Quick Reference Guide

For Employers

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TABLE OF CONTENTS

INTRODUCTION

E-Verify enable employers to verify employment eligibility for their newly hired employees, regardless of citizenship. E-Verify provide an automated link to Department of Homeland Security (DHS) and Social Security Administration (SSA) databases to help employers determine employment eligibility of their new hires and the validity of their Social Security numbers.

Understanding the E-Verify System

The purpose of this Quick Reference Guide is to provide a condensed version of instructions on E-Verify requirements and proper use of the system to verify employment eligibility of your newly hired employees. E-Verify provides an automated link to Department of Homeland Security (DHS) and Social Security Administration (SSA) databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers.

Any individual who will be using E-Verify to verify employee eligibility must familiarize themselves with the manual and complete the tutorial to learn more about the employers' responsibilities relating to this program.

Understanding and complying with the E-Verify rules is essential to the success of the program, and will ensure that your company does not risk termination from E-Verify or other legal action. The key points to keep in mind include:

- Protecting your account from use by unauthorized persons

- Ensuring your participation doesn't violate the anti-discrimination provisions of the immigration laws

- Using E-Verify for its lawful purpose only.

GETTING STARTED

Employers participating in E-verify are required to post the English and Spanish participation notices provided by DHS and the anti-discrimination notice issued by the Office of Special Counsel for Immigration Related Unfair Employment Practices. Both of these notices must be displayed in plain view at your hiring site(s) to inform prospective employees that your company is participating in the E-verify Employment Verification Program.

> **Important:** If posting notices is impossible due to the setup of your business, you may print these notices and ensure that all prospective employees receive them with their application materials.

Preventing Discrimination: The E-verify Rules of Use

1. Employees must be newly hired with a completed Employment Eligibility Verification DHS Form I-9 before you can use E-verify to initiate queries about the newly hired employees for your company.

2. Form I-9 requirements remain the same except that all "List B" identity documents must bear a photograph.

3. Employers must make verification inquiries for all newly hired employees no later than the 3rd business day after they begin working for pay or other remuneration.

4. Employers may not verify newly hired employees selectively, and must follow   E-verify procedures for all new hires as long as the company participates in the program.

5. Employers may not request that the employee use certain documentation for the form I-9 or E-verify purposes.

6. Employers may not use E-verify to discriminate against any job application or new hire on the basis of his or her national origin, citizenship, or immigration status.

7. Employers may not use the system to pre-screen applicants for employment.

8. Employers may not go back to check employment eligibility for employees hired before your company signed the Memorandum of Understanding (MOU) with U.S. citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA).

9. Employers may not use the system to re-verify employment authorization.

10. Employers must provide their employees with an opportunity to contest a Tentative Nonconfirmation.

11. Employers cannot take any adverse action against an employee based upon E-verify unless the program issues a final nonconfirmation.

It is important that you comply with all of the requirements you agreed to when you were given access to E-Verify. If you fail to do so, you may wrongly terminate, suspend, or otherwise unlawfully discriminate against an employee, which could result in civil legal action against you. Your participation in the program could also be terminated.

CASE ADMINISTRATION

Initiating Queries

Submitting an initial verification

1. Select **Initial Verification** from the **Case Administration** menu.

2. Enter the required information, and include other information if available.

3. After you enter the employee's Form I-9 information, a confirmation screen may appear which gives you a chance to review for errors. If any information has been entered incorrectly, make necessary corrections and select **Continue Verification**.
   If all information has been entered correctly, click the **Continue Verification** button.

Viewing initial verification results

1. View the response in the Initial Verification Results section.

2. Based on the response type, take appropriate action:
   a. If you receive "Employment Authorized" this response indicates that employment eligibility is verified and the case can be resolved.
   b. If you receive "DHS Verification in Process" this response indicates that a DHS Immigration Status Verifier (ISV) is checking additional DHS data sources to confirm the employment eligibility of a non-citizen. DHS responds to most of these cases within 24-hours, but has up to three federal government workdays to respond. You should check the system daily for a response.
   c. If you receive "SSA Tentative Nonconfirmation" follow the steps below. If the employee contests the Tentative Nonconfirmation Proceed.

Notifying an employee of a Tentative Nonconfirmation response

1. Select the link to the *Notice to Employee of Tentative Nonconfirmation* on the **Case Details** page. This notice is available in English and Spanish.

2. Print the notice, and then return to the Case Details page.

   a. Give the employee a copy of the *Notice to Employee of Tentative Nonconfirmation* and review it with him or her. Explain that he or she must contest the Tentative Nonconfirmation or risk the declining and/or withdrawal of the certification or referral. The employee must indicate on the notice whether he or she contests.

   b. After both you and the employee sign the *Notice*, file it with the employee's Form I-9 and give a copy to him or her. Follow the instructions for initiating a referral below.

