





E-Verify gives me peace of mind about my workforce.

In just a few clicks, E-Verify quickly confirms an employee's eligibility to work in the U.S.













# What is E-Verify?

- Electronically verifies the employment eligibility of
  - Newly hired employees
  - Existing employees assigned to work on a qualifying federal contract
- Free web-based service
- Fast and easy to use
- Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)



E-Verify@dhs.gov





# What is E-Verify?

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
- Reduces guesswork during the verification process
- Protects jobs for authorized workers
- Deters document and identity fraud
- Works seamlessly with Form I-9





# Who Uses E-Verify?

- More than 345,000 employers are enrolled to use E-Verify at more than one million hiring sites
- More than 2,000 new enrollments per week
- More than 8.4 million cases created to date in FY 2012
- More than 17 million cases created in FY 2011
- Employers in every industry, state and U.S. territory





# **Performance**

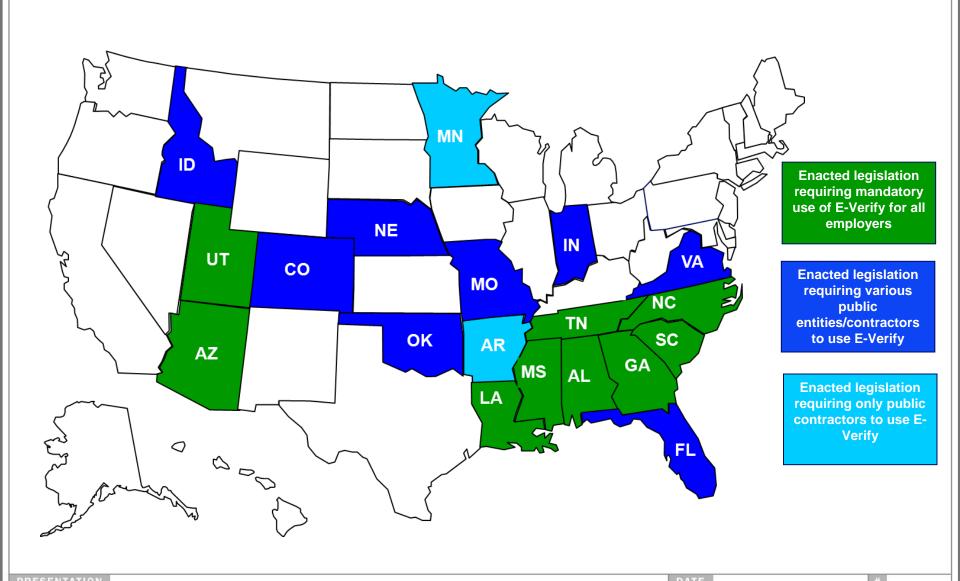
# 98.3% Work Authorized instantly or within 24 hours

1.7% Employees not confirmed work eligible

0.3% Initial mismatches later confirmed work authorized

# E-Verify Land









I-9 Process	I-9 process with E-Verify
Employee completes Form I-9, Section I.	Employee must include Social Security Number when completing Form I-9, Section 1.
Employee chooses which acceptable document(s) to present.	Employee chooses which acceptable document(s) to present.
	If a List B document is chosen, it MUST have a photo.
	If an employee decides to provide a photo matching document, the employer must make a photo copy and retain with the Form I-9.
Employer completes Form I-9, Section II.	Employer completes Form I-9, Section II.
If necessary, employer updates or reverifies employee's work eligibility in Section III.	E-Verify Case Status will prompt employer to update or reverify in Section III of Form I-9.

