



# Quick Reference Guide

For E-Verify Employer Agents

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U.S. Citizenship  
and Immigration  
Services

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## 1.0 INTRODUCTION

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Welcome to the 'E-Verify Quick Reference Guide for E-Verify Employer Agents.' This guide provides a high level overview of the E-Verify process that E-Verify employer agents must follow when using E-Verify on behalf of clients. All users must follow the guidelines set forth in the 'E-Verify Memorandum of Understanding for E-Verify Employer Agents (MOU).' This guide should be used as a supplement to the 'E-Verify User Manual for E-Verify Employer Agents.'

For the purpose of this guide, the term 'E-Verify employer agent' means any U.S. company, corporation or business entity that is providing the service of verifying employees as a third party to 'clients' (employers) through the use of E-Verify. Clients are required to complete Form I-9, Employment Eligibility Verification, (referred to hereafter as Form I-9) for all new employees and must follow the guidelines set forth in the 'E-Verify Memorandum of Understanding for Client Employers of E-Verify Employer Agents (MOU).'

E-Verify is an Internet-based system operated by the U.S. Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). E-Verify allows participating employers and E-Verify employer agents to electronically verify the employment eligibility of each newly hired employee and/or employee assigned to a covered federal contract.

### 1.1 USER ROLES AND E-VERIFY EMPLOYER AGENT RESPONSIBILITIES OVERVIEW

E-Verify employer agents have certain responsibilities when using E-Verify on behalf of clients. Enrolled E-Verify employer agents can provide their employees access to E-Verify by creating an E-Verify account and assigning them a user role. Permissions and functions in E-Verify granted to the user depend upon the user role. There are two types of users, general users and program administrators. Review the permissions of each user role in the 'User Role Overview.'

General users and program administrators must successfully complete the online E-Verify tutorial before privileges to create or manage cases are granted. All E-Verify users are bound by the guidelines set forth in the 'E-Verify Memorandum of Understanding for E-Verify Employer Agents (MOU)' and the rules and responsibilities outlined in the 'E-Verify User Manual for E-Verify Employer Agents' accessible from the left navigation menu.

**IMPORTANT:** All users must read and understand the MOU and the 'E-Verify User Manual for E-Verify Employer Agents' before accessing E-Verify. Failure to abide by the terms of use may lead to employer liability for the violation of employee rights.

USER ROLE OVERVIEW	
USER ROLE	PERMISSIONS
<p><b>Program Administrator</b> (at least one required)</p>	<p>A company must have at least one program administrator. The program administrator role includes functions of a general user.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> <li>• Enrolling new clients and updating client profile information.</li> <li>• Registering new users.</li> <li>• Creating user accounts for other program administrators and general users.</li> <li>• Creating and managing cases.</li> <li>• Viewing reports.</li> <li>• Updating profile information for other program administrators and general users.</li> <li>• Unlocking user accounts.</li> <li>• Close company and user accounts.</li> </ul>
<p><b>General User</b> (optional)</p>	<p>A company can have as many general users as it desires but is not required to have general users. The general user is responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> <li>• Enrolling new clients and updating client profile information.</li> <li>• Creating and managing cases.</li> <li>• Viewing reports.</li> <li>• Updating his/her own user profile.</li> </ul>

E-Verify employer agent users must follow the guidelines specified in the 'Rules and Responsibilities Overview.' Many of these requirements are the ultimate responsibility of the E-Verify employer agent's client, and it is important that E-Verify employer agents communicate these responsibilities to their clients.

## RULES AND RESPONSIBILITIES OVERVIEW

### E-Verify employer agents participating in E-Verify **MUST**

- ✓ Follow E-Verify procedures for each newly hired employee while enrolled/participating in E-Verify.
- ✓ Notify each job applicant of E-Verify participation.
- ✓ Clearly display both the English and Spanish 'Notice of E-Verify Participation' and the 'Right to Work' posters.
- ✓ Complete Form I-9 for each newly hired employee before creating a case in E-Verify.
- ✓ Ensure that all Form I-9 'List B' identity documents have a photo.
- ✓ Create a case for each newly hired employee no later than the third business day after he or she starts work for pay.
- ✓ Obtain a Social Security number (SSN) from each newly hired employee on Form I-9.
- ✓ Provide each employee the opportunity to contest a tentative nonconfirmation (TNC).
- ✓ Allow each newly hired employee to start and continue working during the E-Verify verification process, even if he or she receives a TNC.
- ✓ Ensure that all personally identifiable information is safeguarded.

### E-Verify employer agents participating in E-Verify **MUST NOT**

- ✗ Use E-Verify to prescreen an applicant for employment.
- ✗ Check the employment eligibility of an employee hired before his or her company signed the E-Verify MOU.
- ✗ Take any adverse action against an employee based on a case result unless E-Verify issues a final nonconfirmation.
- ✗ Specify or request which Form I-9 documentation a newly hired employee must use.
- ✗ Use E-Verify to discriminate against ANY job applicant or new hire on the basis of his or her national origin, citizenship or immigration status.
- ✗ Selectively verify the employment eligibility for a newly hired employee.
- ✗ Share any user ID and/or password.

## 1.2 PRIVACY AND SECURITY STATEMENT

The use of E-Verify requires the collection of personally identifiable information. It is essential to protect the privacy of individuals who submit information to be processed through E-Verify. It is your responsibility to ensure that all personal information collected is safeguarded and used only for the purposes outlined in the 'E-Verify Memorandum of Understanding for Client Employers of E-Verify Employer Agents (MOU)' between E-Verify, the E-Verify employer agent and the client.

