



Self-Assessment Guide

For E-Verify Direct Access Users

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U.S. Citizenship
and Immigration
Services

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Table of Contents

I. INTRODUCTION	1
PURPOSE OF THIS DOCUMENT	1
BACKGROUND	1
MONITORED ACTIVITIES.....	2
II. HOW TO USE THE SELF-ASSESSMENT GUIDE.....	3
OVERVIEW.....	3
OBJECTIVES.....	3
III. SELF ASSESSMENT CHECKLISTS	4
PART 1: POST-ENROLLMENT ACTIVITIES CHECKLIST.....	4
PART 2: CREATE A CASE CHECKLIST	5
PART 3: PHOTO MATCHING CHECKLIST.....	6
PART 4: TENTATIVE NONCONFIRMATION CHECKLIST	7
PART 5: DEPARTMENT OF HOMELAND SECURITY REFERRAL CHECKLIST	9
PART 6: SOCIAL SECURITY ADMINISTRATION REFERRAL CHECKLIST	11
PART 7: FINAL CASE RESOLUTION CHECKLIST	13
PART 8: FINAL CASE CLOSURE STATEMENTS CHECKLIST.....	14
IV. RESOURCES.....	15
LINKS TO USCIS RESOURCES.....	15
V. GLOSSARY	15
COMMONLY USED ACRONYMS AND TERMS	15

Table of Figures

FIGURE 1: MONITORING AND COMPLIANCE FUNCTIONS OVERVIEW.....	2
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I. INTRODUCTION

PURPOSE OF THIS DOCUMENT

The E-Verify Self-Assessment Guide for Direct Access Users is designed to assist participating employers in complying with the user requirements of E-Verify and to help improve participants' overall use of the E-Verify Program. E-Verify Direct Access Users include enrolled employers, the employer's HR staff and Employer Agents (EA). This guide is not intended to be inclusive of all aspects of a comprehensive self-assessment program. Implementation of a voluntary self-assessment program helps E-Verify participants to:

- Detect E-Verify activities inconsistent with the E-Verify Program
- Deter noncompliant activities
- Resolve internally detected noncompliant activities quickly and effectively
- Promote proper E-Verify use by their users

This guide also helps participating employers comply with related immigration laws described in the *M-274 Handbook for Employers*, the *E-Verify Supplemental Guide for Federal Contractors* (if applicable) and the *E-Verify User Manual* and E-Verify tutorial. E-Verify compliance simply means meeting the terms of the Memorandum of Understanding (MOU) and applicable laws, including the Immigration Reform and Control Act of 1986 (IRCA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The U.S. Department of Homeland Security (DHS) encourages employers enrolled in E-Verify to establish a process for complying with the statutes, regulations and requirements that pertain to both the Form I-9 process and E-Verify. Self-assessment demonstrates a company's commitment to compliance by internally reviewing, detecting and preventing E-Verify misuse. The following sections provide information on creating and maintaining appropriate compliance and self-assessment processes within your company.

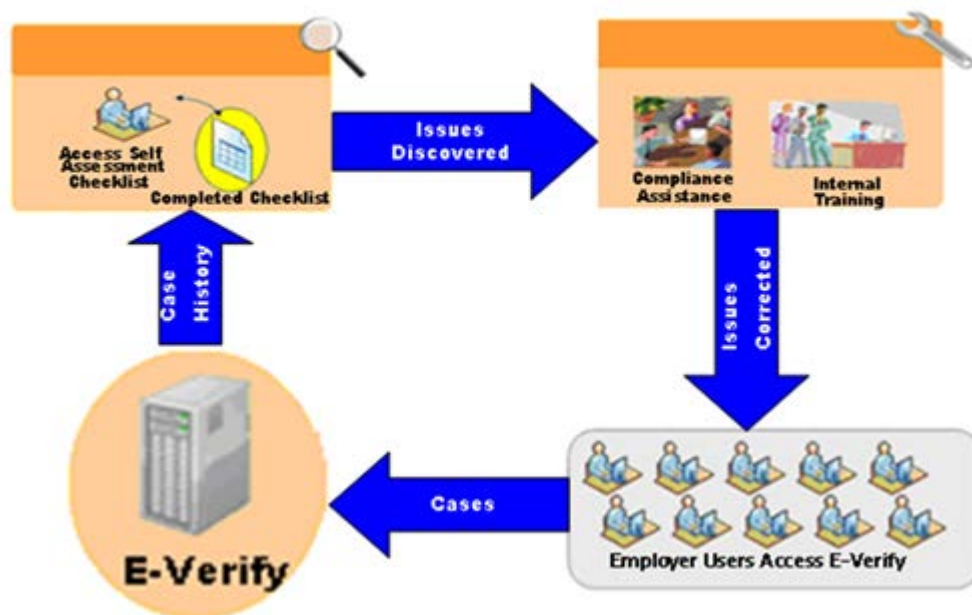
An effective E-Verify compliance and self-assessment process can enhance the efficiency and effectiveness of your company's employment operations and human resource management control functions. Depending on the size of your company, you may not need to employ all of the recommendations contained in the guide, or you may need to develop others. Smaller companies with fewer hires should adapt, or only implement appropriate parts of the guide given that extensive internal systems may not be necessary.