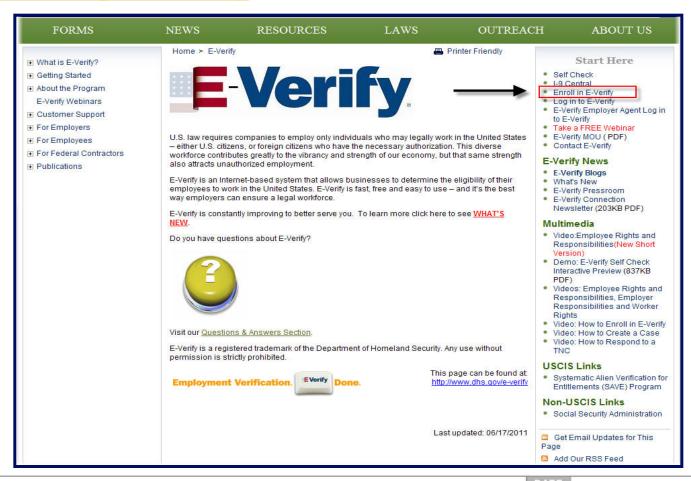
NOTE: All documents must be unexpired. Names should appear on Form I-9 exactly as they appear on documents. No nicknames should be used.





## How to enroll

At www.dhs.gov/E-Verify under Start Here click Enroll in E-Verify.



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E-Verify Presentation www.dhs.gov/E-Verify E-Verify@dhs.gov

DATE

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## **Enrollment Resources**

## E-Verify Enrollment: Checklist

Deciding to enroll in E-Verify is the first step toward supporting a legal workforce. E-Verify will guide you through the enrollment process by asking several questions. Use the checklist below to ensure you have all of the information you will need to complete the enrollment process. You must complete the enrollment process in a single website session, so be sure you have time to complete the process since you will not be able to save your progress and return at a later time to complete.

For more information, visit the Getting Started section of the E-Verify website or consult our Quick Reference Guide for E-Verify Enrollment to learn how to enroll and start using E-Verify.

Need help? Click on any question mark icon to get more information.

### Before you enroll, you must decide:

- Who will electronically sign the E-Verify memorandum of understanding (MOU) on behalf of your company?
- · Which hiring sites will participate in E-Verify?
- . If you are a federal contractor with the FAR E-Verify clause, which employees will you verify?
- · Which company location(s) will access E-Verify?
- . Who in your company will have access to E-Verify?
- Who in your company should be a program administrator?



- **How to Enroll Video**
- **Enrollment Quick Reference Guide**

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# 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

## E-Verify Employer Agent

Select this access method if your company creates cases for client companies.

# Corporate Administrator

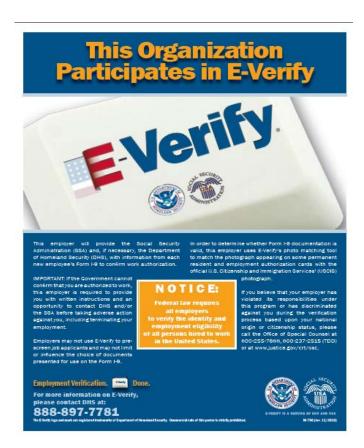
Allows you to create, manage and administer new and existing E-Verify accounts as well as create and view reports

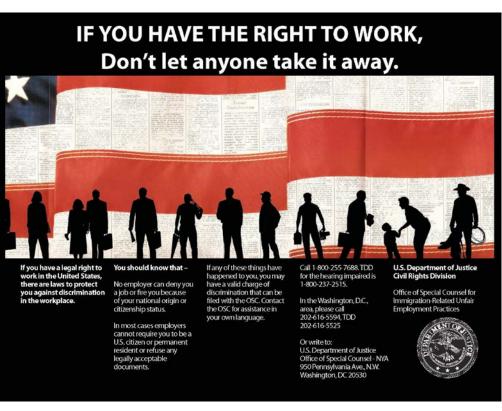
Does <u>NOT</u> allow you to create cases





# Required Posters – Must Be Visible to Prospective Employees



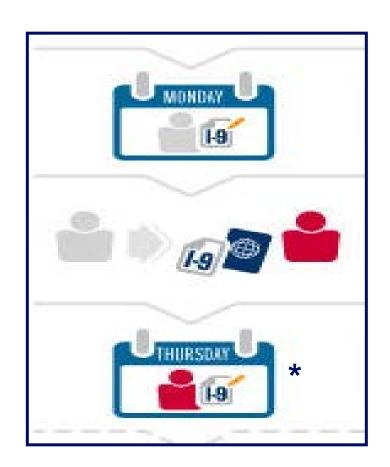






# When to verify?

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.







