

# \*\*\*\* -Verify

**Employment Eligibility Verification** 







## Agenda

**Section I: E-Verify - The Big Picture** 

Section II: E-Verify Enrollment and Use

**Section III: Wrapping It Up** 





## **Section I: E-Verify - The Big Picture**

- What is E-Verify?
- How does it work?
- Who uses E-Verify?
- Statistics
- E-Verify and Form I-9





## What is E-Verify?

No cost Internet based system

Fast and easy to use

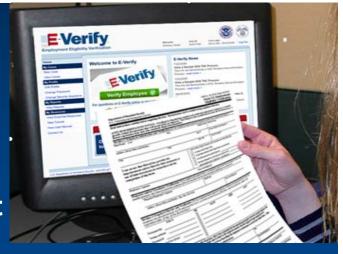
Electronically verifies the employment eligibility of

- Newly hired employees
- Existing employees assigned to work on a qualifying federal contract

Helps maintain a legal workforce

Protects jobs for authorized workers

Partnership between the U.S. Department of Homeland Security and the Social Security Administration







## What is E-Verify?

E-Verify is not...

...a system that provides immigration status.

...used for prescreening.

...a safe harbor from worksite enforcement.





## What is E-Verify?

## **Program Goals**

- Reduce unauthorized employment
- Minimize verification related discrimination
- Be quick and non burdensome to employers
- Protect civil liberties and employee privacy

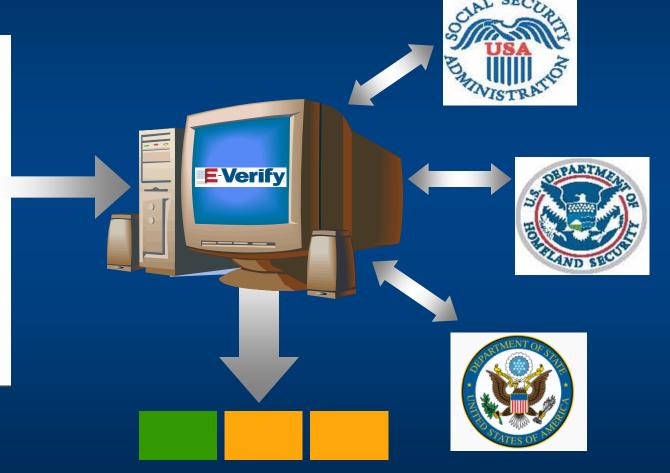




## How to run an E-Verify case

Department of Humeland Security U.S. Citizenskip and Immigration Services				Form I-9, Employmer Eligibility Verificatio
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Form I-9







## Who uses E-Verify?

## Over 204,000 employers including:

- Doctors, Lawyers, CPAs
- Administrative and Support Services
- Professional, Scientific and Technical Services
- Food Services, Clothing and Accessories Stores

Over 752,000 hiring sites use E-Verify





### **Statistics**

More than 6.60 million cases run in FY 2008

More than 8.70 million cases run in FY 2009

More than 10.00 million cases run to date in FY 2010





### **Statistics**

- Ninety six percent of all cases are estimated to result in an accurate initial finding.
  - E-Verify accurately confirms 93.1 percent of authorized workers immediately.
  - E-Verify accurately prevents 2.9 percent of the worker population (unauthorized) from gaining employment.





## E-Verify and Form I-9

- E-Verify and Form I-9 work together, but are not the same process. You must continue to update Form I-9 as required and reverify employment authorization even if you use E-Verify.
- Information from the Form I-9 is entered into E-Verify.
- Make sure to use the most current version of the Form I-9 (Rev. 02/02/09 or 08/07/09 Exp. 08/31/2012).





## E-Verify and Form I-9

- Form I-9 must include the employee's social security number before it can be entered into E-Verify.
- If employee presents a List B document for Section 2 of the Form I-9, that List B document must contain a photograph.
- For additional information relating to Form I-9 see the M-274 Employer's Handbook at <a href="http://www.uscis.gov/files/form/m-274.pdf">http://www.uscis.gov/files/form/m-274.pdf</a>.

