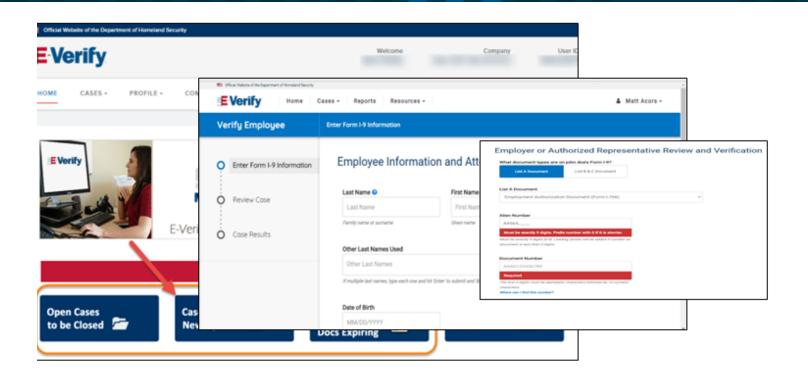


# **E-Verify Overview Webinar**



## 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 inquiries visit the <u>U.S. Citizenship and Immigration Services Media Contacts</u> webpage.



## Agenda

✓ Section I: E-Verify - The Big Picture

✓ Section II: E-Verify Enrollment and Use

✓ Section III: Additional Information



# Section I: E-Verify – The Big Picture

- What is E-Verify?
- ✓ Why use E-Verify?
- Who uses E-Verify?
- **✓** E-Verify and Form I-9



## 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)

\*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

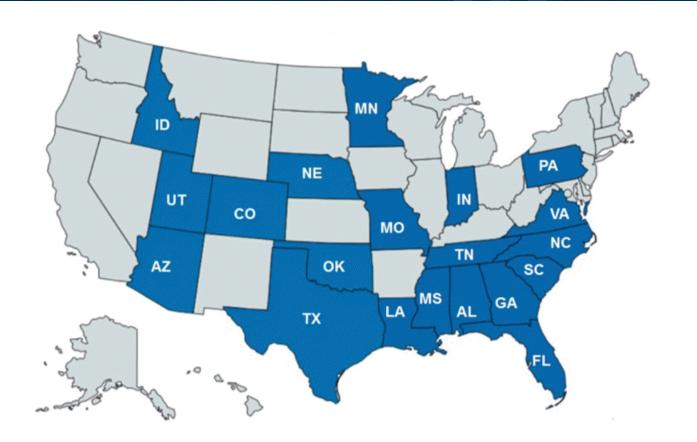


## Why use E-Verify?

- 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 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 1<sup>st</sup> 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 in Section 3 of Form I-9 only; do not create additional E-Verify case.



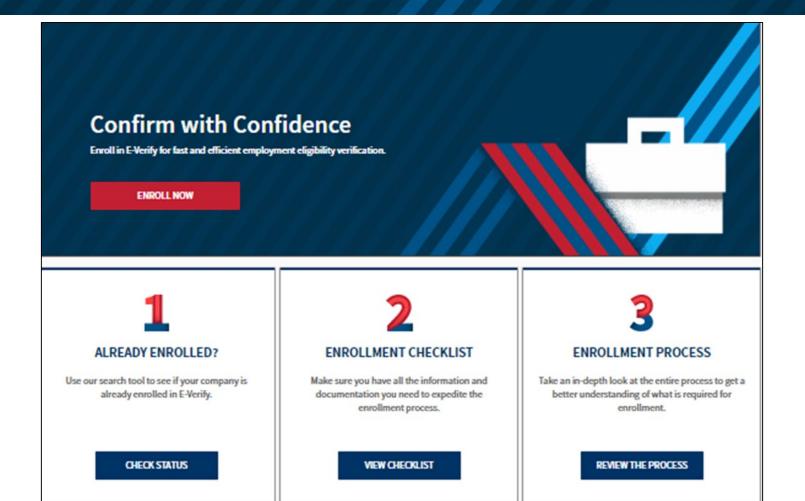
## **Section 1: Employee Information**



- ✓ To be completed by EMPLOYEE
- Employee's e-mail address and telephone are optional fields
- Employees should enter N/A if choose to skip email/telephone field



## **How to Enroll**





# **Enroll in E-Verify**

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





# **Enrolling is Easy!**

Question		Your Answer
1.	Does your company need to verify its employees?	
2.	Does your company have clients and need to verify their employees?	
3.	Does your company have a central office that needs to manage E-Verify use for multiple locations that access E-Verify?	
4.	Does your company plan to develop its own software to use E-Verify?	