## **Photo Match**

Allows you to match the photo on a document to the photo that DHS has on file for that employee

- Employment Authorization Document (Form I-766)
- Permanent Resident Card, AKA "green card" (Form I-551)
- U.S. Passport or Passport Card
- Photo Match helps detect document fraud.
- •Do not request specific documents in order to activate E-Verify photo matching; but if an employee **chooses** to provide one of the above documents, you are required to make a photo copy of the document and retain it with the Form I-9.

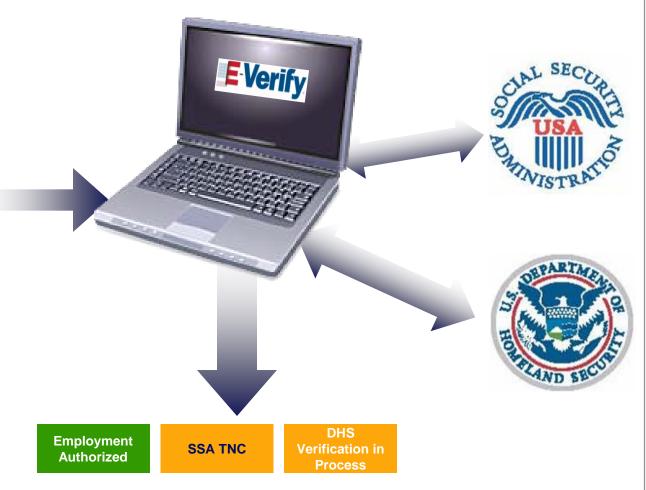




# **E-Verify: How it works**

Department of Humeland Security U.S. Chitmeship and Immigration Services				Form I-9, Employm Eligibility Verificat	ent
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Form I-9







# **E-Verify: How it works**

Initial verification will return one of three results in just seconds.

**Employment Authorized** 

The employee is authorized to work.

SSA Tentative Nonconfirmation

There is an information mismatch.

DHS Verification in Process

DHS will usually respond within 24 hours with either:

**Employment Authorized** 

Or
DHS Tentative
Nonconfirmation.





# What is a Tentative Nonconfirmation (TNC)?

A TNC means that information from an employee's Form I-9 did not match government databases.

## Common reasons for TNCs:

- Social Security number (SSN) does not match.
- Identification document could not be verified.
- Citizenship or immigration status changed.
- Name change was not reported.
- Name entered on I-9 is different than recorded in government data bases.
- Information was not entered correctly in E-Verify.

DATE

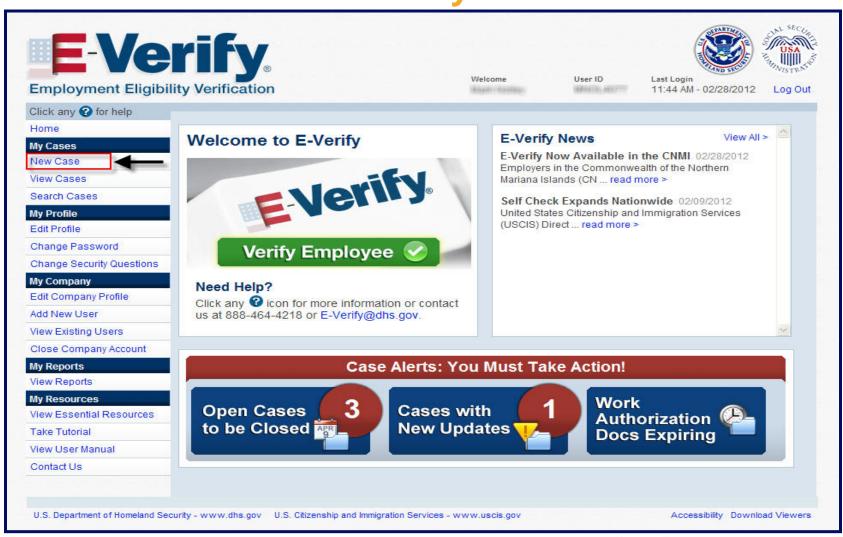


PRESENTATION



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## How to create an E-Verify case



