



Quick Reference Guide

For Clients of E-Verify Employer Agents

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**U.S. Citizenship
and Immigration
Services**

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INTRODUCTION

Welcome to E-Verify! 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) that allows participating employers to electronically verify the employment eligibility of their newly hired employees and/or employees assigned to a covered federal contract.

Companies that choose to participate in E-Verify have the option to have an E-Verify employer agent use E-Verify on their behalf. This guide will assist you in verifying the employment eligibility of your new hires as the client of an E-Verify employer agent.

About E-Verify Employer Agents

E-Verify employer agents, formerly known as designated agents, use E-Verify to confirm the employment eligibility of other companies' employees. E-Verify employer agents frequently offer E-Verify along with other services, such as background checks, legal assistance and accounting services.

E-Verify employer agents may also handle payroll and other administrative tasks that include managing the process of completing Form I-9, Employment Eligibility Verification, referred to hereafter as Form I-9.

While the U.S. Department of Homeland Security (DHS) offers E-Verify as a free service, E-Verify employer agents may charge fees to their clients for their services. DHS does not certify E-Verify employer agents nor does it regulate the fees they charge.

GETTING STARTED

If you decide to use an E-Verify employer agent to verify the employment eligibility of your new hires or employees assigned to a federal contract through E-Verify then your E-Verify employer agent will enroll your company in E-Verify as a client company. To enroll your company, your E-Verify employer agent requires the following information:

- ▶ Your company name
- ▶ The physical address of your company
- ▶ Your company mailing address
- ▶ Your employer identification number (also called a federal tax ID number)
- ▶ Total number of employees for all of your company's hiring sites that will participate in E-Verify
- ▶ The first three digits of your company's North American Industry Classification System (NAICS) code
- ▶ The number of hiring sites that will participate in E-Verify in each state
- ▶ Whether your company is a federal contractor or a federal, state or local government organization and whether you are enrolling your company because it has a covered federal contract with the Federal Acquisition Regulation (FAR) clause requiring use of E-Verify

- ▶ Contact information for your company's memorandum of understanding (MOU) signatory (name, phone number, fax number (optional) and e-mail address)

NOTE: If any of the information listed above changes while your company is enrolled in E-Verify, you must notify your E-Verify employer agent. Your E-Verify employer agent is responsible for managing your account in E-Verify.

After enrollment, your E-Verify employer agent must provide you with a copy of the E-Verify user manual. You are required to become familiar with the E-Verify user manual. You must also display the English and Spanish versions of the 'Notice of E-Verify Participation' and the 'Right to Work' posters in a location clearly visible to potential and current employees. In addition, E-Verify recommends that you provide a copy of these posters with job application materials, either online or in hard copy.

E-Verify Memorandum of Understanding (MOU)

You and your E-Verify employer agent must agree to and follow the rules and responsibilities set forth in the MOU. The MOU explains the responsibilities you and your E-Verify employer agent have when using E-Verify. Your E-Verify employer agent will provide you with the MOU during enrollment. Your company must read, acknowledge and sign the client company version of the MOU.

The MOU is a legal document that an authorized representative of your company must sign. Typically, the MOU signatory is a business owner, company president, human resources director or legal counsel. By signing the MOU, the MOU signatory is committing your company to complying with the terms of the MOU. Review the MOU carefully before signing.

After your company representative has signed the MOU, return it to your E-Verify employer agent and keep a copy for your records. Your E-Verify enrollment is complete once E-Verify receives your signed MOU from your E-Verify employer agent.

Client – E-Verify Employer Agent Relationship

The guidelines and processes of communication between E-Verify employer agents and their clients are not specified by E-Verify. It is the responsibility of both the client and E-Verify employer agent to follow the correct processes for using E-Verify as outlined in the 'E-Verify Memorandum of Understanding for E-Verify Employer Agents (MOU).' We recommend that you and your E-Verify employer agent determine communication guidelines and processes.

