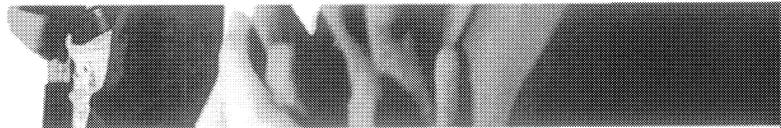




# E-Verify<sup>®</sup>

**Employment  
Eligibility Verification**



E-VERIFY IS A SERVICE OF DHS AND SSA



## Agenda

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

**Section II: E-Verify Enrollment and Use**

**Section III: Wrapping It Up**

# E-Verify



E-VERIFY IS A SERVICE OF DHS AND SSA

## What is E-Verify?

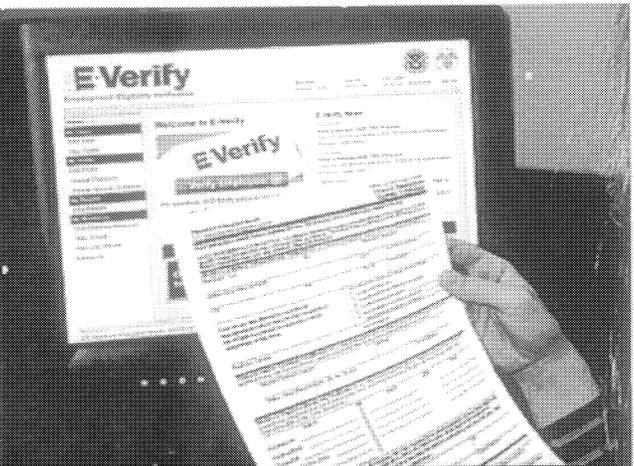
No cost Internet based system

Fast and easy to use

Electronically verifies the employment eligibility of

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

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?

### E-Verify Goals

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



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## Why use E-Verify?

- **Helps employers maintain a legal workforce**
- **Eliminates guesswork during the verification process**
- **Protects jobs for authorized workers**
- **Deters document and identity fraud**
- **Works seamlessly with Form I-9**



## Statistics

**Over 240,000 employers are enrolled in E-Verify, which represents over 827,000 hiring sites. This has resulted in:**

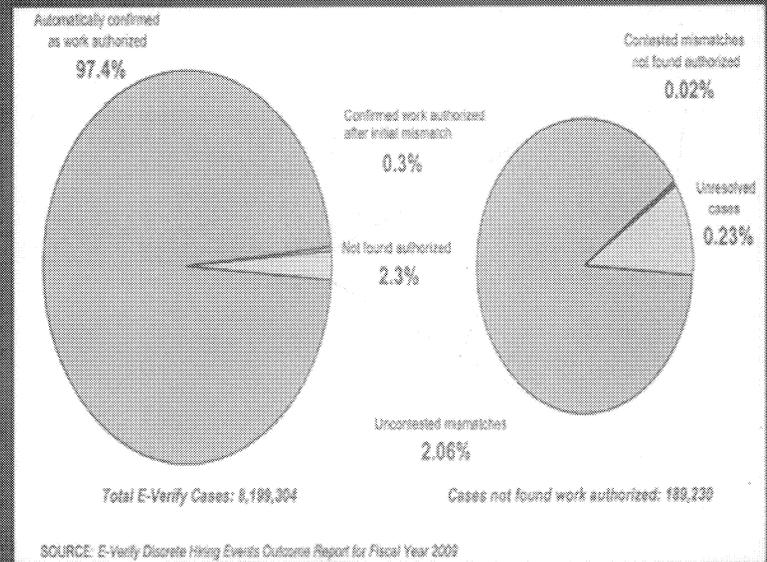
**More than 8.70 million cases created in FY 2009**

**More than 15.00 million cases created in FY 2010**

**More than 3.80 million cases created to date in FY 2011**

## Statistics

- **97.4 percent of employees are automatically confirmed as authorized to work (“work authorized”) either instantly or within 24 hours, requiring no employee or employer action**
- **The remaining 2.6 percent of employees receive initial system mismatches:**
  - **0.3 percent are later confirmed as work authorized after contesting and resolving the mismatch**
  - **2.3 percent are not found work authorized**





## Form I-9 and E-Verify

- **Form I-9 and E-Verify work together**
- **Information from the Form I-9 is entered into E-Verify**
- **You must continue to update Form I-9 as required and reverify employment authorization even if you use 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)**
- **Form I-9 must include the employee's social security number before the case can be created in E-Verify**
- **If employee chooses to present a List B document, it must contain a photograph**
- **For additional information relating to Form I-9 see the *M-274 Employer's Handbook* at <http://www.uscis.gov/files/form/m-274.pdf>**



## Section II: E-Verify enrollment and use

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



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# How to enroll

Go to [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

Under Start Here click **Enroll in E-Verify**

U.S. Citizenship and Immigration Services

Home | Español | Blog | Index

Search

Entire Site  Just this section

FORMS NEWS RESOURCES LAWS OUTREACH ABOUT US

Home > E-Verify

**E-Verify**

U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment.

E-Verify is an internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. E-Verify is fast, free and easy to use – and it's the best way employers can ensure a legal workforce.