E-Verify Presentation www.dhs.gov/E-Verify E-Verify@dhs.gov March 2012



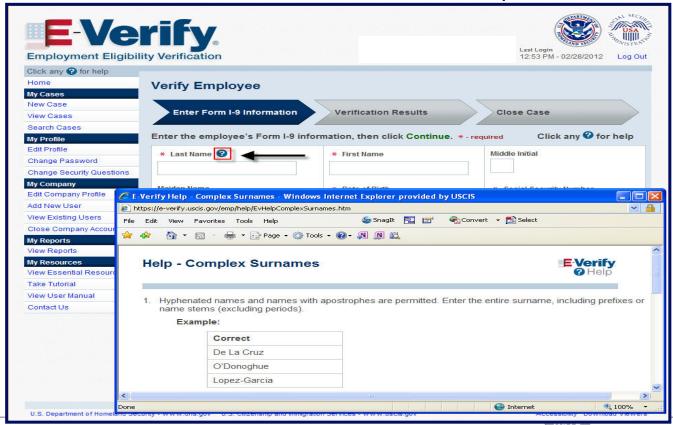


# **Entering Complex Surnames**

To avoid an unnecessary TNC due to a name mismatch click the



icon next to the "Last Name" field to reveal the helper text.



**PRESENTATION** 

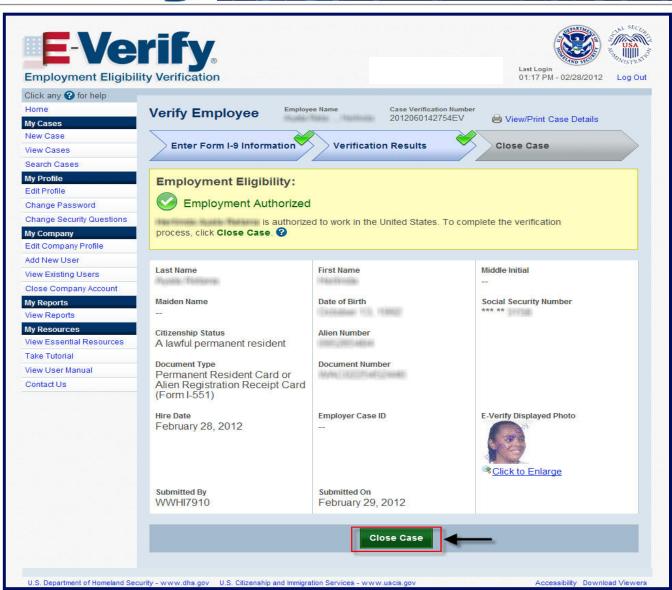
E-Verify Presentation

www.dhs.gov/E-Verify

E-Verify@dhs.gov

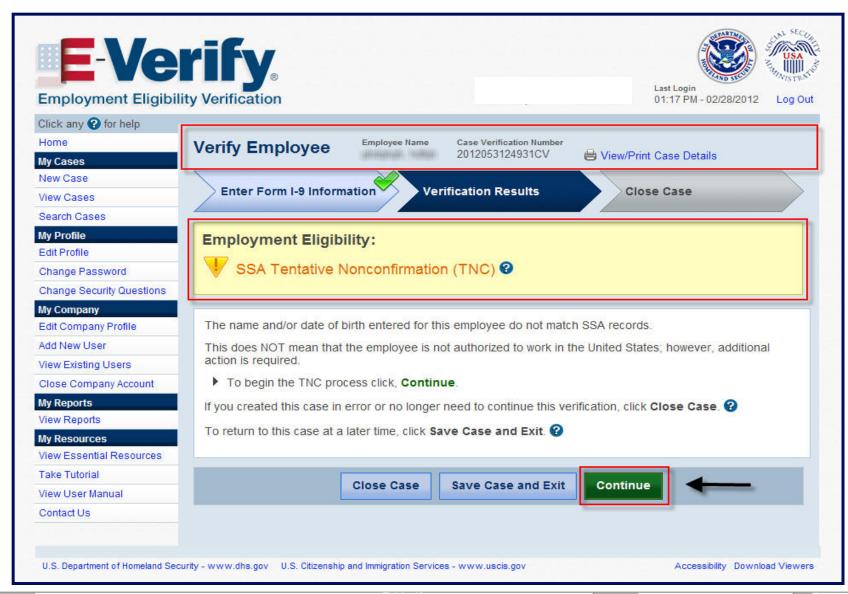
# E-Verify.