BACKGROUND

E-Verify is an easy-to-use online tool that builds on the Form I-9 process by allowing the employer to quickly and easily verify the employment eligibility of their new employees. However, misuse of the system should be of concern to E-Verify employers and employees. Employers may be subject to legal action for some types of E-Verify misuse.

Figure 1: Monitoring and Compliance Functions Overview

Self-Assessment Guide Helps E-Verify Participants



MONITORED ACTIVITIES

E-Verify's M&C Branch has identified some common mistakes E-Verify participants make when creating E-Verify cases. For the most part, these errors are minor and inadvertent, but in some instances, they are part of a larger compliance issue that could be more serious in nature. The following are some of the common errors the M&C Branch monitors:

- Creating duplicate cases for the same employee
- Verifying employees hired before Nov. 7, 1986
- Immediately terminating employees who receive a Tentative Nonconfirmation
- Failing to create a case by the third day after the employee started work for pay
- Creating cases for employees who were hired before the E-Verify participant enrolled in E-Verify
- Not reviewing acceptable documents
- Not reviewing a document containing a photo

II. HOW TO USE THE SELF-ASSESSMENT GUIDE

This Self-Assessment Guide has eight parts; each part addresses a topical area suggested for your internal monitoring and compliance program. Each part includes a Check List to guide your review of the activities related to the topical area.

OVERVIEW

Part 1: Post Enrollment Activities

Part 2: Creating a Case

Part 3: Photo Matching

Part 4: Tentative Nonconfirmation (TNC)

Part 5: Social Security Administration (SSA) Referral

Part 6: Department of Homeland Security (DHS) Referral

Part 7: Final Nonconfirmation (FNC)

Part 8: Case Closure Statements

OBJECTIVES

The objectives of the Self-Assessment Checklists are to:

- Encourage E-Verify participants to implement an effective self-assessment program to detect, correct and prevent noncompliant activities
- Emphasize the benefits of implementing an internal self-assessment program
- Provide E-Verify participants with an optional tool to help them achieve satisfactory compliance
- Gain insights from E-Verify participants that may result in improvements to the program, including system and process enhancements
- Provide educational information and training to participants
- React promptly to employee concerns and effectively use resources to address those concerns

III. SELF ASSESSMENT CHECKLISTS

PART 1: POST-ENROLLMENT ACTIVITIES CHECKLIST

Post-enrollment encompasses specific administrative activities that occur after you enroll in E-Verify and the Program Administrator completes the tutorial.

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
1.0	Does each user have a separate user ID and password?	☐ Yes ☐ No ☐ Other	
1.1	Does each user have access to the most recent <i>E-Verify User Manual</i> ?	☐ Yes ☐ No ☐ Other	
1.2	Has each user reviewed the most recent version of the <i>E-Verify User Manual</i> ?	☐ Yes ☐ No ☐ Other	
1.3	Did the employer post the E-Verify participation and Right to Work posters, in English and Spanish, in plain view at all the hiring sites?	☐ Yes ☐ No ☐ Other	
1.4	If the posters cannot be displayed, does the employer use an alternative method to display them?	☐ Yes ☐ No ☐ Other	
1.5	Does the program administrator terminate all users' access to E-Verify who no longer use the system and/or no longer work for the E-Verify participant?	☐ Yes ☐ No ☐ Other	
1.6	Does the program administrator ensure that all users' contact information is updated?	☐ Yes ☐ No ☐ Other	

PART 2: CREATE A CASE CHECKLIST

An employer must create an E-Verify case no later than the third business day after the employee begins work for pay, and after completion of Form I-9. The date entered in the E-Verify hire date field is the date the employee began, or will begin, work for pay. This date must be the same date as that entered in the Certification block of Section 2 of Form I-9.