May 2010 E-Verify 12





## Section II: E-Verify enrollment and use

- How to enroll
- When to verify
- How to run an E-Verify case
- Handling a tentative nonconfirmation (TNC)
- Closing a case

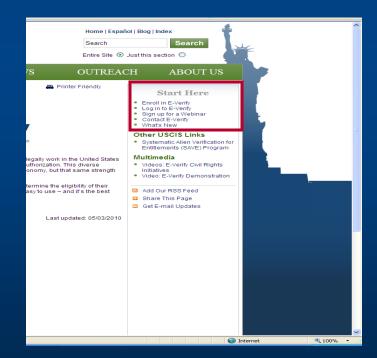




## How to enroll

## Go to <a href="https://www.dhs.gov/E-Verify">www.dhs.gov/E-Verify</a> Under <a href="https://www.dhs.gov/E-Verify">Start Here click Enroll in E-Verify</a>

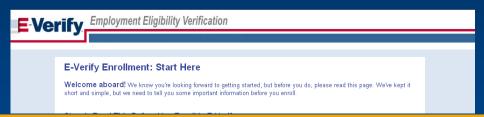








### How to enroll



## E-Verify will ask questions about how you plan to use the system.

you'll want to check with others within your company to be sure your company isn't already enrolled in the progra

#### Step 2: Choose Your E-Verify Access Method

We offer several ways to access E-Verify and your answers to the questions below will help us determine the right ac method for your company. Read carefully because errors here can delay us from approving your company's enrollmer. Each access method includes an explanation and a question for you to answer. You must answer all four questions click on the "Begin E-Verify Enrollment" button at the bottom of this page to begin the enrollment process.



## Based on your answers, E-Verify will recommend an access method.

Based on your answers to the above questions, you've told us:

Your company plans to verify the employment eligibility of its employees; and
Your company plans to use the Evarify Web site to do the verifications.

We call this type of access th

Employer Access Method

If this sounds like what you need – great Just click on the 'Next' button to continue. If you'd like to go back and change your selections, click on the 'Back' button to return to the previous page.





## How to enroll Access methods

### **Employer**

#### **Most common**

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

## Designated Agent

#### Least common

Select this access method if your company performs verifications for client companies.

## Corporate Administrator

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 perform verifications





## How to enroll

- Electronically sign a Memorandum of Understanding (MOU) with DHS and SSA.
- User Name, Password and E-Verify Web Address will be e-mailed to you within 48 hours.
- Download and read the E-Verify User Manual.
- Complete an online tutorial before performing verifications.





## When to verify

You must enter Form I-9 information into E-Verify for all newly hired employees no later than the third business day after the employees' start date.

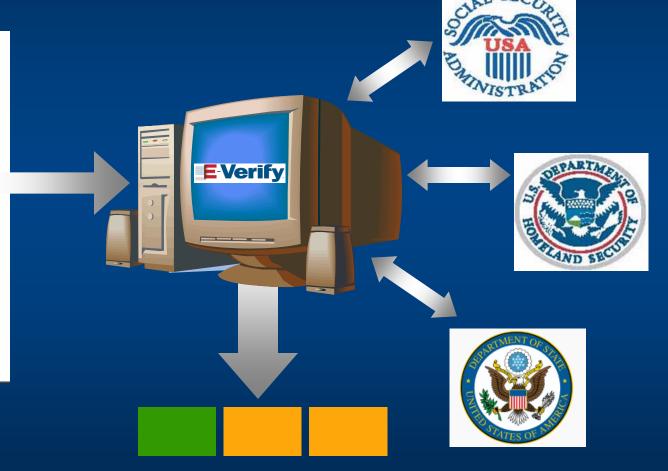




## How to run an E-Verify case

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Form I-9







## An E-Verify case Initial verification results will be:

**Employment Authorized** 

SSA Tentative Nonconfirmation

DHS Verification in Process

The employee is authorized to work.