Employment Verification:

Last updated: 05/03/2010

**Start Here**

- Enroll in E-Verify
- Log in to E-Verify
- Sign up for a Webinar
- Contact E-Verify
- What's New

**Other USCIS Links**

- Systematic Alien Verification for Entitlements (SAVE) Program

**Multimedia**

- Videos: E-Verify Civil Rights Initiatives
- Video: E-Verify Demonstration

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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

#### Least common

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 NOT allow you to create cases.**

## 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 creating cases

# E-Verify



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## How to create an E-Verify case

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. Citizenship and Immigration Services

**Form I-9 Employment Eligibility Verification**

NOT FOR POSTAL DELIVERY

SECTION 1. Employee Information and Verification (To be completed and signed by employee or by other employee designated by employee.)

Employee Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address (Street and Apt. #): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

SSN: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SECTION 2. Employer Review and Verification (To be completed and signed by employer. Complete any discussion from List of CE questions and document items on 6 and 7 on separate sheets, as based on the amount of CE time, and record per CE, number, and appropriate date, if any, of the discussion.)

Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Employer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SECTION 3. Employer Review and Verification (To be completed and signed by employer. Complete any discussion from List of CE questions and document items on 6 and 7 on separate sheets, as based on the amount of CE time, and record per CE, number, and appropriate date, if any, of the discussion.)

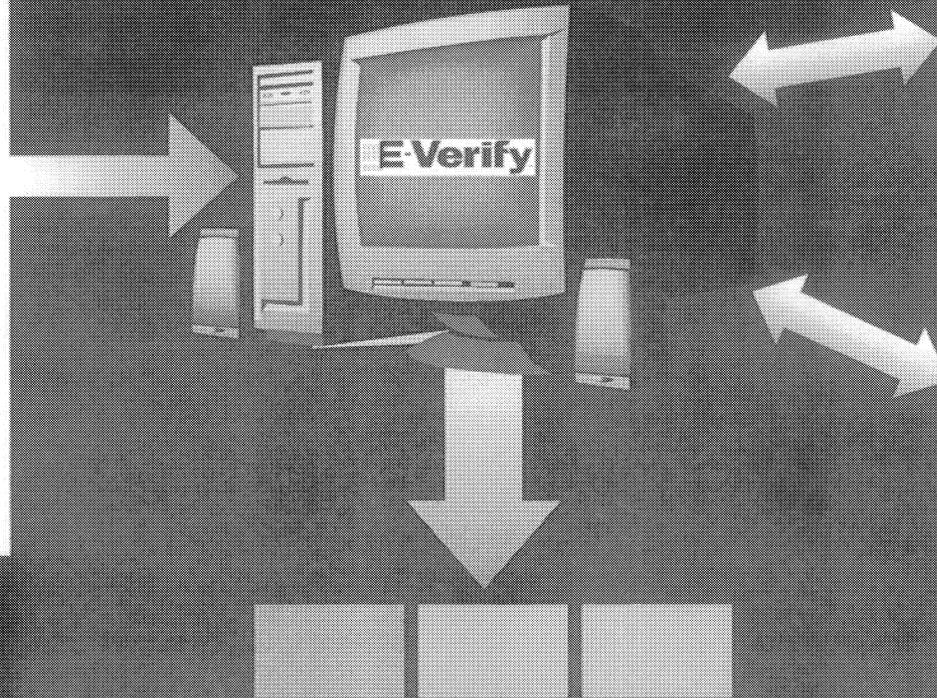
Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Employer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Form I-9





# An E-Verify case

## Initial verification results will be:

**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.**

## 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

## 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
- During the TNC process, **DO NOT** take any adverse action against the employee

## 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**

## Section III: Wrapping it up

- **Photo Matching**
- **Federal Contractors**
- **Employer responsibilities**
- **What's new at E-Verify**
- **E-Verify Contact Information**

## Photo Matching

Allows you to match the photo on an employee's

- Form I-766 (Employment Authorization Document)
- Form I-551 (Permanent Resident Card or "green card") to the photo that USCIS has on file for that employee
- U.S. Passport or passport card (new)

Helps detect instances of document fraud

# E-Verify

Employment Eligibility Verification



Welcome Jason Goodman User ID JG006407 Last Login 02:36 PM - 03/15/2010 Log Out

- Home
- My Cases**
- New Case
- View Cases
- My Profile**
- Edit Profile
- Change Password
- Change Security Questions
- My Company**
- Add New User
- View Existing Users
- Edit Company Profile
- Close Company Account
- My Reports**
- View Reports
- My Resources**
- View Essential Resources
- Take Tutorial
- View User Manual
- Contact Us

## Verify Employee

Employee Name: Lin, Su Case Verification Number: 291007416013GAM

[View/Print Case Details](#)



### Photo Matching

Does the photograph below match the photograph on the Permanent Resident Card or Alien Registration Receipt Card (Form I-551) provided by the employee? [?](#)

NOTE: A watermark has been added to prevent unauthorized use of the photograph below



[Click to Enlarge](#)

Yes

No

[Continue](#)

## Employer responsibilities

- Unless you are a *federal contractor whose contract contains the FAR E-Verify Clause* you can 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

## 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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## What's New at E-Verify:

- E-Verify Public Website Redesigned
- Employee Rights Videos
- Employee Hotline
- E-Verify System Redesigned
- E-Verify Videos – How to enroll in E-Verify, How to create a case and How to handle a TNC
- U.S Passport Photo Enhancement

## Employer and Employee Videos

- View the videos at:
  - [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)
  - [www.youtube.com/ushomelandsecurity](http://www.youtube.com/ushomelandsecurity)
  
- You may request a copy of the videos by email at: [E-Verify@dhs.gov](mailto: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



## Contact Information

**Customer Support: (888) 464-4218**

**E-Verify E-Mail: [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov)**

**E-Verify Website: [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)**

**Follow us on twitter: <http://twitter.com/uscis>**

## 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:  
[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).**



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# Thank You

## Tentative Nonconfirmation (TNC)

When an employee receives a tentative nonconfirmation (TNC), either from the Social Security Administration (SSA) or the Department of Homeland Security (DHS), it is the employer's responsibility to explain the TNC process and to provide the employee with information about how to challenge the TNC.

### Employers Must

- Promptly inform the employee when E-Verify issues a TNC.
- Inform the employee about the TNC in a manner that respects the employee's privacy.
- Provide the employee with the written TNC notice.
- Provide the employee with the opportunity to contest the TNC.
- Provide the employee with the E-Verify referral letter if the employee contests the TNC; the letter contains specific instructions and contact information.
- Provide the employee with 8 federal work days to contact the appropriate federal agency to begin contesting the TNC.
- Allow the employee who receives an SSA TNC to visit an SSA field office to update the employee's records.

## Need More Information?

### Department of Homeland Security

#### **E-Verify Program**

Web: [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

Phone: 1-888-464-4218

Email: [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov)

If you are a company's Designated Agent, please email us at: [DAsupport@dhs.gov](mailto:DAsupport@dhs.gov)

Our normal response time for email inquiries is 2 business days.

### **Office for Civil Rights and Civil Liberties**

If you have concerns about the civil rights or civil liberties implications of the E-Verify program, contact:

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
245 Murray Lane, SW  
Building 410, Mail Stop #0800  
Washington, DC 20528

Toll Free: 1-866-644-8360

Local: 1-202-401-1474

TTY: 1-202-401-0470

## Employer Responsibilities

As an employer who uses E-Verify, it is important to comply with all of the requirements agreed to when you were given access. If you fail to do so, you might wrongly terminate, suspend, or otherwise unlawfully discriminate against an employee.

### Employers Must

- Inform all applicants of your participation in E-Verify.
- Use without regard to national origin or citizenship status.
- Provide the E-Verify written notice to every employee who receives a tentative nonconfirmation (TNC).
- Provide the E-Verify referral letter to every employee who contests the TNC.
- Give the employee 8 federal work days to initiate contact with the appropriate federal agency to begin resolving the TNC.
- Secure the privacy of the employee's personal information and the password used to access E-Verify.

## Tentative Nonconfirmation (TNC)

### Employers Must **Not**

- Discourage an employee from contesting a tentative nonconfirmation.
- Take any adverse action against the employee, even if it takes more than 8 federal government work days to resolve.
- Terminate; suspend; withhold training, hours, or pay; or otherwise limit or infringe upon employment unless and until a final nonconfirmation is issued.
- Treat employees differently based upon national origin or citizenship/immigration status.

## Need More Information?

### Department of Justice

#### Office of Special Counsel

If you have questions about unfair or discriminatory employment practices related to E-Verify, Form I-9 verification, or the employment of work-authorized aliens, contact:

Office of Special Counsel  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Web: [www.justice.gov/crt/osc](http://www.justice.gov/crt/osc)

Worker Hotline: 1-800-255-7688  
1-800-237-2515 (TDD)

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

Direct Office Line: 1-202-616-5594  
1-202-616-5525 (TDD)

### Social Security Administration

For more information about Social Security numbers or the Social Security Administration, please refer to:

Office of Public Inquiries  
Windsor Park Building  
6401 Security Boulevard  
Baltimore, MD 21235

Web: [www.socialsecurity.gov](http://www.socialsecurity.gov)

Phone: 1-800-772-1213/1-800-325-0778 (TTY)  
Monday – Friday - 7:00 AM to 7:00 PM

## Employer Responsibilities

### Employers Must **Not**

- Use E-Verify to verify applicants.
- Use E-Verify to verify existing employees.\*
- Use E-Verify in a discriminatory manner (e.g., using it to verify only those new employees “suspected” of not being authorized to work).
- Terminate; suspend; or withhold training, hours, or pay because an employee contests a tentative nonconfirmation (TNC).
- Take any adverse action against an employee who timely contests a TNC, even if the resolution of the TNC takes the government more than 8 days.
- Discourage employees from contesting TNCs.

\* For Federal contractor provisions related to E-Verify, please call 1-888-464-4218 or visit [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

For more information please call  
1-888-464-4218  
or visit  
[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

For more information please call  
1-888-464-4218  
or visit  
[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

# Verifying New Hires

## WHY VERIFY?

With virtually one click, E-Verify can match your new employee's Social Security Number and other Form I-9 information.

E-Verify reduces unauthorized employment, minimizes verification-related discrimination, is quick and non-burdensome to employers, and protects civil liberties and employee privacy.