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
2.0	Is Form I-9 completed before creating a case in E-Verify?	☐ Yes ☐ No ☐ Other	
2.1	Is a Social Security number recorded on the Form I-9 for all newly hired employees (except in instances when the employee has not yet been assigned a Social Security number)?	☐ Yes ☐ No ☐ Other	
2.2	Does the user create an E-Verify case for all newly hired employees no later than the third business day after the employee starts work for pay (except in instances when the employee has not yet been assigned a Social Security number)?	☐ Yes ☐ No ☐ Other	
2.3	Is all personally identifiable information (PII), (e.g., Social Security numbers, name, address, etc.) safeguarded at all times? For example, is PII stored in locked cabinets, with only minimal information retained (e.g., last four digits of Social Security numbers), and destroyed when no longer needed, etc.?	☐ Yes ☐ No ☐ Other	
2.4	Is the required information from Section 1 and 2 of Form I-9 entered into E-Verify?	☐ Yes ☐ No ☐ Other	

PART 3: PHOTO MATCHING CHECKLIST

Photo matching is an additional step in creating a case in E-Verify that prompts you to compare an employee's photo ID with a photo displayed in E-Verify only in those instances where the employee presents a Permanent Resident Card, Form I-551, an Employment Authorization Document, Form I-766, a valid U.S. Passport or a valid U.S. Passport Card. This helps ensure that the document presented by the employee is valid.

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
3.0	Is the document number entered into E-Verify (i.e., Permanent Resident Card, Form I-551, Employment Authorization Document, Form I-766, U.S. Passport or Passport Card)?	☐ Yes ☐ No ☐ Other	
3.1	Does the user make the required photocopies of documents that trigger Photo Matching (e.g., I-551, Form I-766, U.S. Passport or Passport Card)?	☐ Yes ☐ No ☐ Other	
3.2	Does the user compare the photo displayed by E-Verify to the photo on the document presented by the employee (rather than to) the employee and then determine if the photos are identical?	☐ Yes ☐ No ☐ Other	
3.3	Does the user take into account the minor variations in shading and detail between the two photos based upon the age and wear of the employee's document and the quality of the computer monitor?	☐ Yes ☐ No ☐ Other	
3.4	Does the user select yes or no when answering the photo matching question?	☐ Yes ☐ No ☐ Other	
3.5	If an employee receives a U.S. Department of Homeland Security (DHS) Tentative Nonconfirmation (TNC) because of a photo mismatch, and the employee chooses to contest, does the user follow the TNC process as described in the <i>E-Verify User Manual</i> ?	☐ Yes ☐ No ☐ Other	
3.6	If an employee receives a DHS TNC because of a photo mismatch, and the employee chooses not to contest, does the user follow the TNC process as described in the <i>E-Verify User Manual</i> ?	☐ Yes ☐ No ☐ Other	
3.7	If an employee receives a DHS TNC because of a photo mismatch, and the employee chooses to contest, does the user attach and submit a copy of the employee's photo document electronically or submit copies of the documents via express mail to E-Verify?	☐ Yes ☐ No ☐ Other	

PART 4: TENTATIVE NONCONFIRMATION CHECKLIST

A Tentative Nonconfirmation (TNC) case result occurs when the information entered into E-Verify from Form I-9 differs from either the U.S. Department of Homeland Security (DHS) or Social Security Administration (SSA) records. This does not necessarily mean that the employee is not authorized to work in the United States; it could simply mean that there was a data mismatch originating from information provided by the employee, employer or information contained in a government database. While resolving TNCs, employees must be allowed to work without any change in working conditions.