There is an information mismatch.

DHS will usually respond within 24 hours with either:

**Employment Authorized** 

or DHS Tentative Nonconfirmation.

Citizen of the United States

## E-Verify Employment Eligibility Verification

Initial Ver

#### Case Administration

Initial Verification

View Cases

#### **User Administration**

Change Password

Pwd Challenge Q&A

Change Profile

#### Site Administration

Add User

View Users

Maintain Company

Terminate Company
Participation

#### Reports

View Reports

#### Case Verification Number: 2009302095949AL

Last Name	Case Verificatio	Case Verification Number: 2009302095949AL	
Middle Initial:		Maiden Name:	
Social Security Number:	216-47-4400	Date of Birth:	04/20/1962

Social Security Number: 216-47-4400 Date of Birth:
Hire Date: 10/29/2009 Citizenship Status:

Alien Number: I-94 Number:
Passport or Passport Card C999999999 Visa Number:

Number:

**Document Type:** Unexpired U.S. Passport or Passport Card **Doc. Expiration Date:** 

Initiated By: SSLA5672 Initiated On: 10/29/2009

#### Initial Verification Results

Initial Eligibility: EMPLOYMENT AUTHORIZED

**Case Documents for Printing** 

Case Details

Resolve Case Close

U.S. Department of Homeland Security | U.S. Citizenship and Immigration Services

**Download Viewers** 





## Handling a TNC

- Inform the employee of the TNC.
- Print the TNC Notice and review it with the employee.

### CONTEST

Refer employee to appropriate agency.

## NOT CONTEST

You may terminate the employee and close the case in E-Verify.

Citizen of the United States

#### Case Administration

- Initial Verification
- View Cases

#### **User Administration**

- Change Password
- Pwd Challenge Q&A
- Change Profile

#### Site Administration

- Add User
- View Users
- Maintain Company
- Terminate Company
  Participation

#### Reports

View Reports

#### Initial V Case Verification Number: 2009302095949AL

Middle Initial:

Last Na

Social Security Number:

316-47-4400 10/28/2009

Alien Number:

Passport or Passport Card C999999999

Number:

Hire Date:

Document Type:

Unexpired U.S. Passport or Passport Card

Initiated By: SSLA5672

Maiden Name:

**Date of Birth:** 04/20/1962

Citizenship Status:

I-94 Number:

Visa Number:

Doc. Expiration Date:

Initiated On: 10/29/2009

#### **Initial Verification Results**

Initial Eligibility: SSA TENTATIVE NONCONFIRMATION

SSN is invalid

#### **Case Documents for Printing**

Case Details

Notification to Employee - Social Security Administration Tentative Nonconfirmation (English version)

Notification to Employee - Social Security Administration Tentative Nonconfirmation (Spanish version)

Initiate SSA Referral Resolve Case Close





## Handling a TNC

- The employee has eight federal government workdays from the referral date to visit or call the appropriate agency and resolve the discrepancy.
- The employee continues to work during the TNC resolution process.
- DO NOT take any adverse action based on the TNC against the employee during the resolution process.





## Social Security Administration (SSA) Notice to Employee of Tentative Nonconfirmation

Jefferson		Thomas	
Last Name of Employee		First Name of Employee	
316-47-4400		04/1962	
Employee's Social Security Number (SSN	)	Employee's Month/Year of Birth	
10/28/2009		2009301150428RN	
Date of SSA Tentative Honconfirmation		Case Verification Number	
Reason for this llotice:	SSII does not match. The Social Security Number (SSN) entered name and/or date of birth entered for the employee do not match  X SSII is invalid. The SSN entered in E-Verify is not a valid number SSA unable to confirm U.S. Citizenship. Cannot confirm that work because SSA records do not show that the SSN holder is a SSII record does not verify, Other Reason. SSA found a discentification.  SSA unable to process data. SSA found a discrepancy in other data in the employee's record.	SSA records. r. the employee is eligible to a U.S. citizen. crepancy in the	
Instructions for the Employer			
		PRTANT===== his letter, date and sign it, and return it to you.	