Privacy and Security Statement

The use of E-Verify requires the collection of personally identifiable information. It is important to protect the privacy of individuals that submit information to be processed through E-Verify. It is your responsibility to ensure that all personal information collected for E-Verify 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 you. 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

- ▶ **Allow ONLY authorized employees to use E-Verify.**
Ensure that only the appropriate employees handle information and create cases.
- ▶ **PROTECT and STORE individuals' information properly.**
Ensure that employees' information is stored in a safe and secure location and that only authorized individuals have access to this information.
- ▶ **Discuss E-Verify results in PRIVATE.**
Ensure that tentative nonconfirmation (TNC) and final nonconfirmation results are discussed in private with the employee.

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. This requirement does not change for clients of E-Verify employer agents enrolled in E-Verify. By using E-Verify you have chosen to take the additional step of verifying that your employee's Form I-9 information matches government records thereby ensuring a legal workforce.

For companies that use E-Verify employer agents for E-Verify, your E-Verify employer agent must create a case no later than the third business day after your newly hired employees start work for pay.

It is important to know that providing a Social Security number (SSN) on Form I-9 is voluntary; however, employers participating in E-Verify must enter a Social Security number for each employee when creating a case. Therefore, all newly hired employees, including seasonal, temporary and re-hires **MUST** have a Social Security number. Additionally, some cases in E-Verify require a photo matching step. For these cases, you must provide a clear copy of the employee's Form I-9 photo document to your E-Verify employer agent. It is the responsibility of you and your E-Verify employer agent to determine how you will provide copies of photo documents to your E-Verify employer agent. For specific guidance related to Form I-9 and photo matching, review the 'E-Verify User Manual for E-Verify Employer Agents' available at www.dhs.gov/E-Verify.

E-VERIFY PROCESS OVERVIEW

The E-Verify employment eligibility verification process begins with a completed Form I-9. You must provide the Form I-9 information to your E-Verify employer agent who enters the information into E-Verify. A case result is provided to the E-Verify employer agent; case results inform you of your employee's work eligibility. Case results can be initial, interim or final.

Initial Case Results

After Form I-9 information has been entered into E-Verify, E-Verify promptly provides an initial case result to your E-Verify employer agent. An initial case result is the first, and sometimes final, case result provided by E-Verify. The manner in which your E-Verify

employer agent communicates a case result to you is between you and your E-Verify employer agent.

An overview of the initial case result is listed in the 'Initial Case Results – Overview.'

| Initial Case Results – Overview | |
|---|---|
| Employment Authorized | The employee's information matched with Social Security Administration (SSA) and/or U.S. Department of Homeland Security (DHS) records. It's that easy! |
| SSA or DHS Tentative Nonconfirmation (TNC) | Information does not initially match SSA or DHS records. Additional action required. |
| DHS Verification in Process | This case is referred to DHS for further verification. No action is required until further notice from E-Verify. |

Each case result is unique, and may or may not require additional action by you, your E-Verify employer agent and/or the employee. For specific guidance related to case results, review the 'E-Verify User Manual for E-Verify Employer Agents.'

IMPORTANT: Your employee has the right to contest a TNC. You may not take any adverse action against an employee based upon initial case results or the decision to contest.

Interim Case Results

An interim case result requires additional action before E-Verify can provide your E-Verify employer agent with a final case result. You must work with your E-Verify employer agent to determine what next steps must be taken for interim case results.

An overview of the interim case result is listed in the 'Interim Case Results – Overview.'

| Interim Case Results - Overview | |
|---|---|
| SSA or DHS Tentative Nonconfirmation (TNC) | Information did not match with Social Security Administration (SSA) or U.S. Department of Homeland Security (DHS) records. Additional action is required. |
| Review and Update Employee Data | A prompt to review, update and resubmit the employee's Form I-9 information. |
| DHS Verification in Process | This case is referred to DHS for further verification. No action is required until further notice from E-Verify. |
| SSA or DHS Case in Continuance | The employee has visited an SSA field office or contacted DHS, but more time is needed to determine a final case result. |

IMPORTANT: You may be required to provide a copy of the employee's Form I-9 photo document to your E-Verify employer agent. Your employee is entitled to written notice explaining why he or she received a TNC and an opportunity to contest the TNC.

Final Case Results

A final case result means that the case is ready to be closed. Your E-Verify employer agent must close every case to complete the E-Verify process and communicate the final case result to you.