A DHS TNC data mismatch case result may occur because the employee's:

- Name, A-number and/or I-94 number do not match DHS records
- U.S. Passport or Passport Card, driver's license or State ID card information could not be verified
- Information was not updated in the employee's DHS records
- Citizenship or immigration status changed
- Record contains another type of error
- Information was not entered correctly by the employer
- Information provided by the employee on the Form I-9 was inadvertently incorrect

An SSA TNC data mismatch case result may occur because the employee's:

- Citizenship or immigration status was not updated with SSA
- Name change was not reported to SSA
- Name, Social Security number or date of birth is incorrect in SSA records
- SSA record contains another type of mismatch
- Information was not entered correctly by the employer
- Information was not entered correctly on the Form I-9

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
4.0	Does the user promptly print the TNC notice and privately review the TNC with the employee?	☐ Yes ☐ No ☐ Other	
4.1	If the employee speaks a language other than English or Spanish, does the user promptly give the employee a copy of the pre-populated English-language version of the TNC notice and a copy of the TNC notice in the requested foreign language? (Notices in other languages can be found by selecting, "View Essential Resources," after you log on to E-Verify.)	☐ Yes ☐ No ☐ Other	
4.2	Does the employee indicate on the English-language version of the TNC notice his/her election to contest or not contest the TNC?	☐ Yes ☐ No ☐ Other	
4.3	Do both the user and the employee sign the English-language version of the TNC notice after the employee chooses whether to contest?	☐ Yes ☐ No ☐ Other	
4.4	Does the user check periodically to ensure all TNCs have been affirmatively contested or affirmatively not contested?	☐ Yes ☐ No ☐ Other	
4.5	Is the original signed English-language version of the TNC notice kept on file with the employee's Form I-9?	☐ Yes ☐ No ☐ Other	
4.6	If an employee elects not to contest a DHS or SSA TNC, is the employee advised that termination of employment is possible?	☐ Yes ☐ No ☐ Other	
4.7	If the employee elects not to contest the DHS or SSA TNC, does the user select a case closure statement to close the case?	☐ Yes ☐ No ☐ Other	
4.8	Does the user choose the correct case closure statement to notify DHS if an employee who receives a TNC and chooses not to contest the TNC is not terminated?	☐ Yes ☐ No ☐ Other	

PART 5: DEPARTMENT OF HOMELAND SECURITY REFERRAL CHECKLIST

An employee who chooses to contest a U.S. Department of Homeland Security (DHS) Tentative Nonconfirmation (TNC) is referred to DHS. The E-Verify participant must print and verify the information on the DHS referral letter. The E-Verify participant and the employee must both sign the English-language version of the DHS referral letter. The E-Verify participant must file the original English-language version of the DHS referral letter with the employee's Form I-9 and give a copy to the employee. The DHS referral letter provides instructions to the E-Verify participant and the employee on what to do next and a timeframe for action.

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
5.0	Does the user promptly print the DHS referral letter for each employee who wants to contest a DHS TNC?	☐ Yes ☐ No ☐ Other	
5.1	If the employee speaks a language other than English or Spanish, does the user promptly give the employee a copy of the pre-populated English-language version of the DHS referral letter along with a copy of the DHS referral letter in the employee's requested foreign language? (Notices in other languages can be found by selecting "View Essential Resources," after you log on to E-Verify.)	☐ Yes ☐ No ☐ Other	
5.2	Does the user review the DHS referral letter with the employee in private?	☐ Yes ☐ No ☐ Other	
5.3	Does the user explain to the employee that to avoid possible termination he/she needs to contact DHS using the toll-free number (1-888-897-7781) on the referral letter within eight federal government workdays and that if they visit the DHS field office they must have an appointment?	☐ Yes ☐ No ☐ Other	
5.4	Do both the user and employee sign and date the English-language version of the DHS referral letter?	☐ Yes ☐ No ☐ Other	

#	Question	Response Selection	Response Notes
5.5	Does the user keep the original signed English-language version of the DHS referral letter on file with the employee's Form I-9?	☐ Yes ☐ No ☐ Other	
5.6	Does the user give a copy of the signed English-language version of the DHS referral letter and a copy in the employee's requested language to the employee?	☐ Yes ☐ No ☐ Other	
5.7	Does the user check E-Verify before the expiration of the eight day period or immediately following the date for case result updates for employees who have been referred?	☐ Yes ☐ No ☐ Other	
5.8	Are employees who receive a DHS TNC allowed to continue working without a change in working conditions while they resolve the mismatch?	☐ Yes ☐ No ☐ Other	
5.9	Does the user select the correct case closure statement to close a case?	☐ Yes ☐ No ☐ Other	
5.10	Does the user enter the correct case closure statement to notify DHS if an employee who receives a DHS TNC and who chooses not to contest is not terminated?	☐ Yes ☐ No ☐ Other	