# E-Verify Land





PRESENTATION





# Handling a TNC

- **Employees** should be **informed** of the TNC promptly.
- **Employer** should **print** the TNC Notice and Referral Letter and **review** it with the employee.
- **Employees** have the **right** to contest or not contest a TNC.

## CONTEST

**NOT CONTEST** 

**Refer** employee to appropriate agency.

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

# E-Verity.



## **E** Verify



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

# For SSA Field Office Staff: Use EV-STAR and See POMS RM 10245.005ff

AT REAL PROPERTY.			199			
Employee's Last Name  Employee's Social Security Number 02/29/2012  Date of SSA Tentative Nonconfirmation			Employee's First Name			
			02/1989			
		Number	Employee's Month/Year of Birth			
			Case Verification Number			
		onfirmation				
Reason for this TNC Notice:	X	Social Security Administration \$\$N is invalid: The Social Social Security Administration \$\$A is unable to confirm it match Social Security Admini \$\$N record does not veriff in this employee's record.	SA unable to process data: The Social Security Administration found a discrepancy in this			

#### Instructions for the Employer

#### IMPORTANT

The employee must sign and date page 2 of this TNC Notice.

- Review this TNC Notice (in private) with the employee as soon as possible
- 2. Ensure the name, Social Security number and month/year of birth at the top of this TNC Notice are correct. If this information is incorrect, you must close this case in E-Verify and create a new case with the correct information.

IMPORTANT: If the employee cannot read, you must read this TNC Notice to the employee. If the employee does not fully understand English, and speaks Spanish, Chinese, Haitian-Creole, Japanese, Korean, Russian, Tagalog or Vietnamese, you must provide the employee with this TNC Notice in one of these languages, found in View Essential Resources."

- 3. Ask the employee to indicate on page 2 whether he or she will contest the SSA TNC.
- 4. Ask the employee to sign and date this TNC Notice on page 2, then sign and date in the space provided below
- 5. Give a copy of this signed TNC Notice in English to the employee and attach a copy to the employee's Form I-9.
- Indicate in E-Verify that you notified the employee of the TNC and then click 'Continue.'
- 7. Follow the instructions in E-Verify to refer the case or close the case based on the employee's decision.

NOTE: If the employee chooses not to contest the Tentative Nonconfirmation, you may terminate his or her employment and close the case in E-Verify.

certify that this employee received a copy of this SSA Notice to Employee of Tentative Nonconfirmation and that the employee made the decision indicated on page 2 of this TNC Notice. I certify that the employee read and signed this document, I certify to the best of my knowledge that the employee's decision to contest or not contest the SSA Tentative Nonconfirmation was of his or her own free will and that the employee was not coerced or pressured in any way by this employer regarding his or her decision to contest the SSA Tentative Nonconfirmation. I certify that the employee named at the top of this TNC Notice is the person who signed this document on page 2.