Failure to properly protect individuals' information can result in identity theft or fraud and can cause considerable inconvenience, harm or embarrassment to the individuals affected.

At a minimum, take the steps outlined in the 'Privacy Guidelines Overview' to protect personal information and comply with the appropriate regulations:

PRIVACY GUIDELINES OVERVIEW
<p>▶ <b>Allow ONLY authorized employees to use E-Verify.</b> Ensure that only the appropriate employees handle information and create verification cases.</p>
<p>▶ <b>SECURE access to E-Verify.</b> Protect the password you use to access E-Verify and ensure that unauthorized users do not gain access to the system.</p>
<p>▶ <b>PROTECT and STORE individuals' information properly.</b> Ensure that employees' information is stored in a safe and secure location and that only authorized individuals have access to this information.</p>
<p>▶ <b>Discuss E-Verify results in PRIVATE.</b> Ensure that all case results including tentative nonconfirmation (TNC) and final nonconfirmation case results are discussed in private with the employee.</p>

## 2.0 MY COMPANY – PROGRAM ADMINISTRATORS

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Program administrators manage the site administration of their company. A program administrator uses the 'My Company' menu to:

- ◆ Add general users
- ◆ Add other program administrators located at his or her site
- ◆ Change or update company profile information
- ◆ Close his or her company's E-Verify account

### 2.1 ADD NEW USER

Only program administrators can add E-Verify users. If you are a program administrator, and you need to add a new E-Verify user, follow the steps outlined in the 'Add New Users – Process Overview.'

#### ADD NEW USERS – PROCESS OVERVIEW

- ▶ From 'My Company,' select 'Add New User.'
- ▶ Choose general user or program administrator and provide the person's name, phone number, fax number and e-mail address and click 'Next.'
- ▶ Accept the system-generated user ID or create a new user ID.
- ▶ Review the information submitted and then click 'Submit New User.'
- ▶ The new user will receive his or her user ID and password by e-mail.

### 2.2 VIEW EXISTING USERS

Only program administrators can view user information and reset passwords. 'View Existing Users' allows you to view, search and maintain the general users and program administrators assigned to your company. The process is outlined in the 'View Existing Users – Process Overview.'

#### VIEW EXISTING USERS – PROCESS OVERVIEW

- ▶ From, 'My Company,' select 'View Existing Users.'
- ▶ Search for a user using the criteria displayed in each field. You can enter a partial name and a percent sign (%) as a wildcard character.
- ▶ Click 'Display User Summary List.'
- ▶ A list of user accounts displays – you can view or modify a user account by selecting the user ID.

### 2.3 EDIT COMPANY PROFILE

To update company information in E-Verify, complete the steps in the 'Edit Company Profile – Process Overview.'



Once a program administrator has updated the company's profile, he or she will be subject to the rules and requirements associated with the profile and have access to all online resources specific to the profile.

#### EDIT COMPANY PROFILE – PROCESS OVERVIEW

- ▶ From 'My Company,' select 'Edit Company Profile.'
- ▶ To modify any section of the 'Company Information' page, click 'View/Edit' in the section you want to modify (e.g., company name and physical location, points of contact, North American Industry Classification System (NAICS) code, total hiring sites and total points of contact).
- ▶ Make the required changes and click 'Submit.'

**IMPORTANT:** After you click 'Submit,' the program administrator cannot undo any changes that have been entered without manually reentering the original information.



The E-Verify employer agent's company ID number is located at top of the 'Company Information' page.

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## 3.0 MY CLIENTS

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The 'My Clients' menu is available on the E-Verify home page. This menu is only available to E-Verify employer agents and enables them to:

- ◆ Enroll new clients
- ◆ View and update client information
- ◆ View 'E-Verify Memorandum of Understanding for Client Employers of E-Verify Employer Agents (MOU)'
- ◆ Close the E-Verify account of existing clients

E-Verify employer agents must enroll their clients before they can create cases for them in E-Verify.

### 3.1 CLIENT ENROLLMENT

Before you can create a case for your clients, each client must be enrolled in E-Verify. To enroll a client in E-Verify, follow the steps outlined in 'New Client Enrollment – Process Overview.'

#### NEW CLIENT ENROLLMENT – PROCESS OVERVIEW

- ▶ From 'My Clients,' select 'Add New Client.'
- ▶ Select which category best describes your client's organization.
- ▶ Enter information for your client including client name, physical location, mailing address, employer identification number, number of employees and parent company. In E-Verify, a red asterisk (\*) indicates a required field.
- ▶ Enter the North American Industry Classification System (NAICS) code. Click 'Accept NAICS Code and Continue.' For more information, review the 'E-Verify User Manual for E-Verify Employer Agents.'
- ▶ Select 'Single Site Verification' or 'Multiple Sites Verification' for the client.
- ▶ Enter the primary point of contact for the client and edit the information as necessary.
- ▶ Review the company information, click 'Register Employer.'
- ▶ To display the 'E-Verify Memorandum of Understanding for Client Employers of E-Verify Employer Agents (MOU),' click 'Generate MOU.'
- ▶ Enrollment is complete only after the client signs the MOU and the signed MOU is submitted to E-Verify.

