





Agenda

Section I: E-Verify & FAR - The Big Picture Section II: E-Verify & FAR - Nuts & Bolts Section III: Wrapping it Up





Section I: E-Verify & FAR - The Big Picture

- What is E-Verify?
- How does it work?
- E-Verify & the FAR E-Verify clause
- Affected Contracts

E-Verify.



What is E-Verify?

No-cost Internet based system Fast & 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





How does it work?

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Form I-9







E-Verify & the FAR E-Verify Clause

Federal Acquisition Regulation (FAR) final rule requires that as of **September 8, 2009** federal contractors with contracts containing the FAR **E-Verify clause** must use E-Verify as a condition of their contract

FAR E-Verify Clause: 48 C.F.R. 52.222-54





Affected Contracts Prime Contracts

- Awarded or modified on or after September 8, 2009 to include the FAR E-Verify Clause
 - Value above **\$100,000**
 - Period of performance of 120 days or more
 - At least some of the contract work is performed in the United States
 - Does not include contracts for Commercially available off-the-shelf (COTS) items and related services





Affected Contracts Subcontracts

- Prime contract contains the FAR E-Verify clause
- The FAR E-Verify clause flows down to all tiers of subcontracts
- Prime contractor is responsible for insuring that the FAR E-Verify clause is included in qualifying subcontracts





Affected Contracts Subcontracts

- Value of more than \$3,000
- Contract is for commercial or noncommercial services or construction
- Contract is for commercial or noncommercial services or construction
- Does not include contracts for Commercially available off-the-shelf (COTS) items and related services





Affected Contracts Indefinite Delivery / Indefinite Quantity

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





Section II: E-Verify & FAR - Nuts & Bolts

- Enrolling/Updating Company Profile
 - When
 - How
- Determining who to verify
- When to verify
- Form I-9 and existing employees
- An E-Verify case
- Handling a TNC
- Closing a case





Enroll or Update Your Company Profile







How to update your company profile Login to E-Verify Under Site Administration click Maintain Company







How to update your company profile

- 1. Update your organization designation
- 2. Choose your Federal contractor category
- 3. Choose which employees you're going to verify

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How to enroll

Go to <u>www.dhs.gov/E-Verify</u> Under Start Here click Enroll in E-Verify











How to enroll

E-Verify Employment Eligibility Verification

E-Verify Enrollment: Start Here

Welcome aboard! We know you're looking forward to getting started, but before you do, please read this page. We've kept it short and simple, but we need to tell you some important information before you enroll.

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

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 enrollmers . 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. File Edit View Favorites Tools Help

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E-Verify_Employment Eligibility Verification

E-Verify Enrollment: Let's Review

Before we move on to the next step in the enrollment process, let's review your selections.

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 E-Verify 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.
Back Next



How to enroll Access methods



Designated Agent

Corporate Administrator

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

Least common

Select this access method if your company performs verifications for client companies Allows you to create, manage, and administer new & existing E-Verify accounts as well as create and view reports

Does <u>NOT</u> allow you to perform verifications

May 2010





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 for Federal Contractors and the E-Verify Supplemental Guide for Federal Contractors
- Complete an online tutorial before performing verifications





Determining who to verify

- Verify existing employees
 - Hired after November 6, 1986
 - Working in the United States
 - Performing direct substantial work on a contract containing the FAR E-Verify clause
 - Includes short term & temporary employees





Determining who to verify Step 1 – The workforce

Am I going to verify...

...my entire workforce (all new hires and all existing employees throughout the company)

OR

...All new hires organization wide and existing employees assigned to the Federal contract





Determining who to verify Step 2 – Employees you don't run through E-Verify

- Hired on or before November 6, 1986 who are continuing in employment
- Already confirmed as Employment Authorized who are continuing in employment





Determining who to verify Step 3 – Employees you may choose not to verify

- New & existing employees with an <u>active</u> confidential, secret, or top secret security clearance OR HSPD-12 compliant credentials
- Existing employees who perform support work (administrative, overhead, indirect)





Determining who to verify Special Category Employers

Employers in these categories may limit their verifications to only those new & existing employees assigned to the federal contract which contains the FAR E-Verify clause

Institutions	State	Federally	Sureties
of Higher Learning	& Local Governments	Recognized Indian Tribes	performing under a takeover agreement entered into with a federal agency under a performance bond





When do I verify <u>new</u> hires?