CSC Test Corp Company

Employer's Name

Employer Representative's Name

E-Verify Referral Letter to the Social Security Administration (SSA) For SSA Field Office Staff: Use EV-STAR and See POMS RM 10245.005ff Employee's Last Name Employee's First Name Employee's Social Security Number Employee's Month/Year of Birth 2012053124931CV Date Referred to SSA Case Verification Number x SSN does not match: The name and/or date of birth entered for this employee do not match Referral Letter: Social Security Administration records \$\$N is invalid: The Social Security number entered in E-Verify is not valid according to Social Security Administration records. SSA is unable to confirm U.S. citizenship: The citizenship status selected for this employee does not match Social Security Administration records. SSN record does not verify, other reason: The Social Security Administration found a discrepancy in this employee's record \$\$A unable to process data: The Social Security Administration found a discrepancy in this employee's record. Instructions for the Employer

#### IMPORTANT

The employee must sign and date below.

- Review this Referral Letter (in private) with the employee as soon as possible
- Ensure the name, Social Security number and month/year of birth at the top of this Referral Letter are correct. If this information is incorrect, you must close this case in E-Verify and create a new case with the correct information.

IMPORTANT: If the employee cannot read, you must read this Referral Letter to the employee. If the employee does not fully understand English, and speaks Spanish, Chinese, Haitian-Creole, Japanese, Korean, Russian, Tagalog or Vietnamese, you must provide the employee with this Referral Letter in one of these languages, found in View Essential Resources."

- You and the employee must sign and date this letter in the space provided below.
- Give a copy of this signed Referral Letter in English to the employee and attach a copy to the employee's Form I-9. Inform the employee that he or she must bring this Referral Letter when he or she visits an SSA field office.

Military 1985

Complete all blank fields below.

CSC Test Corp Company

Employer's Name

Employer Representative's Name Employer Representative's Phone Number

Employer Representative's Signature Date

Employee's Signature

Page 1 of 3 (Referral Letter to the Social Security Administration (Revision Date 01/06/11 www.dhs.gov/E-Verify

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# Handling a TNC Employee Rights

- The employee has eight federal government workdays from the referral date to visit or call the appropriate agency to start to resolve the discrepancy.
- The employee continues to work during the TNC resolution process.
- During the TNC process, the employer <u>should not</u> take any adverse action against the employee.







DATE

#





# **Handling a TNC**

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** 





# **Handling a TNC**



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# **Employer Responsibilities**

- Do not:
  - Use E-Verify to pre-screen employment applicants
  - Use E-Verify selectively; you must use E-Verify 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
- Follow all rules and guidelines that are outlined in the Memorandum of Understanding for E-Verify.

# E-Verify.



## **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

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- 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
- \* Commercially available off the shelf (COTS) items or services are not subject to the FAR E-Verify clause.
- As of September 8, 2009, 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.

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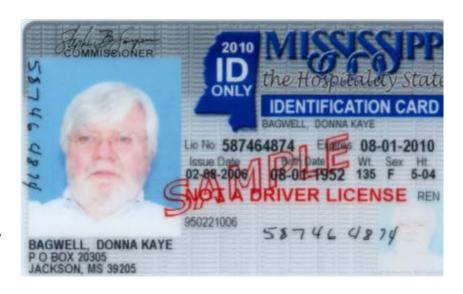




# Records and Information from DMVs for E-Verify (RIDE)

## RIDE:

- Launched on June 13, 2011.
- E-Verify can now verify driver's license data.
- Mississippi is the first DMV partner for this project.







# **Things to Remember**

- E-Verify cannot be used to verify existing employee unless you are a Federal Contractor with FAR E-Verify Clause.
- Form I-9 must be completed before a case can be created in E-Verify.
- E-Verify cases must be created no later than the third business day after the employees' start date.
- Visit the E-Verify website <u>www.dhs.gov/E-Verify</u> for more information.





# **Engagement – E-Verify Logo and I E-Verify Seal**

- Request use of E-Verify Name and Logo.
- Request "I E-Verify" Seal.
  - Download the Licensing Agreement to get started.
  - For more information visit <u>www.dhs.gov/E-Verify</u> under "About the Program."