**IMPORTANT:** The MOU must be printed and provided to the client.

E-Verify employer agents must determine the best method to send the client the MOU and obtain the client signature. The MOU may be provided to the client by fax, mail or e-mail.

After the client signs the MOU, the signed signature page of the MOU must be submitted to E-Verify. E-Verify employer agents can submit the signature page by uploading an electronic copy in E-Verify. The signature page must be in the form of a Graphics Interchange Format (GIF) file. To submit the client MOU electronically, follow the steps outlined in 'Electronic Submission of MOU Signature Page – Process Overview.'

E-Verify employer agents who are unable to submit the MOU signature page electronically may fax the signature page to 202-443-0215.

#### **ELECTRONIC SUBMISSION OF MOU SIGNATURE PAGE – PROCESS OVERVIEW**

- ▶ From 'My Clients,' click, 'View Existing Clients.'
- ▶ Enter the client search criteria, select the radio button for pending registration and click 'Display Client Company Summary List.'
- ▶ Click 'Edit' for the appropriate client.
- ▶ Ensure that all the information for the client is accurate and click 'Upload Signature Page.'
- ▶ Enter the date the client signed the MOU, attach the signature page and click 'Submit Electronic Document.'

When the MOU signature page is submitted for the client, a confirmation e-mail will be sent to the E-Verify employer agent, and he or she may begin creating new cases in E-Verify for the client.

### **3.2 UPDATE CLIENT INFORMATION**

If a program administrator needs to make changes to the client information, he or she can update the information under the 'View Existing Clients' menu selection. To update client information in E-Verify, program administrators follow the steps outlined in 'Update Client Information – Process Overview.'

#### **UPDATE CLIENT INFORMATION – PROCESS OVERVIEW**

- ▶ From 'My Clients,' click, 'View Existing Clients.'
- ▶ Enter the client search criteria. Select 'Display Client Company Summary List.'
- ▶ Click 'Edit' for the appropriate client.
- ▶ To modify any section of the client Information page, click 'View/Edit' in the section you want to modify, including: company name and physical location, organization designation, North American Industry Classification System (NAICS) code, total hiring sites and total points of contact.
- ▶ Make the required changes and click 'Submit.'

### **3.3 CLOSE CLIENT ACCOUNT**

Any E-Verify account may be closed voluntarily. To close the account for a client, E-Verify employer agents must request termination electronically through E-Verify, see 'Close Client Account – Process Overview,' or submit a written termination notice by e-mail to [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov) or by fax to 202-443-0215. A program administrator or the signatory of the MOU must submit written notice to E-Verify 30 days in advance of the date that the E-Verify employer agent would like to close the client account.

You must continue to use E-Verify in accordance with the MOU during this 30-day period or until you have received an e-mail confirming that the client's account is closed, whichever is sooner. All open E-Verify cases still need to be closed, even if you request to close your client's E-Verify account.

To close a client's E-Verify account, follow the steps outlined in 'Close Client Account – Process Overview.'

#### **CLOSE CLIENT ACCOUNT – PROCESS OVERVIEW**

- ▶ From 'My Clients,' click, 'View Existing Clients.'
- ▶ Enter the client company search criteria and click 'Display Client Summary List.'
- ▶ Click 'Terminate' for the appropriate client.
- ▶ Enter the reason for closing the account in the 'Terminate Request Reason' field.
- ▶ Click 'Request Client Termination.'
- ▶ A message will appear informing you that the E-Verify office will be notified of the client's request to close the client's E-Verify account.

## 4.0 INITIAL VERIFICATION

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E-Verify employer agents are not able to create a case in E-Verify until they have enrolled at least one client. The initial verification page contains a field in which the E-Verify employer agent must select the client corresponding to the employee being verified.

The E-Verify verification process begins with a completed Form I-9. E-Verify makes employment eligibility determinations by comparing the employee's Form I-9 information entered in E-Verify with the information contained in Social Security Administration (SSA), U.S. Department of Homeland Security (DHS), and U.S. Department of State (DOS) records.

### 3.1 FORM I-9 AND E-VERIFY

All employers are required to complete Form I-9 no later than the third business day after the employee starts work for pay and keep a record of the form on file.

Newly hired employees must complete Section 1 of Form I-9 in its entirety. Providing a Social Security number on Form I-9 is usually voluntary; however, a Social Security number is required by employers who use E-Verify.

Employers must complete Section 2 of Form I-9 in its entirety. To complete Section 2, employers must examine documents that establish the identity and employment eligibility of the hired employee. The employer may not specify which documents from the list of acceptable documents on Form I-9 an employee may choose to present.

### RECEIPTS

Employers must consider whether or not they can create a case in E-Verify for an employee who has presented an acceptable receipt to complete Form I-9.

If the employee presents a receipt showing that he or she applied to replace a document that was lost, stolen or damaged, a case cannot be created in E-Verify. Presenting a receipt in this situation does not complete the Form I-9 process for E-Verify. You must wait until the employee presents the actual document for which the receipt was presented before you can create a case in E-Verify for the employee.

Employers may create a case in E-Verify for an employee who presents the following receipts:

- The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
- The departure portion of Form I-94/I-94A with a refugee admission stamp.

For more information on acceptable receipts, see the 'Handbook for Employers: Instructions for Completing Form I-9 (M-274)' or visit [www.uscis.gov/i-9central](http://www.uscis.gov/i-9central).