E-Verify returns initial results in seconds.

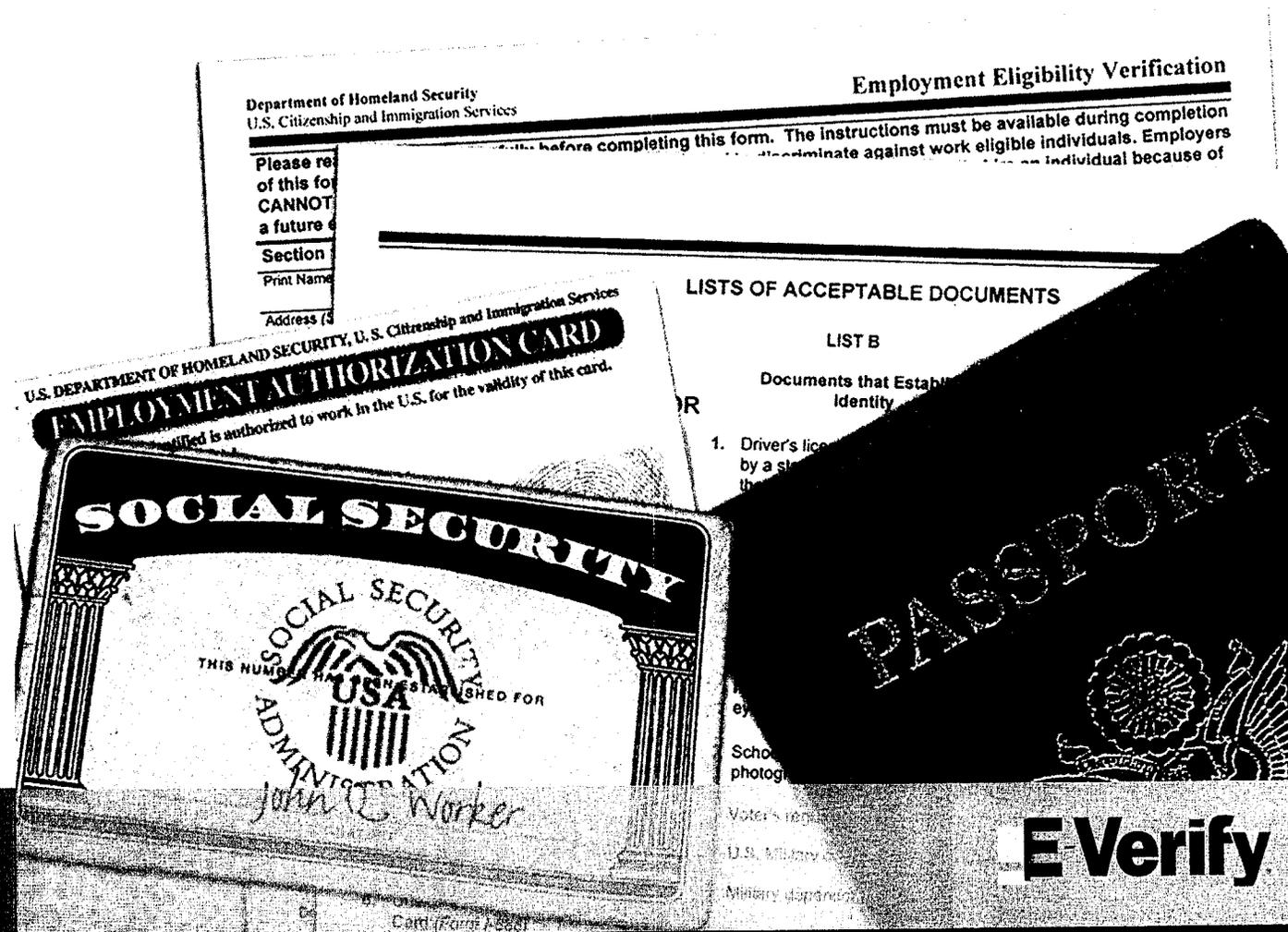
## WHAT IS THE PHOTO SCREENING TOOL?

The Photo Screening Tool allows you to check the photo on a new employee's Employment Authorization Document (EAD) or Permanent Resident Card ("Green Card") against the 14.8 million images stored in Department of Homeland Security immigration databases.

## WHO USES E-VERIFY?

The top industries using E-Verify include:

- Federal contractors
- Professional, scientific, and technical services
- Administrative and support services
- Restaurants and hospitality industries
- Clothing and clothing accessories stores



Employment Verification. **E-Verify** Done.



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M-777 (Rev. 12/2009)

# E-Verify®

## WHAT IS E-VERIFY?

E-Verify is a free and simple to use Web-based system that electronically verifies the employment eligibility of newly hired employees.

E-Verify is a partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA). U.S. Citizenship and Immigration Services (USCIS) oversees the program.

## HOW DOES E-VERIFY WORK?

E-Verify works by allowing participating employers to electronically compare employee information taken from the Form I-9, Employment Eligibility Verification (the paper-based employee eligibility verification form used for all new hires) against more than 449 million records in SSA's database and more than 80 million records in Homeland Security immigration databases. Results are returned in seconds.