# **Access Methods**

Employer	E-Verify Employer Agent	Corporate Administrator	Web Services
Allows E-Verify users in your company to electronically verify the employment eligibility of newly hired employees and existing employees assigned to a federal contract.	Select this access method if your company creates cases for client companies.	Allows you to create, manage and administer new and existing E-Verify accounts as well as create and view reports. Does NOT allow you to create cases.	Requires a company to develop software that interfaces with E-Verify. Web Services for Employers or Web Services for E-Verify Employer Agents



## **User Roles**

User Role	Permissions
Program Administrator (at least one required)	The program administrator is responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures.
General User	Employers can have as many or no general users as they desire. The general user is responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures.



## **Display Posters**

## **Employers Must**

- Display E-Verify participation poster
- Display You Have Rights posters
- Contact Immigrant and Employee Rights (IER) with questions regarding discrimination:

1-800-255-8155 (TDD: 1-800-362-2735)

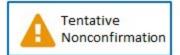




# Form I-9 & E-Verify Work Together











# **E-Verify Case Processing**

#### **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.

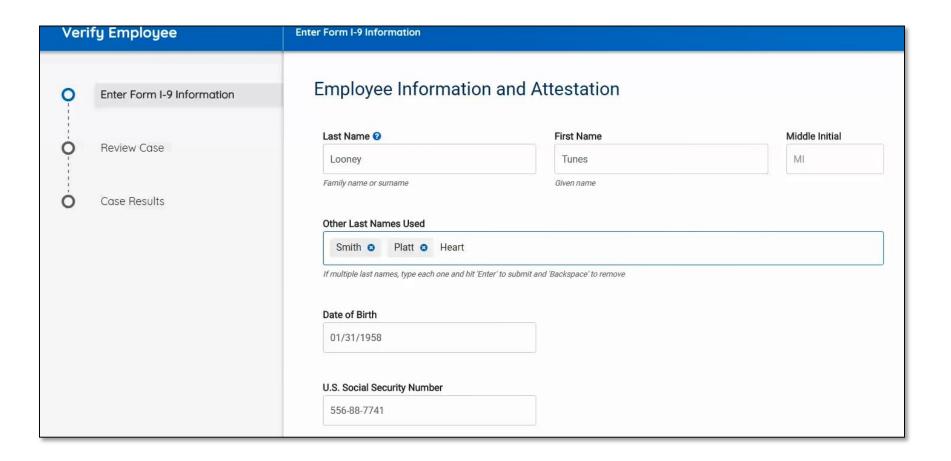
### CLOSE THE CASE



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

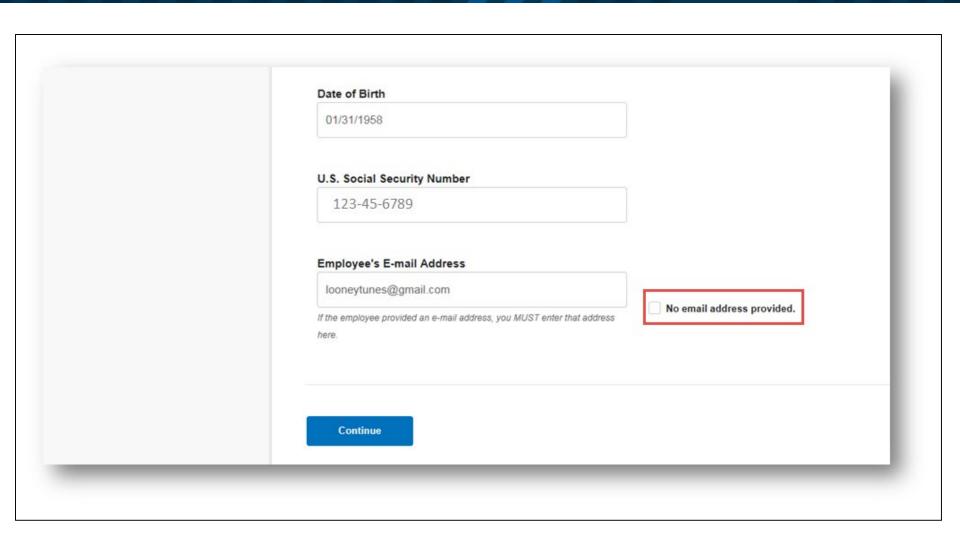


# E-Verify Case Processing Biographic



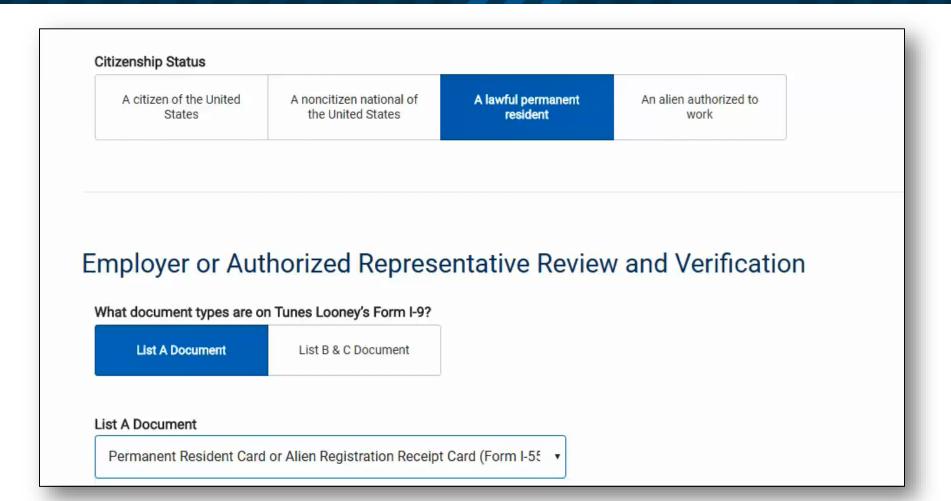


# E-Verify Case Processing E-mail Address





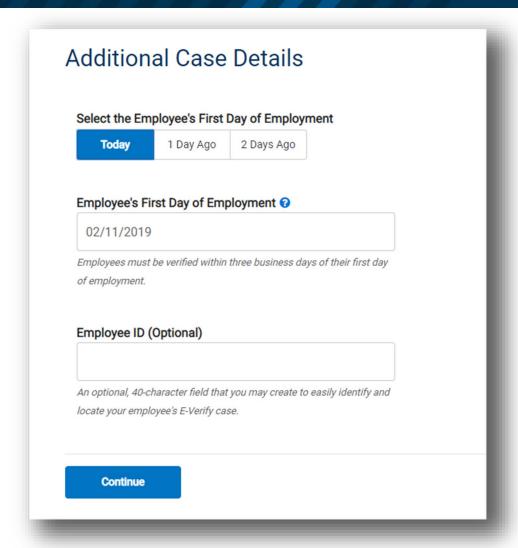
# E-Verify Case Processing Attestation and Documents





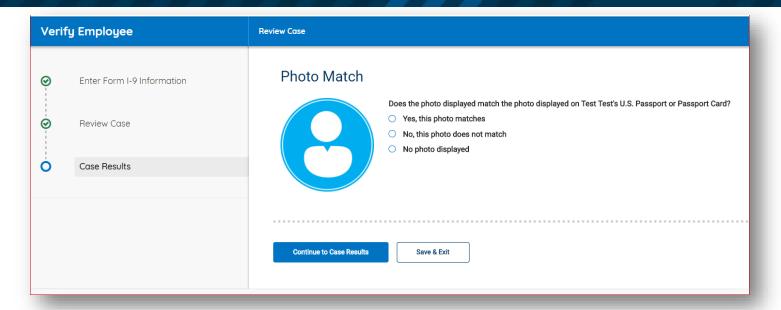
## **E-Verify Case Processing**

**First Day of Employment** 





## **Photo Match**

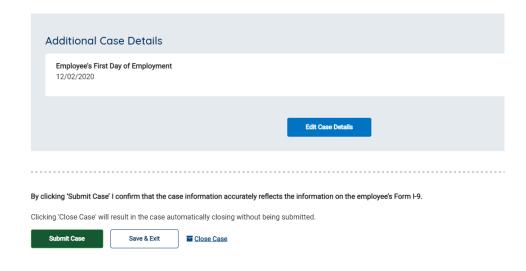


Allows you to match the photo on a document to the photo that DHS has on file for that employee, and is activated automatically if an employee has presented:

- I-551, (Permanent Resident Card)
- Form I-766, (Employment Authorization Document), or
- U.S. passport or passport card



# E-Verify Case Processing Submit Case







# Tentative Nonconfirmation (TNC)

## **Types of TNCs**

- Social Security Administration (SSA) TNC,
- Department of Homeland Security (DHS) TNC,

**OR** 

DHS and SSA Dual TNC

**IMPORTANT:** Employers may not terminate, suspend, delay training, withhold or lower pay, or take any other adverse action against an employee because the employee received a TNC, until the TNC becomes a Final Nonconfirmation.