#### Referral to the Social Security Administration (SSA)

SSA Field Office: See POMS RM 00206.305ff

efferson		Thomas	
Last Name of Employee		First Name of Employee	
316-47-4400		04/1962	
Employee's Social Security Humber (SSH)		Employee's Month/Year of Birth	
10/28/2009		2009301150428RN	
Date Referred to SSA		Case Verification Number	
Referral Letter:	SSII does not match. The Social Security Number (SSN) entered in Ename and/or date of birth entered for the employee do not match SSA results invalid. The SSN entered in E-Verify is not a valid number.  SSA unable to confirm U.S. Citizenship. Cannot confirm that the enwork because SSA records do not show that the SSN holder is a U.S. SSII record does not verify, Other Reason. SSA found a discrepatemployee's record.  SSA unable to process data. SSA found a discrepancy in other data in the employee's record.	nployee is eligible to	

#### Instructions for the Employer

====IMPORTANT====

Employee must acknowledge receipt of this letter, date and sign it, and return it to the Employer.





## Handling a TNC

Once the employee resolves the record discrepancy, he or she should inform you.

You should check E-Verify periodically for one of the following responses:

**Employment Authorized** 

**Review and Update Employee Data** 

**Case in Continuance** 

**DHS Verification in Process** 

DHS No Show Final Nonconfirmation



#### **Case Administration**

- > Initial Verification
- View Cases

#### **User Administration**

- Change Password
- Pwd Challenge Q&A
- Change Profile

#### **Site Administration**

- > Add User
- View Users
- > Maintain Company
- Terminate Company **Participation**

#### Reports

View Reports

Last Name:	Jefferson	First Name:	Thomas
Middle Initial:		Maiden Name:	
Social Security Number:	216-47-4400	Date of Birth:	04/20/1962
Hire Date:	10/28/2009	Citizenship Status:	Citizen of the United States
Alien Number:		I-94 Number:	
Passport or Passport Card	C999999999	Visa Number:	
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Document Type:	Unexpired U.S. Passport or Passport Card	Doc. Expiration Date:	10/20/2000
Initiated By:	SSLA5672	Initiated On:	10/28/2009
Initial Verification Results			
Initial Eligibility:	EMPLOYMENT AUTHORIZED		
Enter Case Resolution			
Resolve Options:		*	
	Resolved Unauthorized / Terminated		
	O Self Terminated		
	_		
	O Invalid Query		
	Employee Not Terminated		





## Section III: Wrapping it up

- Photo Matching
- Employer responsibilities
- Posters
- Federal Contractors
- State Legislation
- What's new at E-Verify
- Employee Rights
- OSC Dos and Don'ts
- E-Verify Contact Information





## **Photo Matching**

- Allows you to match the photo on an employee's Form I-766 (Employment Authorization Document) or Form I-551 (Permanent Resident Card or "green card") to the photo that USCIS has on file for that employee
- Helps detect instances of document fraud
- Was incorporated into E-Verify in September 2007

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## E-Verify Employment Eligibility Verification

#### Case Verification Number: 2009344093830VD

#### Case Administration

- Initial Verification
- View Cases

#### **User Administration**

- Change Password
- Pwd Challenge Q&A
- Change Profile

#### Site Administration

- Add User
- View Users
- Maintain Company
- Terminate Company **Participation**

#### Reports

View Reports

#### **Identity Verification**

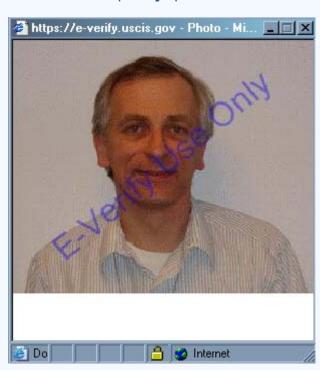
Does the photograph below match the photograph on the I-551 document provided by the employee?