### REHIRES

While employers must use E-Verify to verify the employment eligibility of employees who are rehired, they should never use E-Verify for reverification.

If you rehire an employee for whom you never created an E-Verify case and the employee's previous Form I-9 lists an expired identity document (List B), then you must complete a new Form I-9 and create a case for the employee in E-Verify.

If you rehire an employee for whom you created an E-Verify case, and the employee's previous Form I-9 lists an expired identity document (List B), then you may either:

- Complete Section 3 of the employee's previous Form I-9 and not create a new case for the employee in E-Verify; or
- Complete a new Form I-9 for the employee and create a new case for the employee in E-Verify.

This section outlines the steps required to create a case in E-Verify and the initial case results provided by E-Verify.

## 4.1 CREATE A CASE

An E-Verify case must be created no later than the third business day after the employee starts work for pay. If the E-Verify employer agent learns that he or she has inadvertently failed to create a case by the third business day after the employee starts work for pay, the E-Verify employer agent should bring itself into compliance immediately by creating a case for the employee. You must also indicate the reason that the case was not created within three days of hire in E-Verify. You may choose a reason from the drop-down list or state a specific reason in the field provided. Do not create a case for an employee hired before the effective date of your memorandum of understanding (MOU).

To create a case in E-Verify, take the information that the employee completed on his or her Form I-9 and enter it into E-Verify. E-Verify employer agents must obtain this information from their clients in order to create cases in E-Verify. Additional information on E-Verify and Form I-9 is available in the 'E-Verify User Manual for E-Verify Employer Agents.'

To enter this information into E-Verify, you must first log in with your assigned user ID and password and then follow the steps outlined in 'How to Create a Case – Process Overview.'

### HOW TO CREATE A CASE – PROCESS OVERVIEW

- ▶ From 'My Cases,' click 'New Case.'
- ▶ Select the correct option button corresponding to Section 1 of the employee's Form I-9. Click 'Continue.'
- ▶ Indicate the documents provided from Section 2 of the employee's Form I-9. Click 'Continue.'
- ▶ Enter all required information from Section 1 and 2 of Form I-9 into each text field.
- ▶ If a case is not created within three days of hire, E-Verify will prompt you to indicate the reason for the delay.

**NOTE:** 'Employer Case ID' is an optional field for users who wish to assign an internal tracking code to a case.

## HIRE DATE

The hire date is the date the employee began (or will begin) work for pay. Enter the Section 2 'Certification' date from the employee's Form I-9, circled below, as the hire date in E-Verify.

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
<b>CERTIFICATION:</b> I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)				
Signature of Employer or Authorized Representative		Print Name		Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)				Date (month/day/year)

If you rehired an employee and completed Section 3 of Form I-9, enter the 'Date of Rehire' from Section 3 of the employee's Form I-9 as the hire date in E-Verify.

If the employee's hire date changes after you have created the case in E-Verify, no additional action is required in E-Verify as you cannot change the hire date once you've created the case. You must, however, make a correction to the Section 2 'Certification' date on the employee's Form I-9 if the employee's hire date changes. Consult the 'Handbook for Employers: Instructions for Completing Form I-9 (M-274)' for more information.

Employees hired on or before November 6, 1986, are not subject to Form I-9 or verification through E-Verify. Individuals hired for employment in the Commonwealth of the Northern Mariana Islands (CNMI) on or before November 27, 2009 are also not subject to Form I-9 or verification through E-Verify.

## CHECK INFORMATION

If the information entered does not immediately match SSA, DHS or DOS records, the 'Check Information' screen appears to confirm that the information was entered correctly. The user may either confirm that the information matches Form I-9 or change the information in certain fields, if the information was entered incorrectly. Once the user confirms that the information presented is correct, he or she clicks 'Continue.' If a mistake was made in a field that cannot be updated, the user will need to close the case by clicking 'Close Case.'

## ERROR: UNEXPIRED DOCUMENT REQUIRED

If an expired U.S. Passport, Passport Card or driver's license was entered, E-Verify will display the 'Error: Unexpired Document Required' screen. This means that E-Verify has NOT created a case for this employee; you must obtain an unexpired document for Form I-9 and re-enter the case.

As of April 3, 2009, all documents presented by an employee for Form I-9 must be unexpired (see exception below). If the document entered for an employee was expired when the employee was hired, you will need to obtain an unexpired

document for Form I-9 and re-enter this employee's case in E-Verify when you have the new document.

Just because the employee presented an expired document does not mean that the employee is not authorized to work. E-Verify will verify the employment eligibility of the employee once you obtain an unexpired document and re-enter the case.

**EXCEPTION:** In very limited situations, you may accept an expired document with Form I-9 only if the U.S. Department of Homeland Security (DHS) has automatically extended the expiration date of the document via publication in the Federal Register. When such a document is presented for Form I-9, the expiration date is the extended date that appears in the DHS guidance or Federal Register Notice. In all other instances, the document presented with Form I-9 must be unexpired at the time the employee is hired. For information on this exception, visit [www.uscis.gov/tps](http://www.uscis.gov/tps).

## 4.2 INITIAL CASE RESULTS

The information entered into E-Verify is checked against SSA, DHS, and DOS records. Once a case is created, a result is displayed. There are three possible initial case results:

- ◆ Employment Authorized
- ◆ SSA or DHS Tentative Nonconfirmation (TNC)
- ◆ DHS Verification in Process

Additional information about each case result is available in the 'E-Verify User Manual for E-Verify Employer Agents,' accessible from the left navigation menu in E-Verify.