You must begin entering Form I-9 information into E-Verify for new hires within 90 calendar days of <u>enrolling</u> or <u>updating</u> your organization designation to Federal Contractor with FAR E-Verify Clause





Notes

Once you begin entering Form I-9 information for new hires, you must enter Form I-9 information for all newly hired employees no later than the 3rd business day after the employee's start date.

If you are already verifying your new hires according to this rule, you should continue to do so. Do not change this practice just because you've gotten a Federal Contract with the FAR E-Verify clause.





When do I verify <u>existing employees</u> assigned to the contract?

You must enter Form I-9 information into E-Verify for existing employees assigned to the contract within 90 calendar days of <u>enrolling</u> or <u>updating</u> your organization designation to Federal Contractor with FAR E-Verify Clause





Note

If you are assigning an existing employee to a federal contract anytime after day 60 of the initial 90 calendar day period, you have 30 days from the date the person is assigned to the contract to run him or her in E-Verify.





When do I verify <u>all</u> my employees if I've chosen *Entire Workforce*?

You must enter Form I-9 information for all employees within 180 calendar days of <u>enrolling</u> or <u>updating</u> your organization designation to Federal Contractor with FAR E-Verify clause and selecting Entire Workforce





Form I-9 & existing employees

Under FAR you have two options to evaluate existing employees' Forms I-9





Form I-9 & existing employees

Option I

Complete new Forms I-9 for all employees who will be run in E-Verify

Option II

Complete new Forms I-9 when required and update existing Forms I-9 when allowed

When completing new Forms I-9

- Current rules for Form I-9 apply (e.g. no expired documents)
- Use Form I-9 with (Rev. 02/02/09) or (Rev. 08/07/09) expiration date for both forms is 08/31/2012





Form I-9 & existing employees Option II: When to complete a new Form I-9

- The employee presented an expired document on a previous Form I-9
- Employment authorization as stated in Section 1 has expired
- The List B document previously submitted did not have a photo or you are unable to determine if it had a photo
- The employee is a Noncitizen National and was unable to separately attest to that status on a previous Form I-9

E-Verify.



Form I-9 & existing employees Option II: When to complete a new Form I-9

- The employee presented a document such as a Certificate of Naturalization or Form I-688 that was acceptable at the time of completion of the previous Form I-9, but is no longer acceptable
- The employee's immigration status has changed.
- The employee's name has changed
- The previous Form I-9 did not conform to I-9 requirements at time of completion





Form I-9 & existing employees Option II: Updating a previous Form I-9

If your employee...

...presented an *unexpired* Form I-551 (Permanent Resident Card) or Form I-766 (Employment Authorization Document) and it is still unexpired, photocopy the document & keep it with the employee's Form I-9

...did not provide his or her Social Security Number (SSN) or if the employee claims that the number was changed by SSA, the employee should update Section 1 with the current SSN





Form I-9 & existing employees Option II: Updating a previous Form I-9

If your employee...

...indicates his or her Alien number has been changed by the DHS, update Section 1 with the current Alien number

...presented an unexpired Form I-551 or U.S. Passport & the document has since expired, you may not request the employee to present an unexpired version of either document





How does it work?