## WHAT ARE MY RESPONSIBILITIES?

- You must post a notice informing employees of your use of E-Verify, as well as anti-discrimination posters.
- With the exception of certain federal contractors\*, E-Verify must be used for newly hired employees only. It can't be used to verify the employment eligibility of current employees.
- E-Verify must be used for all new employees regardless of national origin or citizenship status.
- E-Verify must be used only after hire and after completion of the Form I-9.
- You may not pre-screen applicants through E-Verify.

\* If you have a federal contract containing the Federal Acquisition Regulation E-Verify clause, please see the Supplemental Guide for Federal Contractors at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).

## HOW DO I ENROLL?

Enrollment is completed online.  
Visit [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)  
for more information.

To participate, an employer must enroll online and accept the electronic Memorandum of Understanding (MOU) that sets forth the responsibilities of the Department of Homeland Security, the Social Security Administration and the employer.



## WHAT TYPE OF RESPONSE WILL I GET?

The system will generate one of three possible results:

- **Employment Authorized:** The employee is authorized to work.
- **SSA Tentative Nonconfirmation:** There is an information mismatch with SSA.
- **Department of Homeland Security Verification in Process:** Homeland Security will usually respond within 24 hours with either an Employment Authorized or DHS Tentative Nonconfirmation.

## WHAT DO I DO IF MY EMPLOYEE RECEIVES A TENTATIVE NONCONFIRMATION?

- If an employee receives an information mismatch from their Form I-9 and Homeland Security and SSA databases, you must promptly provide the employee with information about how to resolve the information mismatch, including a written notice generated by E-Verify.
- If an employee decides to contest the information mismatch, you must provide that employee with a referral letter issued by E-Verify that contains specific instructions and contact information.

## CAN AN EMPLOYEE CONTINUE TO WORK WHILE THEY RESOLVE A TENTATIVE NONCONFIRMATION?

- You may not take any adverse action against an employee because he or she contests the information mismatch. This includes firing, suspending, withholding pay or training, or otherwise infringing upon his or her employment.
- The employee must be given eight federal government work days to contact the appropriate federal agency to resolve the information mismatch.

How much does E-Verify cost? E-Verify is FREE

What is

You Have

Federal Law requires that all employers verify the identity and employment eligibility of all new employees (including U.S. citizens) within three business days of hire.

Employers are required to complete a Form I-9 and employees must provide employers with documents establishing both identity and eligibility to work in the United States.

The U.S. Department of Homeland Security and Social Security Administration (SSA) have established an electronic system called E-Verify to assist employers further in verifying the employment eligibility of all newly-hired employees.

Through E-Verify, employers send information from your Form I-9 to SSA and Homeland Security (only for non-citizens) to ensure that you are authorized to work in the United States and that your name, Social Security number, and date of birth match government records.

If your employer uses E-Verify, you as an employee have certain rights and responsibilities.



Employment Verification. **E-Verify** Done.

You Should Know  
Your Rights  
and Responsibilities  
Under E-Verify

**E-Verify**

[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

fast • free • simple • secure  
(888) 897-7781



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M-778 (Rev. 04/2010)

**YOUR RIGHTS AND RESPONSIBILITIES WHEN YOUR EMPLOYER CHECKS YOUR INFORMATION IN E-VERIFY**

- After you have been hired and within three days after starting your new job and completing Section 1 of the Form I-9, Employment Eligibility Verification, you must show your employer valid documentation (as listed on the Form I-9) that establishes your identity and employment eligibility.
- It is your right to choose which documents to produce, regardless of the fact that your employer participates in E-Verify, with one exception. If you present a List B document to an employer that participates in E-Verify, that document must include a photograph.

**WHAT HAPPENS WHEN YOUR INFORMATION DOES NOT MATCH WITH SSA OR HOMELAND SECURITY DATABASES?**

- If your employer runs your information through E-Verify and receives a mismatch, which is known as a tentative nonconfirmation (TNC), your employer must promptly give you written notification of the TNC and ask you whether you want to contest the TNC.
- If you decide to contest the TNC, your employer will give you a referral letter providing you with details on how to contact SSA or Homeland Security to resolve your case. You and your employer must both sign the TNC notice and the referral letter.

**YOUR RIGHT TO WORK IF YOU TIMELY CONTEST A TENTATIVE NONCONFIRMATION**

- Employers may not take any adverse action against you because you contest a TNC. This includes firing, suspending, withholding pay or training, or otherwise infringing upon your employment.
- You must be given eight federal government work days to contact the appropriate federal agency to contest the TNC.
- Employers may not take any adverse action against you based upon the TNC for the duration of the TNC (even if it extends beyond ten federal government work days) as long as you contacted the appropriate federal agency within eight federal government work days.

**WHAT DO I DO IF I THINK I HAVE BEEN SUBJECTED TO DISCRIMINATION?**

If you believe that you have been subjected to discrimination based upon your national origin or citizenship or immigration status with respect to hiring, firing, recruitment or referral for a fee, through an employer's use of E-Verify, or when completing the Form I-9, you should call the Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-7688 (TDD: 1-800-237-2515) for assistance.