Referring an employee to SSA or DHS for case resolution

1. Select **Initiate SSA or DHS Referral** on the **Case Details** page.

2. Select **Notified** if you advised the employee of the Tentative Nonconfirmation and he or she has signed the *Notice to Employee of Tentative Nonconfirmation*.

3. Print and provide a copy of the Referral Letter to the employee.

4. Exit the screen by selecting the 'Close' button.

Note: Selecting the **Close** button temporarily closes the case. You can go back and view the case anytime, by clicking **View Cases** in the **Case Administration** section.

Viewing Responses

Once the employee has visited SSA or contacted DHS, the status of their case in E-Verify will automatically change. You can see the updated status by clicking on **View Cases.** You will see one of the following responses next to the referred employee's case:

- **Employment Authorized:** employment eligibility is verified. Resolve the case.

- **SSA Final Nonconfirmation:** SSA could not verify the information. Resolve the case.

- **SSA Case in Continuance: (rarely seen)** SSA needs more time to work the case. Check daily to see if the case status has been updated.

- **Review and Update Employee Data then resubmit:** correct any typos and continue the case.

- **DHS Verification in Process** the case has been referred to DHS for verification. Wait 24 hours for a response.

Resolving Cases

All cases must be resolved when final responses are received, regardless of the employment authorization status. To resolve a case and record the Case Verification Number:

1. Select **Resolve Case** on the **Case Details** page.

2. Select the appropriate option in the **Enter Case Resolution** section.

3. There are five options for resolving a case:

    - **Resolved Authorized:** Select this option when employment is authorized.

    - **Resolved Unauthorized/Terminated:** Select this option when employment is not authorized (SSA Final Nonconfirmation, DHS Employment Unauthorized, or DHS No Show), or when a Tentative Nonconfirmation response is uncontested AND employment is terminated.

    - **Self Terminated:** Select this option if an employee quits or is terminated for reasons unrelated to employment eligibility status while the verification query is in process.

    - **Invalid Query**: Select this option if a duplicate query was discovered after the query was sent or if a query was sent with incorrect data.

    - **Employee Not Terminated**: Select this option to notify DHS that you are not terminating an employee who received an SSA Final Nonconfirmation, DHS Employment Unauthorized, or DHS No Show response or who is not contesting a Tentative Nonconfirmation response.

4. Select **Submit Resolve Case.**

5. Print the case details page and attach it to the employee's Form I-9. If your computer is not connected to a printer, you must record the case verification number on the employee's Form I-9 as proof of verification.

Viewing and Searching for Cases

1. Select **View Cases** from the **Case Administration** menu.

2. Enter the desired search criteria, such as **Case Verification Number, Alien Number**, **I-94 Number**, or **Social Security Number**.

3. Select **Display Case Summary List** to display a list of cases.

4. The search results can be organized by different criteria, such as last name, by clicking on the column heading.

5. To view a specific case, select the link to the **Case Verification Number** in the far left column. This displays the Case Details Page for that case.

Understanding the Photo Screening Tool

The Photo Screening Tool occurs (only) when:

- A **non-citizen** presents a recent version of a Permanent Resident Card (PRC) or Employment Authorized Document (EAD) as proof of employment authorization.

- The **non-citizen** has a valid Social Security number and Alien Number/I-94 number, according to E-Verify.

- The DHS database is able to find the photograph on record for that individual.

When Verifying a Photograph:

Determine whether the photograph on the employee's PRC/EAD is an exact match to the photograph displayed by E-Verify:

1. If photograph is a match, select **YES.** E-Verify will return an employment authorized response.

2. If photograph is not a match, select **NO**. E-Verify will return a Tentative Nonconfirmation response and you should inform the employee of this response. If the employee decides not to contest, the case should be resolved.

3. If photograph **CANNOT BE DETERMINED**, explain why and click **Next**.
    Submit an electronic copy of the employee's document or choose **Mail a Copy**.
    Print and provide a copy of the Notice to the employee. Both you and the referred employee should review, sign and date the notice.
    Mail a copy of the document to DHS and close the case.

HOW TO MAIL DOCUMENTS

When to Mail Documents

Copies of documents should **only** be mailed to DHS in the event of:

*   A **contested Tentative Nonconfirmation** due to a photograph mismatch

*   A case where you, the E-Verify User, were **unable to determine** whether the photograph displayed by E-Verify matched the photograph on the employee's document.

What to Mail

The documents listed must be included:
*   a copy of the signed DHS Referral Letter
*   a copy of the employee's Form I-766 or I-551

Do not mail anything relating to a case that is not due to a photograph mismatch/cannot determine, such as completed Form I-9s, SSA Referral Letters, SSA Tentative Nonconfirmation Notices, or copies of driver's licenses, passports, or Social Security cards. Do not send an employee's original document to DHS. Keep in mind that USCIS must have this documentation in order to resolve the employee's Tentative Nonconfirmation.