An overview of the final case results is listed in the 'Final Case Results – Overview.'

| Final Case Results – Overview | |
|---|--|
| Employment Authorized | The employee's information matched with Social Security Administration (SSA) and/or U.S. Department of Homeland Security (DHS) records. It's that easy! |
| SSA or DHS Final Nonconfirmation | E-Verify cannot verify an employee's employment eligibility after the employee has visited SSA or contacted DHS. |
| DHS No Show | The employee did not contact DHS within the eight federal government workdays. |
| Error: Close Case and Resubmit | This case cannot continue because the expiration date entered for the employee's U.S. Passport, Passport Card or driver's license is incorrect. This case must be resubmitted in E-Verify. |

ACCOUNT ADMINISTRATION

How to Change Your E-Verify Employer Agent

If you decide to use a different E-Verify employer agent, you should first identify a new E-Verify employer agent and establish a relationship. Your new E-Verify employer agent must enroll your company as a client in E-Verify. After your company is enrolled, you may begin using your new E-Verify employer agent.

You may need to continue to work with your previous E-Verify employer agent to close any open cases, such as those with a case result of 'SSA or DHS Tentative Nonconfirmation (TNC)' or 'Case in Continuance.' After the remaining open cases have been closed, your former E-Verify employer agent must close your client account. E-Verify will send an e-mail to your former E-Verify employer agent confirming that your client account is closed. The e-mail instructs your former E-Verify employer agent to provide you a copy of the confirmation for your records.

After the account is closed, you will no longer have access to the cases created by your former E-Verify employer agent, nor can the cases be transferred to your new one. If you want access to your case information, we recommend asking your former E-Verify employer agent to print a report of your cases before ending your relationship.

How to Use E-Verify without an E-Verify Employer Agent

If you decide to use E-Verify without an E-Verify employer agent, you should enroll your company in E-Verify using the employer access method. For more information on enrollment, review the 'Quick Reference Guide for E-Verify Enrollment' available at www.dhs.gov/E-Verify.

After enrollment, you may begin using E-Verify. You may need to continue to work with your previous E-Verify employer agent to close any open cases, such as those with a case result of 'SSA or DHS Tentative Nonconfirmation (TNC)' or 'Case in Continuance.' After the remaining open cases have been closed, your former E-Verify employer agent must close your client account. E-Verify will send an e-mail to your former E-Verify employer agent confirming that your client account is closed. The e-mail instructs your former E-Verify employer agent to provide you a copy of the confirmation for your records.

After the account is closed, you will no longer have access to the cases run by your former E-Verify employer agent, nor can the cases be transferred to your new one. If you want access to your case information, we recommend asking your former E-Verify employer agent to print a report of your cases before ending your relationship.

How to End Your E-Verify Participation

If you would like to end your participation in E-Verify for any reason, you must submit your request through your E-Verify employer agent. You may need to work with your E-Verify employer agent to close any open cases, such as those with a case result of 'SSA or DHS Tentative Nonconfirmation (TNC)' or 'Case in Continuance.'

Your E-Verify employer agent must close any open cases for your company before it can submit a termination request in E-Verify on your behalf. It usually takes E-Verify 48 hours to process a request for termination after your E-Verify employer agent submits the request. Once we approve the request, we will send your E-Verify employer agent an

e-mail confirming that we have terminated your company's participation in E-Verify. The e-mail instructs your E-Verify employer agent to provide you a copy of the confirmation for your records.

Contact Us

| E-VERIFY RESOURCES | |
|--|---|
| E-Verify Public Website <ul style="list-style-type: none"> • 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 | www.dhs.gov/E-Verify |
| E-Verify Enrollment Application <ul style="list-style-type: none"> • Web site for initial company enrollment | https://e-verify.uscis.gov/enroll |

| E-VERIFY CONTACT INFORMATION | |
|--|--|
| E-Verify Customer Support E-Verify Customer Support is available to assist you with using E-Verify, password resets, assistance with 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. to 5 p.m. local time, except on federal holidays. | |
| For E-Verify Employer Agents: | 888-464-4218 877-875-6028 (TTY) DASupport@dhs.gov |
| For Clients: | 888-464-4218 877-875-6028 (TTY) E-Verify@dhs.gov |
| For Employees: | 888-897-7781 877-875-6028 (TTY) 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/