PART 6: SOCIAL SECURITY ADMINISTRATION REFERRAL CHECKLIST

An employee who chooses to contest a Social Security Administration (SSA) Tentative Nonconfirmation (TNC) is referred to SSA. The E-Verify participant must print and verify the information on the SSA referral letter. The E-Verify participant and the employee must both sign the English-language version of the SSA referral letter. The E-Verify participant must file the original English-language version of the SSA referral letter with the employee's Form I-9 and give a copy to the employee. The SSA Referral letter offers instructions to the E-Verify participant and the employee on what to do next and a timeframe for action.

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
6.0	Does the user promptly print the SSA referral letter for each employee who wants to contest an SSA TNC?	☐ Yes ☐ No ☐ Other	
6.1	If the employee speaks a language other than English or Spanish, does the user promptly give the employee a copy of the pre-populated English-language version of the SSA referral letter along with a copy of the document in the requested foreign language? (Notices in other languages can be found by selecting, "View Essential Resources," after you log on to E-Verify.)	☐ Yes ☐ No ☐ Other	
6.2	Does the user review the SSA referral letter with the employee in private?	☐ Yes ☐ No ☐ Other	
6.3	Does the user explain to the employee that to avoid possible termination he/she needs to visit an SSA field office within eight federal government workdays from the date printed on the referral letter?	☐ Yes ☐ No ☐ Other	
6.4	In cases involving SSA TNCs based on failure to confirm U.S. citizenship, does the user explain to the employee the option to call DHS at 1-888-897-7781?	☐ Yes ☐ No ☐ Other	
6.5	Do both the user and employee sign and date the English-language version of the SSA referral letter?	☐ Yes ☐ No ☐ Other	

#	Question	Response Selection	Response Notes
6.6	Does the user keep the original signed English-language version of the SSA referral letter with the employee's Form I-9?	☐ Yes ☐ No ☐ Other	
6.7	Does the user promptly give a copy of the signed English-language version of the SSA referral letter and a copy in the employee's requested language to the employee?	☐ Yes ☐ No ☐ Other	
6.8	Does the user check E-Verify before the expiration of the eight day period or immediately following the date for case result updates for employees who have been referred?	☐ Yes ☐ No ☐ Other	
6.9	Does the user select the appropriate case closure statement to close a case?	☐ Yes ☐ No ☐ Other	
6.10	Are employees who receive an SSA TNC allowed to continue working without a change in working conditions while they resolve the mismatch?	☐ Yes ☐ No ☐ Other	
6.11	Does the user select the appropriate case closure statement to notify DHS if an employee who receives an SSA TNC and who chooses not to contest is not terminated?	☐ Yes ☐ No ☐ Other	

PART 7: FINAL CASE RESOLUTION CHECKLIST

To complete the E-Verify process, every case must receive a final case result and be closed with the applicable case closure statement. There are four possible final case closure statements:

- Employment Authorized
- U.S. Department of Homeland Security (DHS) or Social Security Administration (SSA) Final Nonconfirmation (FNC)
- DHS No Show
- Error: Close Case and Resubmit

E-Verify generates an “DHS or SSA” Final Nonconfirmation” message when it cannot verify an employee’s employment eligibility after an employee has been referred to DHS or SSA. E-Verify generates a “DHS No Show” message when the employee fails to contact DHS within the required time. Once a “DHS or SSA Final Nonconfirmation” or a “DHS No Show” message has been issued, the user must close the case with the appropriate case closure statement. If you see the message, Error: Close Case and Resubmit, the 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 to E-Verify.

