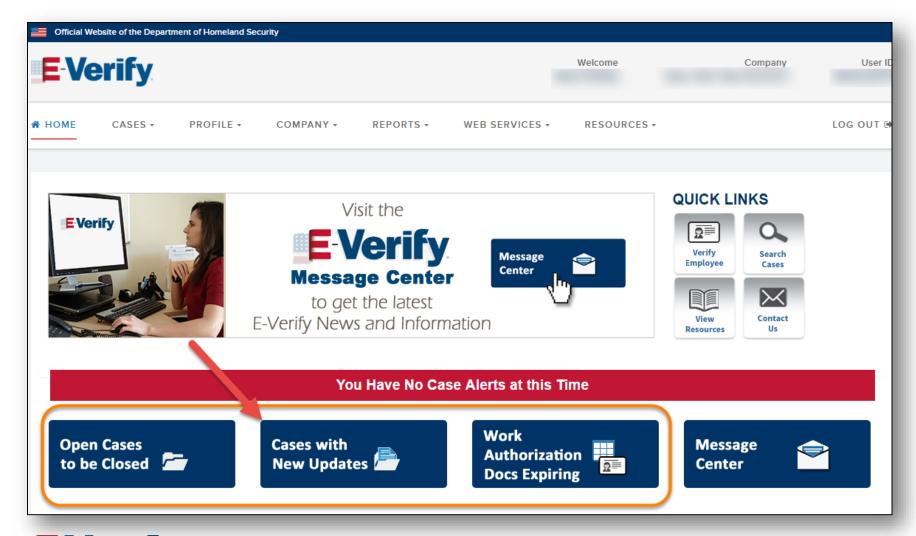
### **Check E-Verify periodically for one of the following responses:**

Employment Authorized	The employee's information matched records available to SSA and/or DHS.
Verification In Process	This case was referred to DHS for further verification.
Case in Continuance	The employee has visited an SSA field office or contacted DHS, but more time is needed to determine a final case result.
Final Nonconfirmation	E-Verify cannot confirm the employee's employment eligibility after the employee visited SSA or contacted DHS.
Close Case and Resubmit	SSA or DHS requires that you close the case and create a new case for this employee. This result may be issued when the employee's U.S. passport, passport card, or driver's license information is incorrect.



### **Best Practices**

**Case Alerts** 





### **Best Practices**

**E-Verify Employer** 

### **Employers should:**

- Have two or more program administrators
- Be aware that general users can see all cases created by the company
- Use the E-Verify Self-Assessment Guides
- ✓ Use E-Verify <u>case reports</u>



# **Temporary Policy Resources related to COVID-19**

#### Form I-9 Physical Document Review for Section 2

Employers and workplaces that are operating remotely may follow the DHS <u>news release</u> that announced flexibility in requirements related to Form I-9. See Q&A webpage.

#### **Renewal of List B Identity Documents**

DHS has issued a temporary policy regarding expired List B identity documents used to complete Form I-9, Employment Eligibility Verification. Additional information at I-9 Central What's New.

#### Form I-9 Completion by Non E-Verify Agricultural Employers of Certain H-2A workers

On April 20, the Department of Homeland Security published a <u>temporary final rule to amend certain H-2A</u> <u>requirements</u> to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment during the coronavirus (COVID-19) public health emergency. The temporary final rule expires on August 18, 2020. See more information at the <u>H-2A Temporary Agricultural Workers</u> page.

#### Form I-9 Completion by Employers of Certain H-2B Nonimmigrants

On May 12, the Department of Homeland Security published a <u>temporary final rule</u> to change certain H-2B requirements to help secure the U.S. food supply chain and reduce the economic impact of the coronavirus (COVID-19) public health emergency on H-2B employers. The temporary flexibilities are available through Sep. 11, 2020.

#### **E-Verify Extended Timeframes to take action to resolve Tentative Nonconfirmations**

E-Verify is extending the timeframe to take action to resolve certain Tentative Nonconfirmations (TNCs) due to SSA and other office closures to the public. See E-Verify What's New for TNC.



### **Additional Resources**

**Outreach Services** 

### Take advantage of our FREE Outreach services

- Take additional <u>public webinars</u>
- Request event speakers, customized webinars, or content for your publications
- Seek approval for E-Verify® Logo Authorization

### Contact our award winning customer service

■ E-Verify e-mail: <u>E-VerifyOutreach@uscis.dhs.gov</u>



# **Customer Support**

E-Verify received one of the highest customer service ratings among federal agencies according to the American Customer Satisfaction Survey.

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: I-9Central@uscis.dhs.gov
- E-Verify E-Mail: <u>E-Verify@uscis.dhs.gov</u>
- Form I-9 Website: www.uscis.gov/I-9Central
- E-Verify Website: www.e-verify.gov



# E-Verify in 30

# Thank You!