- Oyes
- O<sub>No</sub>



Click to Enlarge

Next



U.S. Department of Homeland Security | U.S. Citizenship and Immigration Services





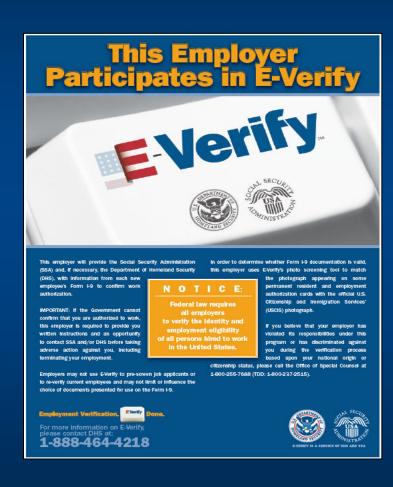
## **Employer responsibilities**

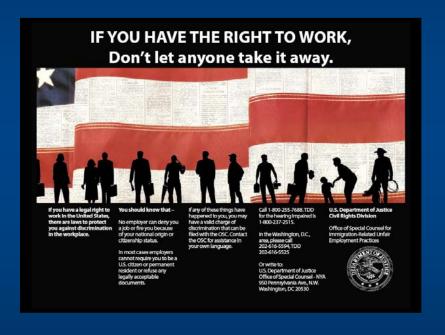
- Unless you are a federal contractor with the FAR
   E-Verify Clause only use E-Verify to verify new
   hires.
- Once you begin using E-Verify, you must verify new employees no later than the third business day after the employee begins working for pay.
- You must apply E-Verify procedures to ALL new hires, regardless of citizenship status.





### **Posters**









## **Federal Contractors**

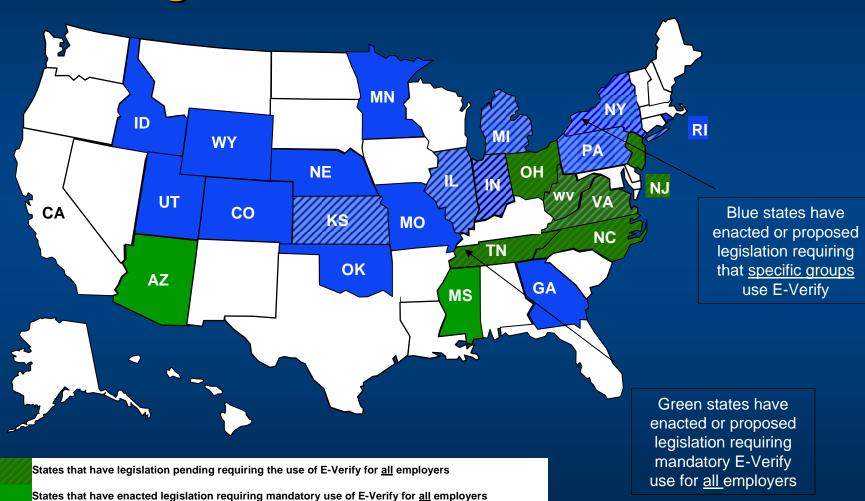
- The Federal Acquisition Regulations (FAR) have been amended by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council to reflect the FAR final rule which was published on November 14, 2008.
- As of September 8, 2009, the FAR final rule requires federal contractors (and subcontractors) to use E-Verify to verify their employees' eligibility to work legally in the United States.