**YOUR EMPLOYER'S ROLES AND RESPONSIBILITIES WHILE THEY ARE PARTICIPATING IN E-VERIFY**

- Employers must post a notice informing employees of their use of E-Verify as well as anti-discrimination posters.
- With the exception of certain federal contractors\*, E-Verify must be used for new employees only. It cannot be used to verify the employment eligibility of current employees.
- E-Verify must be used for all new employees regardless of national origin or citizenship status.
- E-Verify must be used only after an employee has been hired and completed the Form I-9.
- Employers may not pre-screen applicants through E-Verify.

\* For more information on the Federal Acquisition Regulation E-Verify Clause, please visit [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).



**WHERE CAN I GET MORE INFORMATION ABOUT EMPLOYEES AND RESPONSIBILITIES?**

Visit the "For Employees" section on the E-Verify Web page.

[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

## Key Information

Key USCIS forms referenced in this guide	Form #
Employment Eligibility Verification	I-9
Application for Employment Authorization	I-765
Handbook for Employers	M-274

### Other U.S. Government Services—Click or Call

General Information	www.usa.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575

For more copies of this guide, or information about other customer guides, please visit [www.uscis.gov/howdoi](http://www.uscis.gov/howdoi).

You can also visit [www.uscis.gov](http://www.uscis.gov) to download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library.

If you cannot find what you need, please call **Customer Service at: 1-800-375-5283**  
*Hearing Impaired TDD Customer Service:*  
1-800-767-1833

**Disclaimer:** This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.



## E3 Customer Guide

# I Am an Employer

How Do I...  
Complete Form I-9, Employment  
Eligibility Verification?



U.S. Citizenship  
and Immigration  
Services

**U.S. employers are required by law to verify the employment** authorization of all workers they hire on or after November 6, 1986, for employment in the United States, regardless of the workers' immigration status. Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the United States, or who fail to comply with employment authorization verification requirements, may face civil and, in some cases, criminal penalties. **Form I-9, *Employment Eligibility Verification***, must be completed for each newly hired employee, including U.S. citizens, permanent residents, and temporary foreign workers, to demonstrate the employer's compliance with the law and the employee's work authorization. Through the Form I-9 verification process, employers ensure that employees possess proper authorization to work in the United States and that hiring practices do not unlawfully discriminate based on immigration status.

#### **Who is responsible for completing the different sections of Form I-9?**

The employee must complete Section 1, Employee Information and Verification, of Form I-9. The employee must attest that he or she is a U.S. citizen or national, a lawful permanent resident, or is otherwise authorized to work for the employer in the United States. The employee must present documentation to the employer establishing identity and employment authorization based on the most current Lists of Acceptable Documents on the I-9 form. The employer is obligated, after physically examining the documents presented by the employee, to complete Section 2, Employer Review and Verification, and Section 3, Updating and Reverification (if applicable), of the I-9 form.

#### **When should Section 1 of Form I-9 be completed?**

Each newly hired employee (an employee who has accepted the position) should complete and sign Section 1 no later than the first day of employment, regardless of his or her immigration status.

#### **When should Section 2 of Form I-9 be completed?**

Employers must complete and sign Section 2 of Form I-9 within 3 business days of the employee's first day of employment. If the employment relationship will last less than 3 days, then the employer must verify work authorization and complete Section 2 no later than the first day of employment.

#### **What documents must the employee present?**

The employee may provide the documents they choose from those listed on the most recent Lists of Acceptable Documents, which can be found on the I-9 form. The employee must present one document from List A, or two documents—one from List B and one from List C:

- List A (documentation establishing both identity and authorization to work);
- List B (documentation establishing only identity);
- List C (documentation establishing only authorization to work).

The employer must physically examine the documentation establishing identity and employment authorization the employee presents.

In certain instances, the employee may use receipts in lieu of original documents in the Form I-9 process. For example, if an individual's document has been lost, stolen, or damaged, then he or she can present a receipt for the application for a replacement document. The replacement document must be presented to the employer within 90 days of hire, or, in the case of reverification, the date employment authorization expires. For more information on the receipt rule, see the manual, **M-274, *Handbook for Employers***.

**Note:** A receipt for an application for an initial or renewal USCIS Employment Authorization Document (EAD) filed on a **Form I-765, *Application for Employment Authorization***, is not acceptable for Form I-9 verification purposes.

#### **When should Section 3 of Form I-9 be completed?**

Employers should complete Section 3 of Form I-9 when updating and reverifying the employment authorization of an employee whose previous valid authorization has expired. Section 3 does not apply to employees who are U.S. citizens or permanent residents. (Note, however, that the receipt rule applies to temporary evidence of permanent resident status, and will need to be reverified.) Section 3 should only be completed when the employee indicates that he or she is an alien authorized to work until a certain date in Section 1 of the I-9 form. For example, when a USCIS EAD is scheduled to expire, the employer must reverify that the employee has renewed his or her authorization to work. The employee can choose which documents to provide from the Lists of Acceptable Documents on the I-9 form.

Except for employees who are U.S. citizens or permanent residents, employers should reconfirm the employment authorization of every employee who has presented evidence of work authorization that contains an expiration date.

#### **What if the employee only has temporary work authorization?**

An employee who has been issued temporary work authorization must produce proof of continued work authorization no later than the expiration date.