## 4.3 E-VERIFY PHOTO MATCHING

Photo matching is an automatic part of creating a case in E-Verify that prompts you to compare an employee's photo ID with a photo displayed in E-Verify. This helps ensure that the document provided is valid.

The photo matching step happens automatically. This may occur when you create a case for an employee who has presented a U.S. Passport, Passport card, Permanent Resident Card (Form I-551) or an Employment Authorization Document (Form I-766) for their Form I-9 documentation. When the employee presents one of these documents and the Form I-9 information entered by the employer matches DHS or DOS records, the employee's photo automatically displays on the E-Verify screen.

As an E-Verify employer agent, you must make a copy of the employee's document in order to match the photos. E-Verify employer agents must coordinate with their clients to determine the best method of obtaining a copy of the employee's photo document.

Matching photos is easy—simply compare the photo displayed by E-Verify to the photo on the employee's actual document or a copy of the employee's document and determine if the photos are reasonably identical. This means that the photos should be identical, but you should take into account minor variations in shading and detail between the two photographs based upon the age and wear of the employee's document and the quality of your computer monitor.

A watermark has been added to the photo displayed in E-Verify to prevent unauthorized use. The photo on the document presented by the employee will not



have a watermark. Absence of a watermark on the document photo does not mean that it is not authentic.

E-Verify employer agents or their clients must not compare the photo displayed by E-Verify to the actual employee. The direct comparison between the document and the individual happens during Form I-9 completion, prior to E-Verify. The 'Photo Matching – Process Overview' provides a summary.

#### PHOTO MATCHING – PROCESS OVERVIEW

- ▶ E-Verify prompts you to compare a photo displayed in E-Verify with the employee's Form I-9 photo document. You must obtain a copy of the employee's document and retain it with Form I-9
- ▶ Account for minor variations in shading and detail between the two photos and select Yes or No.
  - ▶ Yes – the photo on the employee's actual document or a copy matches the photo displayed by E-Verify. Clothing, hair style, facing direction and appearance on the card should be identical to the photo displayed by E-Verify.
  - ▶ No – the photo on the employee's actual document or a copy does not match the photo displayed in E-Verify.

**NOTE:** If 'No Photo on this Document' appears, select Yes.

- ▶ Click 'Continue.'

**NOTE:** If you do not make a selection and click 'Continue,' the case will receive a status of 'Photo Matching Required.' To search for a case, see Section 4.3 'Case Alerts.'

#### REMI NDER

- \* Employees always have a choice of which acceptable documents to present for Form I-9; you may NOT require workers to present documents that activate photo matching
- \* Copies must be made of all U.S. Passports, Passport cards, Permanent Resident Cards (Form I-551) and Employment Authorization Documents (Form I-766) presented by employees and be retained with Form I-9
- \* The photo will display automatically in E-Verify during the verification process
- \* Only compare the employee's Form I-9 photo document to the photo displayed in E-Verify

#### 4.4 EMPLOYMENT AUTHORIZED

A case result of 'Employment Authorized' means that the information entered into E-Verify matched with SSA, DHS, and/or DOS records and that E-Verify verified the employment eligibility for the employee entered. It's that easy! However, a case that is 'Employment Authorized' is incomplete until it is closed. To close a case, see Section 6.4.

'Employment Authorized' is considered both an initial case result and a final case result. This means that the only additional step required is to close the case in E-Verify.

## **EMPLOYMENT AUTHORIZED SUMMARY**

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### **E-VERIFY EMPLOYER AGENT ACTION**

- Enter Form I-9 information into E-Verify
- Receive 'Employment Authorized' case result
- Ensure that the information displayed in E-Verify matches with the employee's Form I-9
- Close case

### **EMPLOYEE ACTION**

- NONE
- 

## **4.5 REQUEST NAME REVIEW**

In some cases E-Verify generates a case result of 'Employment Authorized,' but the name returned in E-Verify does not match exactly the name on Form I-9. This happens when the information matches but there are name variations in DHS records. You must review the employee's name before a final case result can be determined.

**IMPORTANT:** You may not use this functionality in a discriminatory manner (e.g., based on an individual's race, national origin or ethnicity).

## **REQUEST NAME REVIEW SUMMARY**

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### **E-VERIFY EMPLOYER AGENT ACTION**

- Determine if a name review is required (if not, close case)
- Click 'Continue'
- Input reason for name review request in 'Comments field'
- Click 'Continue'
- Follow steps outlined in 'DHS Verification in Process'

### **CLIENT ACTION**

- NONE
-

## 5.0 INTERIM CASE STATUS

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An interim case status requires additional action before E-Verify can provide a final case result and you can complete the verification process. Interim case results include:

- ◆ SSA or DHS Tentative Nonconfirmation (TNC)
- ◆ Review and Update Employee Data
- ◆ DHS Verification in Process
- ◆ SSA or DHS Case in Continuance

### 5.1 TENTATIVE NONCONFIRMATION (TNC)

A tentative nonconfirmation (TNC) results when the information submitted in E-Verify does not initially match the information in the SSA DHS, or DOS records. A TNC does not mean that the employee is not authorized to work in the United States. If you receive a TNC, you must notify the employee of the case result as soon as possible.

