

Overview of E-Verify Procedures

TIMING: E-Verification must be performed on all employees within 3 business days of hire. E-Verification cannot be performed until the offer of employment is accepted and the I-9 process is completed. E-Verify must not be used for existing employees or to prescreen applicants.

PROCEDURE: E-Verification requires the entry of information from the new hire's Form I-9 (name; date of birth; Social Security Number; citizenship status, alien number or I-94 number; and the document(s) provided to establish work authorization and identity). Any identity documents provided for the I-9 process must contain a photograph.

If the new hire provided a Permanent Resident Card or Employment Authorization Document for the I-9 process, E-Verify will require a confirmation that the photograph on the document matches the photograph in the DHS database. You must also retain a photocopy of the document with the Form I-9.

Within seconds of completing the data entry, E-Verify will either issue a confirmation or a tentative nonconfirmation. If a confirmation is issued, write the case verification number on the Form I-9 or print and attach the confirmation to the Form I-9.

TENTATIVE NONCONFIRMATION: a tentative nonconfirmation may be issued by the SSA and/or the DHS. An employee must not face any adverse employment consequences unless and until a final nonconfirmation is issued.

SSA Tentative Nonconfirmation

A tentative nonconfirmation will be issued if the new hire's information does not match the SSA database.

Action	Timing
Record the case verification number and verify that there were no input errors. Print the tentative nonconfirmation notice for the employee	Same day tentative nonconfirmation is received
Determine whether the employee will contest the tentative nonconfirmation	"As soon as possible"
Print the E-Verify referral letter and instruct the employee to visit a local SSA office to resolve the discrepancy	Same day the employee confirms that he or she will contest the tentative nonconfirmation
New hire visits a local SSA office to contest the tentative nonconfirmation	Within 8 Federal government work days from the referral
Make a second E-Verify inquiry in order to obtain confirmation or a final nonconfirmation	Within 10 Federal government work days from the referral, unless otherwise instructed by SSA

DHS Tentative Nonconfirmation

A tentative nonconfirmation will be issued if the DHS database does not indicate that the new hire is employment authorized or if there is not a match between the photograph transmitted by E-Verify and the photograph on the Permanent Resident Card or Employment Authorization Document provided by the new hire as part of the I-9 process.

Action	Timing
Print the tentative nonconfirmation notice and provide it to the employee	Same day tentative nonconfirmation is received
Obtain an answer from the employee whether he or she will contest the tentative nonconfirmation.	"As soon as possible"
Provide the employee with a referral letter and instruct the employee to contact the DHS through its toll-free hotline. <u>For photograph nonmatch only:</u> send a copy of the provided document to DHS for review by scanning and uploading or sending a photocopy by express mail	Same day the employee confirms that he or she will contest the tentative nonconfirmation
New hire contacts the DHS to contest the tentative nonconfirmation	Within 8 Federal government work days from the referral
DHS electronically transmits the result of the referral to the Employer	Within 10 Federal government work days from the referral, unless DHS determines that more than 10 days are necessary

FINAL NONCONFIRMATION: employment should be immediately terminated upon receipt of a final nonconfirmation. Failure to do so will result in a presumption that the employer knowingly employed an unauthorized alien as well as civil fines of \$500 to \$1,000 for each incident in addition to existing I-9 sanctions.