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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





An E-Verify case Initial verification results will be

Employment Authorized	SSA Tentative Nonconfirmation	DHS Tentative Nonconfirmation
The employee is authorized to work	There is an information mismatch	There is an information mismatch
May 2010	E-Verify for Federal Contractors	37

E-Verify Employment Eligibility Verification

	Case Verific	ation Number: 2009302095949AL		
Case Administration	Initial Verification			
Initial Verification	Last Name:	Jefferson	First Name:	Thomas
View Cases	Middle Initial:		Maiden Name:	
	Social Security Number:	216-47-4400	Date of Birth:	04/20/1962
User Administration	Hire Date:	10/29/2009	Citizenship Status:	Citizen of the United States
Change Password	Alien Number:		I-94 Number:	
Pwd Challenge Q&A	Passport or Passport Card Number:	C999999999	Visa Number:	
Change Profile	Document Type:	Unexpired U.S. Passport or Passport Card	Doc. Expiration Date:	
Site Administration	Initiated By:	SSLA5672	Initiated On:	10/29/2009
> Add User	Initial Verification Results			
> View Users				
Maintain Company	Initial Eligibility:	EMPLOYMENT AUTHORIZED		
> Terminate Company	Case Documents for Printing			
Participation	Case Details			
Reports				
≻ View Reports	Resolve Case Close			

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Handling a TNC

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



e Administration	Initial Verification			
nitial Verification	Last Name:	Jefferson	First Name:	Thomas
iou Cococ	Middle Initial:		Maiden Name:	
ew tases	Social Security Number:	316-47-4400	Date of Birth:	04/20/1962
r Administration	Hire Date:	10/28/2009	Citizenship Status:	Citizen of the United States
ange Password	Alien Number:		I-94 Number:	
wd Challenge Q&A	Passport or Passport Card	C999999999	Visa Number:	
nange Profile	Number:			
	Document Type:	Unexpired U.S. Passport or Passport Card	Doc. Expiration Date:	10/00/0000
Administration	Initiated By:	55LA5072	Initiated Un:	10/29/2009
dd User	Initial Verification Results			
ew Users				
aintain Company	Initial Eligibility:	SSA TENTATIVE NONCONFIRMATION		
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	Initiate COM Defensed Describer Oce	- Olare		
	Initiate SSA Referral Resolve Cas	e Close		

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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 in full status during the TNC resolution process
- <u>DO NOT</u> 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 Nonconfirmation		Case Verification Humber
Reason for this Notice:	 SSN does not match. The Social Security Number (SSN) entered name and/or date of birth entered for the employee do not match S SSN is invalid. The SSN entered in E-Verify is not a valid number SSA unable to confirm U.S. Citizenship. Cannot confirm that t work because SSA records do not show that the SSN holder is a SSN record does not verify, Other Reason. SSA found a discrepancy in othe data in the employee's record. 	d in E-Verify is valid, but the SSA records. *. the employee is eligible to #U.S. citizen. crepancy in the er

Instructions for the Employer

= = = = I M P O R T A N T = = = = Employee must acknowledge receipt of this letter, date and sign it, and return it to you.

May 2010

E-Verify for Federal Contractors





Referral to the Social Security Administration (SSA) SSA Field Office: See POMS RM 00206.305ff

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 Referred to SSA		Case Verification Humber
Reason for this Referral Letter:	 SSN does not match. The Social Security Number (SSN) entered name and/or date of birth entered for the employee do not match SS SSN is invalid. The SSN entered in E-Verify is not a valid number. SSA unable to confirm U.S. Citizenship. Cannot confirm that the work because SSA records do not show that the SSN holder is a L SSN record does not verify, Other Reason. SSA found a discrementation of the employee's record. SSA unable to process data. SSA found a discrepancy in other data in the employee's record. 	in E-Verify is valid, but the A records. a employee is eligible to J.S. citizen. epancy in the

Instructions for the Employer

= = = = I M P O R T A N T = = = = 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/she should inform you Check E-Verify periodically for one of the following responses