#### NOTIFY EMPLOYEE OF TNC

You must promptly notify the employer to inform the employee of the TNC case result. Additionally, all case results must be discussed with the employee in a private setting.

When notified of the TNC, the employee chooses to either contest or not contest the case result. The employee acknowledges his or her decision on the 'Notice to Employee of Tentative Nonconfirmation' also called a TNC notice. When an employee chooses to contest a TNC, it means that the employee will visit an SSA field office or contact DHS within eight federal government workdays.

If the employee chooses not to contest, he or she acknowledges that the employer may terminate employment with no civil or criminal liability as noted in Article II, Section C – Responsibilities of the Employer (#6) in the memorandum of understanding (MOU).

If the employee chooses not to contest the TNC, the case automatically becomes a final nonconfirmation (FNC). The E-Verify employer agent can close the case in E-Verify and the employer can terminate employment without penalty.

The employee has ten business days after the employer notifies them of a TNC to decide whether they wish to contest or not. If, after you and the employer have followed the steps to notify the employee, he or she does not notify the employer of his or her decision, in ten business days, you may consider this case a final nonconfirmation (FNC). You may close the case in E-Verify, and the employer may terminate employment based on this result.

## **NOTIFY EMPLOYEE OF TNC SUMMARY**

### **E-VERIFY EMPLOYER AGENT ACTION**

- Notify employer of TNC
- Print TNC notice for employer
- Take next action based on employee decision to contest or not contest TNC

### **CLIENT ACTION**

- Privately notify employee of TNC
- Review, sign and date TNC notice
- Instruct employee to sign and date TNC notice
- Keep original signed TNC notice on file with Form I-9
- Provide copy of signed TNC notice in English to the employee
- Send copy of signed TNC notice to E-Verify employer agent

### **EMPLOYEE ACTION**

- Confirm that the information on the TNC notice is correct
- Decide to contest or not contest and indicate choice on TNC notice
- Acknowledge TNC case result by signing and dating TNC notice
- Take next action based on decision to contest or not to contest

## **REFER EMPLOYEE TO SSA OR DHS**

After being notified of the tentative nonconfirmation (TNC), the employee chooses to contest or not contest the case result and acknowledges his or her decision on the 'Notice to Employee of Tentative Nonconfirmation' also called a TNC notice. An employee who chooses to contest a TNC is referred to either SSA or DHS.

E-Verify generates either a 'Referral to the U.S. Department of Homeland Security' also called a DHS referral letter or 'Referral to the Social Security Administration' also called an SSA referral letter. The E-Verify employer agent verifies the information, prints and provides the letter to the employer. The employer verifies the information, signs and provides this letter to the employee. The referral letter provides instructions to the employer and employee regarding the next steps.

An employee who chooses to contest the TNC has eight federal government workdays to visit an SSA field office or call DHS. Federal government workdays are Monday through Friday except for federal holidays. The eight federal government workdays begin when the case is referred to either SSA or DHS in E-Verify. Because the eight federal government workdays begin on the date the case is referred, it is important to provide the referral letter to the employee promptly.

Employers may not terminate, suspend, delay training, withhold pay, lower pay or take any other adverse action against an employee based on the employee's decision to contest the TNC or because their case is still pending with SSA or DHS.

Additional information about each case result is available in the 'E-Verify User Manual for E-Verify Employer Agents' accessible from the left navigation menu.

## **REFER EMPLOYEE TO SSA/DHS SUMMARY**

### **E-VERIFY EMPLOYER AGENT ACTION**

- If employee chooses to contest TNC, refer case
- Ensure that the information on the referral letter is correct
- Print and review the referral letter and send to the client
- Check E-Verify for case result updates and follow steps based on case result provided

### **CLIENT ACTION**

- Ensure that the information on the referral letter is correct
- Review, sign and date referral letter
- Have employee sign and date referral letter
- Keep original signed referral letter on file with Form I-9
- Provide copy of signed referral letter in English to the employee

### **EMPLOYEE ACTION**

- Sign and date referral letter
- Visit an SSA field office or contact DHS within eight federal government workdays

## **5.2 REVIEW AND UPDATE EMPLOYEE DATA**

In some instances, a case result of 'Review and Update Employee Data' occurs and you will receive a prompt to review, update, and resubmit the employee's information. This means that SSA found a discrepancy in the information it received in the E-Verify referral.

A 'Review and Update Employee Data' case result occurs for reasons including typographical errors and/or incorrect information provided on Form I-9. This case result does not mean that the employee is not authorized to work.

This requires you to review Form I-9 with the employee, correct the information and update the case.

## REVIEW AND UPDATE EMPLOYEE DATA SUMMARY

### E-VERIFY EMPLOYER AGENT ACTION

- Review the information in E-Verify with updated information on Form I-9 for accuracy
- Access the employee's case
- If necessary, modify employee's information in the fields provided
- Click 'Continue'
- Follow steps based on case results provided

### CLIENT ACTION

- Review the information on Form I-9 with the employee for accuracy
- Follow steps based on case result provided

### EMPLOYEE ACTION

- Ensure that the information found on Form I-9 is accurate

## 5.3 DHS VERIFICATION IN PROCESS

A case result of 'DHS Verification in Process' means that the information did not match DHS records. The case is automatically referred to DHS for further verification. No action is required by you at this time. DHS will respond to most of these cases within 24 hours, although some responses may take up to three federal government workdays.