#### **Can I tell a potential employee what documents to present for employment authorization?**

No, an employer cannot tell an employee which documents to present for Form I-9 purposes. Employers should direct the employee to the Lists of Acceptable Documents on the Form I-9. If an employee presents a document that is not on the Lists of Acceptable Documents, an employer should ask for additional proof of identity and/or employment authorization.

#### **How do I know if a document is genuine or false?**

An employer is not required to know with absolute certainty whether a document is genuine or false. The law requires that an employer examine the original document (not a photocopy) and make a good-faith determination that the document:

- Appears to relate to the employee;
- Appears to be genuine; and
- Is included in the Lists of Acceptable Documents on Form I-9.

Please note that rejecting a document that later proves to be genuine could result in a violation of the anti-discrimination provisions of immigration law, so employers should guard against being overzealous in their inspection of documents the employee presents.

#### **Can photocopies be accepted?**

No, employees must present original documents. The only exception is that a newly hired employee may present a certified copy of a birth certificate.

#### **How long should I-9 forms be retained?**

I-9 forms should be retained for 3 years after the date of hire, or 1 year after the date employment ends—**whichever is later**.

#### **How can I get more information about Form I-9?**

The M-274, *Handbook for Employers*, contains the instructions for completing Form I-9. Both Form I-9 and the handbook can be downloaded from our website at [www.uscis.gov](http://www.uscis.gov). We also have additional information about Form I-9 on our website under "About Form I-9 and E-Verify."

that individual. In the meantime, you will have completed the Form I-9 Employment Eligibility Verification process with your employee and verified his or her work authorization so that your employee will be allowed to work temporarily without a SSN.

**I would like to use electronic Form I-9s for my employees. Does USCIS offer a system that would automatically generate E-Verify queries from the electronic Form I-9s?**

Currently, USCIS does not offer this service, but there are private companies that do.

**Is there a "batch access" method in the system?**

No. But there is a "Web Services" method. This is a real-time method, which requires a company to develop software that interfaces with USCIS to perform employment eligibility verification of newly hired employees. Your company's software will extract data from your existing system or an electronic Form I-9 and transmit the information to government databases. If you choose this option, a copy of the Employer Web Services Interface Control Document (ICD) will be sent to you. The ICD contains the information you need to develop and test your software interface. For more information and help with design specifications, please contact USCIS at **1-800-741-5023**.

**Can I terminate my participation in E-Verify at any time?**

Yes, you may choose to leave E-Verify at any time.

**Does participation in E-Verify provide safe harbor from worksite enforcement?**

No. Participation in E-Verify does not provide protection from worksite enforcement. However, an employer who verifies work authorization under E-Verify is presumed to have not knowingly hired an unauthorized alien.

**How can I find out more about E-Verify?**

To find out more about E-Verify, please visit [www.dhs.gov/e-verify](http://www.dhs.gov/e-verify) or contact USCIS at **1-888-464-4218**.

**Key Information**

Key USCIS forms referenced in this guide	Form #
Employment Eligibility Verification	I-9

Other U.S. Government Services—Click or Call		
General Information	<a href="http://www.usa.gov">www.usa.gov</a>	1-800-333-4636
New Immigrants	<a href="http://www.welcometoUSA.gov">www.welcometoUSA.gov</a>	
U.S. Dept. of State	<a href="http://www.state.gov">www.state.gov</a>	1-202-647-6575
U.S. Dept. of Homeland Security	<a href="http://www.dhs.gov/e-verify">www.dhs.gov/e-verify</a>	1-888-464-4218

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You can also visit [www.uscis.gov](http://www.uscis.gov) to download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library.

If you cannot find what you need, please call **Customer Service at: 1-800-375-5283**  
*Hearing Impaired TDD Customer Service:*  
**1-800-767-1833**

**Disclaimer:** This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.



**E4 Customer Guide**

**I Am an Employer**

How Do I...  
Use E-Verify?



U.S. Citizenship and Immigration Services

**Formerly referred to as the Basic Pilot Program**, E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS), part of the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers. E-Verify provides an automated link to Federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers.

#### **Why should I consider participating in E-Verify?**

E-Verify is currently the best means available for employers to verify electronically the employment-eligibility of their newly hired employees. E-Verify virtually eliminates Social Security mismatch letters, improves the accuracy of wage and tax reporting, protects jobs for authorized U.S. workers, and helps U.S. employers maintain a legal workforce. For more information about the process for using **Form I-9, Employment Eligibility Verification**, please see Customer Guide **E3, I Am an Employer...How Do I...Complete Form I-9, Employment Eligibility Verification**.

#### **Am I required to participate?**

No. Under federal law, E-Verify is voluntary for all employers with limited exceptions for federal government employers and violators of certain immigration laws that are ordered to participate. Employers should check to see if their state law requires participation in E-Verify.

#### **How do I register for participation in E-Verify?**

You can register online for E-Verify at <https://www.vis-dhs.com/EmployerRegistration>, which provides instructions for completing the registration process. At the end of the registration process, you will be required to sign a Memorandum of Understanding (MOU) that provides the terms of agreement between you as the employer and DHS. An employee who has signatory authority for the employer can sign the MOU. Employers can use their discretion in identifying the best method by which to sign up their locations for E-Verify.