Employment Authorized

Review & Update Employee Data

Case in Continuance

DHS Verification in Process

DHS No Show

Final Nonconfirmation

E-Verify Employment Eligibility Verification

	Case Verifi	ication Number: 2009301151624HF		
Case Administration	Initial Verification			
Initial Verification	Last Name:	Jefferson	First Name:	Thomas
View Cases	Middle Initial:		Maiden Name:	
	Social Security Number:	216-47-4400	Date of Birth:	04/20/1962
User Administration	Hire Date:	10/28/2009	Citizenship Status:	Citizen of the United States
Change Password	Alien Number:		I-94 Number:	
Pwd Challenge Q&A	Passport or Passport Card	C999999999	Visa Number:	
> Change Profile	Number: Document Type:	Unevpired ILS, Passport or Passport Card	Doc. Expiration Date:	
Site Administration	Initiated By:	SSLA5672	Initiated On:	10/28/2009
> Add licer				
	Initial Verification Results			
View Users				
Maintain Company	Initial Eligibility:	EMPLOYMENT AUTHORIZED		
> Terminate Company Participation	Enter Case Resolution			
- ar acipation	Resolve Options:	Resolved Authorized	*	
Reports		Resolved Unauthorized / Terminated		
View Reports		O Self Terminated		
		O Invalid Ouery		
		Employee Not Terminated		

Submit Resolve Case Close





Section III: Wrapping it up

- Photo Matching
- Employer responsibilities
- Federal Contractor responsibilities
- Posters
- What's new at E-Verify
- Employee Rights
- E-Verify Contact Information
- OSC Dos & Don'ts
- Things to remember





Wrapping it up 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





Wrapping it up Employer responsibilities

- Unless you are a Federal Contractor with FAR E-Verify Clause only use E-Verify to verify <u>new</u> hires
- Once you begin using E-Verify, you must verify new employees no later than the 3rd business day after the employee begins working for pay
- You must apply E-Verify procedures to ALL new hires, regardless of citizenship status





Wrapping it up Federal Contractor responsibilities

- For a contract with the FAR E-Verify clause awarded on or after September 8, 2009
 - Verify all existing employees working on the contract
 - Verify all new employees hired after the date of enrollment in E-Verify
- OR
 - Verify entire workforce

Special Category Employers

 May limit verifications to new & existing employees assigned to contract





Wrapping it up **Posters**



adverse action against you, including

program or has discriminated against you during the vertification process based upon your national origin or citizenship status, please call the Office of Special Counsel at

1-800-255-7688 (TDD: 1-800-237-2515).



ers may not use E-Verify to pre-screen job applicants or rify current employees and may not limit or influence the choice of documents presented for use on the Form I-9.



IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.



Inn DC



May 2010

terminating your employment.

E-Verify for Federal Contractors



Wrapping it up 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







Wrapping it up 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's 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.











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





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:
 - 1. General E-Verify information
 - 2. Completing Form I-9, Employment Eligibility Verification
 - **3.** Contesting a Tentative Nonconfirmation or fixing a perceived Final Nonconfirmation error
 - 4. Filing a complaint regarding employer misuse of E-Verify





Wrapping it up Employee rights

- The employee has the <u>right</u> to contest a tentative nonconfirmation (TNC) from SSA or DHS
- 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)





Wrapping it up Learn more about E-Verify

Verification, Outreach Branch provides:

- Speakers for your events
- Panel Participants
- Exhibit participation
- Webinars

E-Verify E-Mail: <u>E-Verify@dhs.gov</u>





Wrapping it up

Customer Support: (888) 464-4218

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

E-Verify Website: www.dhs.gov/E-Verify

E-Verify



Top E-Verify Dos

- Promptly provide & 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 during that period
- 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

E-Verify.



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/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





Things to remember

Ensure your contract has the FAR E-Verify Clause before verifying existing employees

Note your <u>contract award</u> and <u>enrollment dates</u>

Remember -

✓ 30 calendar days from contract award date to enroll/update

90 calendar days from enrolling or updating your company profile to enter Form I-9 information for new & existing employees

✓ 180 calendar days from choosing Entire Workforce to verify entire workforce





Things to remember

- Ensure you are using the current Form I-9
- Print the E-Verify MOU and review it with your E-Verify users
- If you have a question about your contract and the FAR
 E-Verify clause, contact your contracting officials and/or legal advisors
- Use the OSC employer hotline if you have questions about a potential employment action – you can call anonymously and receive information to help you prevent discrimination





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 the rules procedures

For more information on the law and regulations please see our website: www.dhs.gov/E-Verify





Thank You