How to Mail

You may send copies of the employee's documentation using an express mail courier service of your choice. Do NOT send via regular USPS mail. Please send to:

> Status Verification Unit / Photo Tool
> Verification Division Mail Stop 2610
> US Citizenship and Immigration Services
> 490 L'Enfant Plaza East, SW Suite 8001,
> Washington DC 20529-2610

Note: Do **NOT** send original documents to USCIS.

USER ADMINISTRATION

Password security

1. Due to the sensitive and confidential nature of the information in E-Verify, you must protect your password.

2. Failure to protect your password could result in termination of your participation in E-Verify.

Changing your password

1. Select **Change Password** from the **User Administration** menu.

2. Enter your current password in the Old Password field.

3. Enter your new password in the New Password and Re-type New Password fields.

   - Passwords are case sensitive.

4. Select Submit Password Change.

> **Note**: Passwords must comply with security requirements. Passwords cannot be the same as any of your last six passwords. Passwords must have 3 of the following 4 characteristics: 1) At least one uppercase letter; 2) At least one lowercase letter; 3) At least one number; 4) At least one special character. Additionally passwords must: 1) Contain no more than two identical consecutive characters in any position from the previous password; 2) Contain a non-numeric in the first and last positions; 3) Not be appended with a single digit or with a two-digit "year" string, such as "Welcome98"; and 4) Not be identical to the User ID.
>
> **Note**: As a policy, passwords shall not: 1) Contain any dictionary word; 2) Contain any proper noun or the name of any person, pet, child, or fictional character, nor any employee serial number, Social Security Number, birth date, phone number, or any information that could be readily guessed about the creator of the password; 3) Contain any simple pattern of letters or numbers, such as "qwerty" or "xyz123" and, 4) Be any word, noun, or name spelled backwards.
>
> **Note**: Passwords expire every 90 days.

Changing your password challenge questions

1. The password challenge option enables you to reset your password without having to contact a Program Administrator if you forget your password, or if your account is locked after three consecutive, unsuccessful login attempts.

2. Select **Pwd Challenge Q&A** from the **User Administration** menu.

3. Select a question from each drop-down field.

4. Enter the answer in each Answer field.

> **Note**: If you decide to change any of the questions in the future, you must reset the other questions and answers. You may reuse any questions and answers.

Updating your profile

1. Select **Change Profile** from the **User Administration** menu.

2. Add or edit information as necessary. Your profile must include your first name, last name, telephone number and email address.

3. Select **Submit User Profile Changes**.

REPORTS

Generating Reports

1. Select **View Reports** from the Reports menu.

2. Select a report from the list. Select **Next**.

3. Enter report parameters.

4. Select **Run Report**.

5. Print or save the report using the Adobe Reader® toolbar buttons.

SITE ADMINISTRATION
(Program Administrators only)

Adding Users

1. Select **Add User** from the **Site Administration** menu.

2. Select the User's role from the **User Role** list. There are two roles to select from:

   - **General Users** – Have the ability to provide verification queries for newly hired employees, view and access outstanding verification queries for your company, view reports, and update their personal user profiles.

   - **Program Administrators** – Have the ability to create and delete General User and Program Administrator user accounts, view and edit company information in E-Verify, request that the company's account be terminated, view reports, perform verification queries, update their profile information, reset user passwords, and unlock user accounts.

3. Enter the required information, then select **Next**.

4. Edit the user ID in the User ID field if desired, and enter a temporary password.

5. Select **Submit New User**.

6. Give the new user his or her User ID, temporary password, and the E-Verify website address.

Viewing User Profiles

1. Select **View Users** from the **Site Administration** menu.

2. Enter search criteria and select **Display User Summary List**.

3. View an individual user by selecting the User ID link in the far left column.

Deleting User Accounts

1. Repeat "Viewing User Profiles" steps.
2. Select the **Delete** button in the same row as the User.
3. Select **Delete User** on the Delete User page.
4. Select **Return to User List**.

Changing User Accounts

1. Repeat "Viewing User Profiles" steps.
2. Select the User ID.
3. Modify the User and/or password information.
4. Select **Submit User Modifications**.

Changing User Password

1. Repeat "Viewing User Profiles" steps.
2. Select the User ID.
3. Select Force Change Password.
4. Enter in a new password for the User.
5. Select **Submit User Modifications.**
6. Give the User their new password. They will be forced to change it when they log in again.

Changing Company Information

1. Select **Maintain Company** from the **Site Administration** menu.
2. Select **View/Edit** for the section that you want to modify.
3. Modify the information.
4. Select the appropriate submission button(s).

Requesting Termination from the E-Verify Program

1. Select **Terminate Company Participation** from the **Site Administration** menu.
2. Enter a reason for the request.
3. Select **Request Termination**.