# **Tentative Nonconfirmation**

**Common Reasons for a TNC** 

A TNC does not necessarily mean employees are not authorized to work; employees may receive a TNC when:

- ✓ Social Security number (SSN) does not match
- Citizenship or immigration status change is not reported
- Name change is not reported
- Information is not entered correctly



## **Tentative Nonconfirmation**

### **Action Required**

- ✓ Employers must notify the employee and complete the referral process within 10 federal gov workdays.
- ✓ 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.
- Employer refers case and provides the Referral Date Confirmation for employees who take action.
- ✓ Employee visits SSA or calls DHS. See <u>E-Verify What's New</u> for TNC extensions due to public 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 Further Action Notice





### Further Action Notice Tentative Nonconfirmation (TNC)

(U.S. Department of Homeland Security (DHS))

Employee's Last Name, First Name		Employee's Social Security Number		
Employee's A-Number		Employee's Document Number		
Date of DHS 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 currently has 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 those 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 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 www.uscis.gov/everify/employees/employee-rights-and-responsibilities.







#### Taking action to resolve a case:

You have 8 Federal Government working days to contact DHS from the date your employer sends your case in E-Verify. Your employer must give you a Referral Date Confirmation, which will tell you the date by which you must contact DHS.

#### Contact DHS:

To take action to resolve this case, call DHS at 888-897-7781 (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.

To check on the status of your case, visit myE-Verify at https://selfcheck.uscis.gov/SelfCheckUI/CaseTracker

Please indicate below whether or not you intend to dispute this case.

I choose to: (check one)			
	I will take action to resolve this E-Verify case. I understand that I have until to take action.		
I will not take action to resolve this E-Verify case. I understand that if I do not take action E-Verify will be unable to confirm that I am authorized to work in the United States and my employer may terminate my employment.			
Emp	Employee's Signature Date		



# 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. citizensh Number or your Alien Number, visit an SSA field office with your proof of U.S.

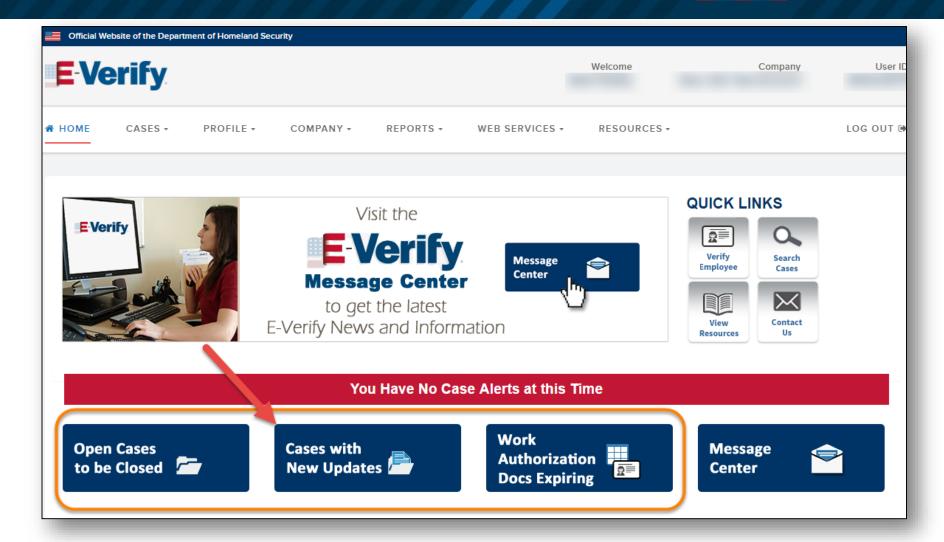
If you do not take action within 8 Federal Government working days, by 03/15/2018 (MM/DD/YYYY), a Final Nonconfirmation will be issued and your employer may terminate your employment. Employers must allow you to take action to resolve a TNC and may not take adverse action against you because of the TNC 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 <u>E-Verify@dhs.gov</u>. 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 <a href="https://www.e-verify.gov">www.e-verify.gov</a>.



# **Best Practices Case Alerts**





# Best Practices Case Status Updates

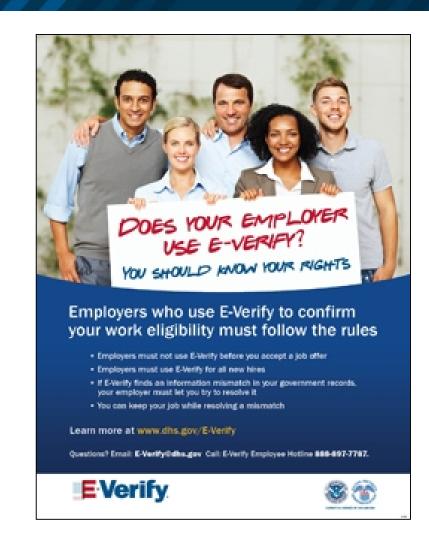
## Check E-Verify periodically for one of the following responses:

<b>Employment Authorized</b>	The employee's information matched records available to SSA and/or DHS.
<u>Verification In Process</u>	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.