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## **State Legislation**



States that have enacted legislation requiring various public entities/contractors to use E-Verify





## What's New at E-Verify:

- CRCL Employer and Employee Videos
- Employee Hotline
- E-Verify Public Website Redesigned
- I-9 Central
- E-Verify Video How to run a case
- E-Verify System Redesigned





## **Employer and Employee Videos**

- Two Videos designed for employers and employees available in English and Spanish. The 20-minute videos are the result of collaboration between DHS' Office for Civil Rights and Civil Liberties and USCIS.
  - "Understanding E-Verify: Employer Responsibilities and Worker Rights," aimed at employers, explains E-Verify rules, procedures and policies to employers with an emphasis on safeguarding employee privacy.
  - "Know Your Rights: Employee Rights and Responsibilities," aimed at employees, places special emphasis on the rights of employees, particularly when an employee receives a message from E-Verify indicating that there is a problem with the employment eligibility documents that the employee submitted to the employer. "Know Your Rights" is in English and Spanish.
- The videos portray reenactments of real world hiring scenarios.











## **Employer and Employee Videos**

- View the videos at:
  - www.dhs.gov/E-Verify
  - www.youtube.com/ushomelandsecurity
- You may request a copy of the videos by email at: <u>E-Verify@dhs.gov.</u> Please include the name of the point of contact, the address to send the videos to and how many copies you are requesting.

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## New Employee Hotline – 888-897-7781

(Available in English and Spanish)

- Created to respond to employee inquiries, issues and complaints. The hotline uses an interactive voice response system. Employees choose from four options:
  - General E-Verify information
  - Completing Form I-9, Employment Eligibility Verification
  - Contesting a Tentative Nonconfirmation or fixing a perceived Final Nonconfirmation error
  - Filing a complaint regarding employer misuse of E-Verify





## **Employee Rights**

- The employee has the right to contest a tentative nonconfirmation (TNC) from SSA or DHS.
- The employee continues to work during the TNC resolution process.
- Employees who believe they have been subjected to discrimination should call:

Department of Justice
Civil Rights Division
Office of Special Counsel for
Immigration Related Unfair Employment Practices
1-800-255-7688 (TDD: 1-800-237-2515)







## **Top E-Verify Dos**

- Promptly provide and review with the employee the notice of tentative nonconfirmation (TNC).
- Promptly provide the referral notice from SSA or DHS to the employee who chooses to contest a TNC.
- Allow an employee who is contesting a TNC to continue to work.
- Contact E-Verify if you believe a final nonconfirmation (FNC) has been issued in error.
- Accept any Form I-9 List B document with a photo from an employee who chooses to provide a List B document.

**Employer Hotline 1-800-255-8155** 



**Employee Hotline 1-800-255-7688** 

Office of Special Counsel for Immigration Related Unfair Employment Practices





## Top E-Verify Don'ts

- Do not use E-Verify to pre-screen employment applicants unless you are a State Workforce Agency.
- Do not influence or coerce an employee's decision whether to contest a TNC.
- Do not terminate or take adverse action against an employee who is contesting a TNC.
- Do not ask an employee to provide additional documentation of his or her employment eligibility after obtaining a TNC for that employee.
- Do not request specific documents in order to activate E-Verify photo matching.

**Employer Hotline 1-800-255-8155** 

**Employee Hotline 1-800-255-7688** 

Office of Special Counsel for Immigration Related Unfair Employment Practices





## **Learn more about E-Verify**

- Verification Outreach Branch provides:
  - Speakers for your events
  - Panel participants
  - Exhibit participation
  - Webinars

E-Verify E-Mail: E-Verify@dhs.gov





## **Contact Information**

Customer Support: (888) 464-4218

E-Verify E-Mail: E-Verify@dhs.gov

E-Verify Website: <a href="https://www.dhs.gov/E-Verify">www.dhs.gov/E-Verify</a>

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### **Disclaimer**

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our website: <a href="https://www.dhs.gov/E-Verify">www.dhs.gov/E-Verify</a>.





## Thank You