**IMPORTANT:** You may not take any adverse action against an employee who receives a 'DHS Verification in Process' case result.

## DHS VERIFICATION IN PROCESS SUMMARY

### E-VERIFY EMPLOYER AGENT ACTION

- Check E-Verify daily for case result updates
- Follow next steps based on case result provided

### CLIENT ACTION

- NONE

### EMPLOYEE ACTION

- NONE

## 5.4 SSA CASE IN CONTINUANCE AND DHS CASE IN CONTINUANCE

An 'SSA or DHS Case in Continuance' case result indicates that the employee has visited an SSA field office and/or contacted DHS, but more time is needed to determine a final case result. The reason SSA or DHS needs more time varies with each situation. The E-Verify employer agent should check E-Verify daily for case status updates. Employers cannot terminate or take adverse action against the employee while SSA or DHS is reviewing an employee's case.

**NOTE:** If a case has a 'SSA or DHS Case in Continuance' result for more than 60 federal government workdays, contact E-Verify Customer Support at 888-464-4218 or [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov).

## **SSA/DHS CASE IN CONTINUANCE SUMMARY**

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### **E-VERIFY EMPLOYER AGENT ACTION**

- Check E-Verify for case result updates and follow steps based on case result provided

### **CLIENT ACTION**

- NONE

### **EMPLOYEE ACTION**

- NONE
-

## 6.0 FINAL CASE RESOLUTION

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To complete the E-Verify process, every case must receive a final case result and be closed. Closing a case is easy; E-Verify guides you through the process after you receive a final case result. Final case results include:

- ◆ Employment Authorized
- ◆ SSA or DHS Final Nonconfirmation
- ◆ DHS No Show
- ◆ Error: Close Case and Resubmit

### 6.1 SSA FINAL NONCONFIRMATION AND DHS FINAL NONCONFIRMATION

An 'SSA or DHS Final Nonconfirmation' case result is received when E-Verify cannot verify an employee's employment eligibility after an employee has visited an SSA field office or contacted DHS. Once a final nonconfirmation is provided, you must close the case.

The employer may terminate employment based on a case result of 'SSA or DHS Final Nonconfirmation' with no civil or criminal liability as noted in Article II, Section C – Responsibilities of the Employer (#6) in the memorandum of understanding (MOU).

#### SSA/DHS FINAL NONCONFIRMATION SUMMARY

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##### E-VERIFY EMPLOYER AGENT ACTION

- Receive an 'SSA or DHS Final Nonconfirmation' case result
- Inform the client of the result and ask if they will continue to keep the employee
- Close case

##### CLIENT ACTION

- Decide to terminate or to keep the employee and inform the E-Verify employer agent

##### EMPLOYEE ACTION

- NONE
- 

### 6.2 DHS NO SHOW

A 'DHS No Show' case result indicates that the employee did not contact DHS within the required eight federal government workdays. A 'DHS No Show' case result is considered a final nonconfirmation. A final nonconfirmation means that the case must be closed in E-Verify.

The employer may terminate employment based on a case result of 'DHS No Show' with no civil or criminal liability as noted in Article II, Section C – Responsibilities of the Employer (#6) in the memorandum of understanding (MOU).



## **DHS NO SHOW SUMMARY**

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### **E-VERIFY EMPLOYER AGENT ACTION**

- Receive 'DHS No Show' case result
- Inform the client of the result and ask if he or she will continue to keep the employee
- Close case

### **CLIENT ACTION**

- Decide to terminate or to keep the employee and inform the E-Verify employer agent

### **EMPLOYEE ACTION**

- NONE
- 

## **6.3 ERROR: CLOSE CASE AND RESUBMIT**

If E-Verify prompts an 'Error: Close Case and Resubmit' case result, you cannot continue the case because the expiration date you entered for the employee's U.S. Passport, Passport Card or driver's license is incorrect.

When you close the case in E-Verify, select the case closure statement: 'The case is invalid because the data entered is incorrect.'

You must submit a new case for this employee because you cannot change document information for a case that has already been submitted. Therefore, you must close this case and create a new case for this employee using the correct document expiration date.

**IMPORTANT:** This does not mean that the employee is not authorized to work. E-Verify will verify the employment eligibility of this employee once you create a new case and enter the correct document expiration date.

## **ERROR: CLOSE CASE AND RESUBMIT SUMMARY**

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### **E-VERIFY EMPLOYER AGENT ACTION**

- Receive 'Error: Close Case and Resubmit' case result
- Inform the client of the result
- Close case using the case closure statement: 'The Case is invalid because the data entered is incorrect'
- Resubmit case using the correct document expiration date for the U.S. Passport, Passport Card or driver's license

### **CLIENT ACTION**

- Ensure the information provided to the E-Verify employer agent is correct and/or provide the correct document expiration date for the U.S. Passport, Passport Card or driver's license

### **EMPLOYEE ACTION**

- If necessary, provide employer with unexpired U.S. Passport, Passport Card or driver's license
-

## 6.4 CLOSE CASE

E-Verify employer agents must close EVERY case created in E-Verify. There are 11 possible case closure statements. To assist you in making the correct choice and to reduce the number of options, E-Verify requires you to state whether the employee is still employed. Each case is closed by using one of the case closure statements provided in E-Verify.