## **Employee Rights**

- The employee has 8 federal government workdays from the referral date to visit or call the appropriate agency to start to resolve the discrepancy. \*See <u>E-Verify What's New</u> for extensions
- The employee continues to work during the TNC resolution process.
- Federal law prohibits employers from terminating employment of an employee because of an interim case result until the TNC becomes a Final Nonconfirmation.
- Know Your Rights Quiz





## **Employer Responsibilities**

## **Employers must not:**

- Use E-Verify to pre-screen employment applicants
- Use E-Verify selectively; E-Verify must be used for all new hires
- Influence or coerce an employee's decision whether to contest a TNC
- ▼ Terminate or take adverse action against an employee who is contesting a TNC
- Ask for additional documentation after obtaining a TNC for an employee



## **Federal Contractors**



### Federal Contractor?

#### Here's some important information for you!

As of September 8, 2009, federal contractors and subcontractors are required to use E-Verify for all new hires and existing employees working on federal contracts if their contract includes the Federal Acquisition Regulation (FAR) E-Verify clause. E-Verify is a fast, free and easy to use Internet-based system that allows employers to verify the eligibility of their employees to work in the United States.

#### What Contracts are Affected by the FAR E-Verify Clause?\*

#### Prime Contracts

- Value above \$150,000
- Period of performance of 120 days or more, and
- At least some of the contract work is performed in the United States

#### Subcontracts

- Value of more than \$3,000
- Contract is for commercial or noncommercial services or construction, and
- At least some of the contract work is performed in the United States

#### Indefinite Delivery/Quantity Contracts

- Existing contract
- Period of performance extends at least six months after 9/8/2009
- Substantial amount of work or number of orders expected during remaining performance period, and
- Contract may be bilaterally modified to include the FAR E-Verify clause

The Federal Acquisition Regulations (FAR) final rule requires federal contractors (and subcontractors) to use E-Verify to verify their employees' eligibility to work legally in the United States.



Commercially available off the shelf (COTS) items or services are not subject to the FAR E-Verify clause.

## 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 (extended to December 31, 2020). (<u>Form I-9 examples</u>)

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

Because many areas are under stay-at-home orders due to COVID-19 and renewal service restrictions, DHS has issued a temporary policy regarding expired List B identity documents used to complete Form I-9, Employment Eligibility Verification.

#### 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 requirements</u> to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment during the coronavirus (COVID-19) public health emergency. (extended through December 17, 2020)

#### Form I-9 Verification During Employment Authorization Document (EAD) Delays Due to COVID-19

The production of certain Employment Authorization Documents (Form I-766, EADs) is delayed due to COVID-19. Until Dec 1, 2020, new employees who are waiting for their EAD and current employees who require reverification may present certain Forms I-797, Notice of Action, as a Form I-9 List C #7 document that establishes employment eligibility, even though the notice states it is not evidence of employment authorization. See the website for additional details.

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

E-Verify is <u>extending the timeframe</u> to take action to resolve certain Tentative Nonconfirmations (TNCs) due to SSA and other office closures to the public.

See the **COVID-19 temporary policies page** and **Q&A** for the most up-to-date information related to any of these policies.



# What is myE-Verify?

myE-Verify is a free web-based service for employees to participate in the E-Verify process.

- Access Self Check to confirm your work eligibility
- ✓ Create a myE-Verify account
- Protect your identity
- Learn about your individual rights
- myE-Verify Case Tracker



## **Additional Resources**

### **Engage with us online and through Social Media**

- ✓ Visit <u>www.E-Verify.gov</u>
- ✓ Visit our new E-Verify Video Page
- Check out our E-Verify User Manual, Job Aids, Fact Sheets, Reports and more on the Employer Resources page
- Check out our additional websites <u>I-9Central</u>, <u>myE-Verify</u>
- ✓ Follow #EVerify on <u>www.Twitter.com/EVerify</u>
- ✓ Follow us at <u>E-Verify LinkedIn</u> to stay in-the-know



## **Additional Resources**

**Engagement Services** 

## Take advantage of our FREE Engagement services

- √ Take additional <u>public webinars</u>
- Request event speakers or customized webinar training:

E-VerifyOutreach@uscis.dhs.gov

■ Seek approval for E-Verify® Logo Authorization



## **Customer Support**

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

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



# THANK YOU!