For example, an employer may choose to designate one site to perform the verification queries for newly hired employees on behalf of the entire company. Only one MOU would need to be signed for this option. An employer may choose which sites to enroll in E-Verify and may elect to have each site perform its own verification queries. This option requires each site performing verification queries to register and submit an MOU to participate in the program.

#### **Our company has several hiring sites interested in participating in E-Verify. Each site will be conducting the verification process for its newly hired employees. How should these sites register?**

Each site that will perform the employment verification queries must go through the registration process and sign an individual MOU.

#### **I am an employer with multiple hiring sites. Can one site verify everyone? How?**

Yes, one site may verify new hires at all sites. When registering, the individual at the site that will be verifying new hires should select "multiple site registration" and give the number of sites per state it will be verifying.

#### **If I sign one MOU, can I use a controlled rollout to implement E-Verify across the organization?**

Yes, you can choose which sites to enroll. However, each site that has signed an MOU must verify the status of **all** new hires for that site. A new MOU is required only for a new site performing verification queries. If a central location, which is already registered, does the verification queries, then the company would only need to amend the number of hiring sites.

#### **What is an E-Verify Designated Agent?**

A Designated Agent is a liaison between E-Verify and employers wishing to participate, but who choose to outsource submission of employment eligibility verification queries for newly hired employees. Designated Agents conduct the verification process for other employers or clients. A Designated Agent must register online and sign an MOU with SSA and DHS. Once the MOU is approved, the E-Verify Designated Agent can then begin registering employers and clients who have designated it to perform the company's verification services. Each employer/client will also be required to sign an MOU and will have a unique E-Verify client number.

#### **What is an E-Verify Corporate Administrator?**

A Corporate Administrator is someone who has management oversight authority of the employer's hiring sites that participate in the program, but generally does not perform employment eligibility verification queries. The Corporate Administrator role enables oversight of all company sites participating in E-Verify. To become a Corporate Administrator, an individual only needs to register and does not need to sign an MOU. Once registered, this individual will be able to register company sites, add and delete users at company sites, and view reports generated by company sites. The Corporate Administrator, however, does not submit queries for verification.

#### **After an employer registers, how does E-Verify work?**

Using an automated system, the program involves verification checks of SSA and DHS databases. The E-Verify MOU, User Manual, and Tutorial contain instructions and other related materials on E-Verify procedures and requirements. Once the user has completed the tutorial and passed the Mastery Test, he or she may begin using the system to verify the employment eligibility of all newly hired employees.

#### **What information is required to conduct an E-Verify initial verification?**

After hiring a new employee and completing the Form I-9 required for all new hires (regardless of E-Verify participation), the employer or agent must submit a query that includes information from sections 1 and 2 of the Form I-9, including:

- Employee's name and date of birth,
- Social Security Number (SSN),
- Citizenship status he or she attests to,
- A number or I-94 number, if applicable,
- Type of document provided on the Form I-9 to establish work authorization status, and
- Proof of identity, and its expiration date, if applicable.

Response to the initial query is sent within seconds of submitting the query. Documents presented for Form I-9

identification only purposes (documents from "List B") to E-Verify employers must have a photograph.

#### **When may an employer initiate a query under E-Verify?**

The earliest the employer may initiate a query is after an individual accepts an offer of employment and after the employee and employer complete the Form I-9. The employer must initiate the query no later than the end of 3 business days after the new hire's actual start date.

Though an employer may initiate the query before a new hire's actual start date, it may not pre-screen applicants and may not delay training or an actual start date based upon a tentative non-confirmation or a delay in the receipt of a confirmation of employment authorization. An employee should not face any adverse employment consequences based upon an employer's use of E-Verify unless a query results in a final non-confirmation. In addition, an employer cannot use an employment authorization response to speed up an employee's start date. This would be unfair treatment to use E-Verify results to accelerate employment for this employee compared to another who may have received a tentative non-confirmation.

For example, Company X always assigns a start-date to new employees that is 2 weeks after the employee has completed an approved drug test. After the employee has accepted a job with Company X and after the employee and Company X complete the Form I-9, the company can initiate the E-Verify query. However, the company cannot speed up or delay the employee's start-date based upon the results of the query (unless the program issues a final non-confirmation, in which case the employee should not be further employed).

Employers must verify employees in a non-discriminatory manner and may not schedule the timing of queries based upon the new hire's national origin, citizenship status, race, or other characteristic that is prohibited by U.S. law.

#### **Which employees should be verified through the system?**

As a participant in E-Verify, employers are required to verify all newly hired employees, both U.S. citizens and non-citizens. Employers may not verify selectively and must verify all new hires while participating in the program. The program may not be used to prescreen applicants for employment, re-check employees hired before the company signed the MOU, or re-verify employees who have temporary work authorization.

#### **Can I verify the immigration status of a new hire that is not a U.S. citizen?**

No. E-Verify only verifies a new hire's employment eligibility, not his or her immigration status.

#### **If I am an employer who would like to run an employee's Form I-9 information through E-Verify, but that employee does not yet have a Social Security Number, what should I do?**

If you are an employer with such an employee, you should complete the Form I-9 process with him or her and wait to run an E-Verify query on that individual until you have received his or her SSN. You should note on the Form I-9 why you have not yet run an E-Verify query. Your employee should get his or her number to you quickly, and then you may run a query on