## **Educational Videos**

- How to Enroll in E-Verify
- How to Create a Case
- How to Respond to a TNC
- Civil Rights (Request copies by emailing E-Verify@dhs.gov.):
  - Employee Rights and Responsibilities
  - Employer Responsibilities and Worker Rights

## View the videos at:

<u>www.dhs.gov/E-Verify</u> or <u>www.youtube.com/ushomelandsecurity</u>







# I-9 Central: www.uscis.gov/I-9Central

#### I-9 Central Home

Federal law requires every employer and agricultural recruiter/referrer-for-a-fee hiring an individual for employment in the United States to verify his or her identity and employment authorization through completion of Form I-9, Employment Eligibility Verification.

These USCIS Web pages on Form I-9 will help you learn more about:



This page can be found at: http://www.uscis.gov/l-9Central

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## Stay Up to Date

- Subscribe to e-Newsletter *E-Verify* Connection.
  - Write SUBSCRIBE in the subject line to E-VerifyOutreach@dhs.gov.
- To get email updates, subscribe to:
  - www.uscis.gov/I-9Central
  - www.dhs.gov/E-Verify
  - www.uscis.gov/SelfCheck
- Follow on twitter: http://twitter.com/uscis
- E-Verify Blogs: www.dhs.gov/E-Verify

## **E-Verify** Connection 🥯



January 2012 Issue VI

#### What's Hot in E-Verify?

E-Verify Milestone: More than One Million Worksites In December 2011, E-Verify reached a milestone. Employers are now using E-Verify at more than one million worksites. See History and Milestones to review E-Verify's advances through

Getting Ready to Enroll? Enrolling in E-Verify is easy. The E-Verify website has a variety Emolining in E-Verily is easy. The E-Verily website has a variety of resources to help you prepare. Visit E-Verify Prinollment on the Getting Started page of the E-Verify website to explore enrollmentsources. The E-Verify Enrollment Quick Reference Guide and enrollment video walk you through the process and answer essential questions. Review the Memorandum of Understanding and use the Enrollment Checklist to track your

Check Out the E-Verify Blogs Webpage E-Verify blogs report on employment eligibility verification subjects. Visit the new E-Verify Blogs page, then share your thoughts and questions about E-Verify, Form I-9, Self Check

E-Verify Employee Rights Video
The new concise E-Verify Employee Rights and Responsibilities video creatively educates workers about their rights and responsibilities in fewer than six minutes. Explore the Multimedia Section on the right-side of the E-Verify homepage to find this





#### "What's New" on I-9 Central?

There is always something new on I-9 Central, the online one-stop source for Form I-9 information. See the latest updates on the What's New page. In case you missed the latest posts, you can still find the information in the What's New Archives.

CNMI Employers Using Standard Form I-9 Employers hining and reverifying employees in the Commonwealth of the Northern Mariana Islands (CNMI) must now use Form I-9. The Form I-9 CNMI has been discontinued. See the details and instructions here

#### Pacific Islanders: I-9 Guidance

Guidance for completing Form I-9 for citizens of the Federate d States of Micronesia, the Republic of the Marshall Islands and Palau has been posted on I-9 Central. Review these important instructions about acceptable documents and other considerations for these nationals, but not citizens, of the United States. Also, E-Verify tentative nonconfirmation and referral notices have been translated into Carolinian, Chamarro, Marshallese and Palauan.

E-Verify Resources in More Languages E-Verify's tentative nonconfirmation notices and referral letters are now available in 13 languages. Find these letters and other materials on the Foreign Language Resources webpage.

### Updated Self Check Information Toolkit The Self Check Information Toolkit has new resources to

view, print, share and post. Self Check and E-Verify "Know Your Rights" flyers are now available in 11 languages. Help inform others about how they can use the free Self Check service to confirm their own employment eligibility records Access the flyers and other helpful resources in the Self

SEE THE SCHEDULE OF FREE WEBINARS!