## 6.5 CASE ALERTS

E-Verify case alerts are found at the bottom of the user home page. The purpose of this feature is to bring your attention to cases that need your action. When you log into E-Verify, case alerts inform you of one of the following:

- ◆ Open Cases to be Closed
- ◆ Cases with New Updates
- ◆ Work Authorization Documents Expiring

The E-Verify home page indicates the number of cases that require your attention by a number in a red circle on the alert. Each case alert can be accessed by clicking on the alert.

### OPEN CASES TO BE CLOSED

Any case created in E-Verify and assigned a case verification number must be closed. The 'Open Cases to be Closed' case alert provides quick access to all cases that need to be closed.

### CASES WITH NEW UPDATES

The 'Cases with New Updates' case alert is a quick link to all cases that have had a change in case result. All interim case results must receive a final case result and be closed. This case alert is an easy way to manage these cases.

### WORK AUTHORIZATION DOCUMENTS EXPIRING

The 'Work Authorization Docs Expiring' case alert is just a notification that an employee's Employment Authorization Document (Form I-766) or an Arrival-Departure Record (Form I-94) document is expiring. This alert is intended to remind you to reverify the employee by updating Section 3 of Form I-9. The employee cannot be reverified in E-Verify.

This is simply a reminder; no action is required in E-Verify. You may dismiss each alert by selecting 'Dismiss Alert.'

This alert will only appear if the document the employee presented for the original E-Verify case was either an Employment Authorization Document (Form I-766) or an Arrival-Departure Record (Form I-94). Also, the alert only appears the first time the document expires—subsequent expirations will not activate this case alert.

**IMPORTANT:** The employee may not be reverified in E-Verify.

## 7.0 CASE REPORTS

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There are four types of case reports available in E-Verify for E-Verify employer agents. These include: 'Corporate Overview of Pilot Usage,' 'Quick Audit Report,' 'User Audit Report,' and 'User Report.' To view a report, select 'View Reports' from the left navigation menu.

**NOTE:** All reports display only the last four digits of an employee's Social Security number for added security and to protect employees' privacy.

### 7.1 CORPORATE OVERVIEW OF PILOT USAGE

This report displays the number of cases created by your company within a federal government fiscal year, which begins October 1 and ends September 30 of the following calendar year. If your company has not created any cases during the fiscal year, a report will still appear with a total of zero. The report is available to corporate administrators and program administrators, but not general users.

### 7.2 QUICK AUDIT REPORT

This report provides case data about each case that matches the user entered search criteria in Excel format. The case data includes basic company and case identifiers and case resolution information. The case data does not include sensitive employee information such as Social Security numbers, or document numbers. This report has been designed to satisfy the requirement of companies to report their E-Verify activity to Federal, State, or local government entities.

### 7.3 USER AUDIT REPORT

This report provides summary case information about each case that matches the user criteria entered. The case information includes the case verification number, the date the case was submitted, the last four digits of the employee's Social Security number, alien number, I-94 number, last name, first name, case result, referral information and case closure statement. The report is available to program administrators and general users.

### 7.4 USER REPORT

This report displays a detailed list of your company's users. It includes each user's name, user role, contact telephone number and the last date he or she logged in to E-Verify. The report is available to corporate administrators, program administrators and general users, but a general user cannot view user information for other users

## 8.0 RESOURCE AND CONTACT INFORMATION

The E-Verify public website is the primary resource for all E-Verify information, but do not hesitate to contact us via phone or e-mail. For easy access to online resources, we suggest that you bookmark or save the websites as favorites so you'll have easy access to them in the future.

### E-VERIFY RESOURCES

#### E-Verify Public Website

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

- General information about E-Verify
- Program information and statistics
- Frequently asked questions
- E-Verify user manuals
- E-Verify quick reference guides
- Information about employee rights and employer obligations

#### E-Verify Enrollment Application

<https://e-verify.uscis.gov/enroll>

- Website for initial company enrollment

#### E-Verify Access for Employers and Corporate Administrators

<https://e-verify.uscis.gov/emp>

- User access to E-Verify

#### E-Verify Access for E-Verify Employer Agents

<https://e-verify.uscis.gov/esp>

- User access to E-Verify

### E-VERIFY CONTACT INFORMATION

#### E-Verify Customer Support

E-Verify Customer Support is available to assist you with using E-Verify, password resets, cases and technical support. We can also answer your questions about E-Verify policies and procedures, Form I-9 and employment eligibility. We are available Monday through Friday, from 8 a.m. Eastern Time to 5 p.m. Pacific Time, except on federal holidays.

**For E-Verify Employer Agents:** 888-464-4218  
877-875-6028 (TTY)  
[DASupport@dhs.gov](mailto:DASupport@dhs.gov)

**For Clients:** 888-464-4218  
877-875-6028 (TTY)  
[E-Verify@dhs.gov](mailto:E-Verify@dhs.gov)

**For Employees:** 888-897-7781  
877-875-6028 (TTY)  
[E-Verify@dhs.gov](mailto:E-Verify@dhs.gov)

Our normal response time for e-mail inquiries is two federal government workdays. If we need more time to respond to your inquiry, we'll contact you within two federal government workdays to explain why we need additional time and provide you with an estimated response time.

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

OSC is available to answer your questions about immigration-related employment discrimination, including discrimination based on citizenship status, immigration status or national origin in the Form I-9 and E-Verify processes.

**Employer Hotline:** 800-255-8155  
800-362-2735 (TTY)

**Employee Hotline:** 800-255-7688  
800-237-2515 (TTY)

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