NOTE: Use this checklist in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
7.0	Does the user review the case status for those employees who have pending cases with DHS or SSA?	☐ Yes ☐ No ☐ Other	
7.1	Does the user check E-Verify periodically for case resolution for those employees reporting that their case has been resolved?	☐ Yes ☐ No ☐ Other	
7.2	Does the user close DHS No Show cases using the correct case closure statement?	☐ Yes ☐ No ☐ Other	
7.3	Does the user close all cases using the correct case closure statement once an DHS or SSA Final Nonconfirmation is received?	☐ Yes ☐ No ☐ Other	
7.4	Does the user notify DHS if an employee who receives a Final Nonconfirmation is not terminated by entering the correct case closure statement?	☐ Yes ☐ No ☐ Other	

PART 8: FINAL CASE CLOSURE STATEMENTS CHECKLIST

Employers **MUST** close every case created in E-Verify. Each case is closed by using the applicable case closure statement.

NOTE: The checklist should be used in conjunction with the Memorandum of Understanding (MOU) signed by the E-Verify participant, and the *E-Verify User Manual*.

#	Question	Response Selection	Response Notes
8.0	Does the user close every case created in E-Verify?	☐ Yes ☐ No ☐ Other	
8.1	Does the user notify DHS if the employee is still working by selecting the yes or no termination option?	☐ Yes ☐ No ☐ Other	
8.2	Does the user select the appropriate case closure statement?	☐ Yes ☐ No ☐ Other	
8.3	Does the user record the case verification number on the employee's Form I-9 or print the case details screen and attach to the employee's Form I-9?	☐ Yes ☐ No ☐ Other	
8.4	Does the user file completed Form I-9 (including electronic copies) and all attachments in a secured location?	☐ Yes ☐ No ☐ Other	
8.5	Does the user correctly close all cases that receive "Employment Authorized" using the applicable case closure statement and notify the employee?	☐ Yes ☐ No ☐ Other	
8.6	Does the user correctly close all cases when the employee continues to work for the E-Verify participant after affirmatively choosing not to contest a TNC, or after receipt of a Final Nonconfirmation or DHS No Show result?	☐ Yes ☐ No ☐ Other	
8.7	Does the user choose the appropriate case closure statement for all cases when E-Verify cannot verify that the employee is eligible to work and the employee receives a Final Nonconfirmation or DHS No Show result?	☐ Yes ☐ No ☐ Other	

IV. RESOURCES

LINKS TO USCIS RESOURCES

- Office of Management and Budget [\(OMB\) M-06-16](#) (Protection of Sensitive Agency Information)
- [E-Verify Memorandum of Understanding](#)
- [E-Verify User Manual](#)
- [Quick Reference Guide For E-Verify Enrollment](#)
- [M-274 Handbook for Employers](#)
- [I-9 Central](#) (www.uscis.gov/I-9Central)
- [Federal Acquisition Regulations](#)
- www.dhs.gov/E-Verify

V. GLOSSARY

COMMONLY USED ACRONYMS AND TERMS

The following table contains the acronyms commonly used throughout the document.

Acronym	Definition
CCO	Customer Contact Operations
DHS	Department of Homeland Security
M&C	Monitoring and Compliance Branch
MOU	Memorandum of Understanding
POC	Point of Contact
SSA	Social Security Administration
TNC	Tentative Nonconfirmation
FNC	Final Nonconfirmation
USCIS	U.S. Citizenship and Immigration Services

In addition, this document contains several terms that have specific meaning for the compliance Desk Review process and/or business context of the USCIS Verification Division.

Direct Access Users – An individual or company enrolled in E-Verify. The two types of access methods are:

- **Employer Access**

Most E-Verify participants, regardless of their business size or structure, are enrolled under the employer access method. This access method allows a company to

electronically verify the employment eligibility of its newly hired employees and/or employees assigned to a covered federal contract.

- **Employer Agent Access**

The employer agent access method allows an individual or company to act on behalf of other companies to verify the employment eligibility of their newly hired employees and/or employees assigned to a covered federal contract. For more information, visit www.dhs.gov/E-Verify.

Employer – An organization that participates in the E-Verify Program, viewed as a customer of the Verification Division.

User – E-Verify Users can have one of two roles: Program Administrator or General User. An employer enrolled in E-Verify must assign at least one Program Administrator and can have as many additional general users as it desires. All users are responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures. All users have the following permissions:

- Creating and managing cases
- Viewing reports
- Updating his/her own user profile

Monitoring and Compliance (M&C) – The branch of the USCIS Verification Division that is responsible for the administration of the monitoring and compliance assistance processes for the E-Verify program.