### E-Verify Outreach

#### **Our Experts Are in Your Communities!**

E-Verify experts travel across America to educate employers and workers about Form I-9, E-Verify, Employee Rights, and Self Check Look for DHS experts at these upcoming events:

### FEBRUARY

National Council of Agricultural Employers Annual Meeting. Washington, DC 16-18 American Association of

- School Administrators National Conference on Education. Houston, TX
- Nebraska MarketPlace Conference, Kearney, NE
- Roadshow, Creston, IA; Denison,
- lowa Department of Labor Roadshow, Spencer, IA; Storm Lake, IA Concordia University Career Fair,
- Seward, NE Southeast Petro-Food Marketing Exposition, Myrtle Beach, SC Southeast Petro-Food Marketing
  - Exposition, Myrtle Beach, SC IMAGE Seminar, Las Vegas, NV City of Omaha Form I-9, E-Verify and Employee Rights Presentation, Omaha, NE
- 12-15 Human Capital Management for Defense, *Arlington, VA* 15 E-Verify & Form I-9 Overview for
- SHRM Affiliate, Boca Raton, FL North Fulton Business Expo, Wayne State Career Fair, Wayne,
- Society of Human Resources Management New Mexico State Conference, Albuquerque, NM American Payroll Association Capital Summit, Washington, DC

Click here to subscribe to E-Verify Connection

Employee Hotline: 1-888-897-7781

**PRESENTATION** E-Verify Presentation www.dhs.gov/E-Verify E-Verify@dhs.gov







## Office of Special Counsel (OSC) for Immigration-Related **Unfair Employment Practices**

- This law prohibits employers from discriminating against work-authorized individuals in hiring, firing, recruitment or referral for a fee, based on an individual's citizenship, immigration status, or national origin.
- OSC is in the Civil Rights Division of the Department of Justice.
- OSC enforces the Immigration and Nationality Act's Anti-Discrimination Provision.
- See OSC's "Employer Dos and Don'ts."

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E-Verify@dhs.gov





## **Examples of Prohibited Discrimination**

- Refusing to hire a worker:
  - Because the worker is, or is not, a U.S. citizen
  - Who is or is believed to be an immigrant
  - Based on the worker's country of birth or foreign language accent
- Requesting that non-U.S. citizens show particular documentation for the Form I-9 while allowing U.S. citizens to show their choice of Form I-9 documentation
- Terminating or suspending non-U.S. citizens who receive a Tentative Nonconfirmation (TNC) while allowing U.S. citizens who receive a TNC to continue to work while resolving the TNC





# **OSC Employer Resources**

- Call OSC's Employer Hotline 800-255-8155 to speak with an OSC representative. (Calls can be anonymous.)
- Visit OSC's website to sign up for webinar training on how to avoid violating the anti-discrimination provision and download educational materials: <a href="https://www.justice.gov/crt/about/osc">www.justice.gov/crt/about/osc</a>.
- E-mail questions to OSC at <u>osccrt@usdoj.gov</u>.





# Self Check

- FREE online service available in English and Spanish that lets job seekers make sure their records are accurate BEFORE an employer checks their employment eligibility
- Available nationwide to all citizens and non-citizens more than 16 years old
- Helps employers by allowing U.S. workers to confirm their employment eligibility is accurate before being checked by an employer through E-Verify; Self Check does NOT take the place of the employer's E-Verify case.
- Employers cannot require their employees or prospective employees to use Self Check.
- For more information on Self Check, visit <a href="www.uscis.gov/everifyselfcheck">www.uscis.gov/everifyselfcheck</a>.







## **Customer Service**

E-Verify received the highest rating for customer service of all federal agencies. (2010 American Customer Satisfaction Survey)

**Employer Hotline: (888) 464-4218** 

**Employee Hotline: (888) 897-7781** 

Form I-9 E-Mail: <u>I-9Central@dhs.gov</u>

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

Form I-9 Website: <a href="www.uscis.gov/l-9Central">www.uscis.gov/l-9Central</a>

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







# **E-Verify Outreach**

- Provides:
  - Speakers for your events
  - Panel participants
  - Exhibit participation
  - Free Webinars
  - Content for your newsletters
  - Authorization to use the E-Verify® Logo and Name and I E-Verify
     Seal

E-Verify E-Mail: <a href="mailto:E-Verify@dhs.gov">E-Verify@dhs.gov</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 Web site:

www.dhs.gov/E-Verify.