



Supplemental Guide

For E-Verify Employers Agents

July 2016



U.S. Citizenship
and Immigration
Services

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1.0 INTRODUCTION

Welcome to the 'Supplemental 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 their clients. E-Verify employer agents must follow the guidelines set forth in the 'E-Verify Memorandum of Understanding for E-Verify Employer Agents' (MOU) and use this guide as a supplement to the ['E-Verify User Manual.'](#)

For purposes of this manual, the term 'E-Verify employer agent' means any person, company, or other entity that provides the service of using E-Verify to confirm employment eligibility of employees of third party employers (or 'clients'). Clients are required to complete Form I-9, Employment Eligibility Verification (Form I-9) for all new employees and must follow the guidelines set forth in the 'Memorandum of Understanding for Employers Using an E-Verify Employer Agent.'

1.1 PRIVACY AND SECURITY STATEMENT

The use of E-Verify requires the collection of personally identifiable information. Employers, clients, E-Verify employer agents and users must protect the privacy of employees who submit information to be processed through E-Verify and ensure that all personal information collected is safeguarded and used only for the purposes outlined in the MOU.

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

At a minimum, follow the steps in the 'Privacy Guidelines Overview' to protect personal information and comply with the appropriate requirements.

PRIVACY GUIDELINES OVERVIEW
<p>▶ Allow ONLY authorized users to use E-Verify. Ensure that only appropriate users handle information and create cases.</p>
<p>▶ SECURE access to E-Verify. Protect passwords used to access E-Verify and ensure that unauthorized persons do not gain access to E-Verify.</p>
<p>▶ PROTECT and STORE employee information properly. Ensure that employee information is stored in a safe and secure location and that only authorized users have access to this information.</p>
<p>▶ Discuss E-Verify results in PRIVATE. Ensure that all case results including Tentative Nonconfirmations (TNC) and Final Nonconfirmations are discussed in private with the employee.</p>

REMINDER

- * Ensure that all personally identifiable information is safeguarded.
 - * Provide all clients with training on E-Verify processes, policies, and procedures.
 - * Provide ongoing E-Verify training as needed to clients.
-

1.2 FORM I-9 AND E-VERIFY

Employers are required to timely and properly complete and retain Form I-9 for each employee they hire.

Under general Form I-9 practice, employees can voluntarily provide their Social Security numbers (SSN) on Form I-9. However, because SSNs are required for employers to create E-Verify cases, all newly hired employees, including seasonal, temporary and rehired, of E-Verify employers MUST provide their SSNs.

Additionally, some cases in E-Verify require a photo matching step which is triggered if the employee provided a U.S. Passport, Passport Card, Permanent Resident Card (Form I-551) or Employment Authorization Document (Form I-766). Your clients must provide you with clear photocopies of these documents so you and your clients should determine how they will do this. For specific guidance related to Form I-9 and photo matching, review the [‘E-Verify User Manual.’](#)

1.3 CREATE A CASE

E-Verify cases must be created no later than the third business day after the employee starts work for pay. E-Verify employer agents who learn that they inadvertently failed to create a case by the third business day after the employee started work for pay should bring themselves into compliance immediately by creating a case for the employee and indicating the reason that the case was not created within three days of hire. You may choose a reason from the drop-down list or state a specific reason in the field provided.

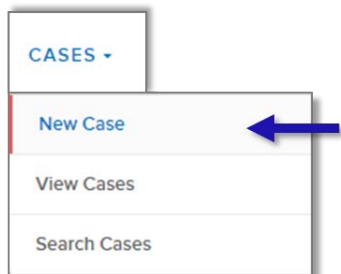
NOTE: Do not create a case for an employee hired before the effective date of your MOU.

Information used to create an E-Verify case comes from the employee’s completed Form I-9, so E-Verify employer agents must obtain this information from their clients before creating cases in E-Verify. Additional information on E-Verify and Form I-9 is available in the [‘E-Verify User Manual.’](#)

To use E-Verify, you must first log in with your assigned user ID and password and then follow the steps outlined in the [‘How to Create a Case – Process Overview.’](#)

HOW TO CREATE A CASE – PROCESS OVERVIEW

- ▶ From 'Cases,' click 'New Case.'



- ▶ Enter all required information from Section 1 of Form I-9 into each text field. Click 'Continue.'
- ▶ When the employee provides an email address on Form I-9, you must enter it into E-Verify. E-Verify may send the employee email notifications with information about his or her E-Verify case.
- ▶ Select the appropriate option button corresponding to Section 1 of the employee's Form I-9. Click 'Continue.'
- ▶ Indicate which documents were provided in Section 2 of the employee's Form I-9. Click 'Continue.'
- ▶ Enter all required information from Section 2 of Form I-9 into each text field. Click 'Continue.'
- ▶ 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.

2.0 CLIENTS

The 'Clients' menu is only available to E-Verify employer agents and enables E-Verify employer agents to:

- Enroll new clients
- View and update client information
- View their clients' memoranda of understanding (MOU)
- Terminate clients from participating in E-Verify

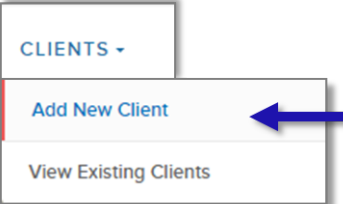
E-Verify employer agents must enroll their clients before they can create cases for them in E-Verify.

2.1 CLIENT ENROLLMENT

To enroll a client in E-Verify, follow the steps outlined in the 'New Client Enrollment – Process Overview.'

NEW CLIENT ENROLLMENT – PROCESS OVERVIEW

- ▶ From 'Clients,' select 'Add New Client.'



- ▶ Enter information for your client including client company name, Employer Identification Number, total number of employees, physical address and mailing address. In E-Verify, a red asterisk (*) indicates a required field.
- ▶ Click 'Save & Continue.'
- ▶ Select which category best describes your client's organization.

IMPORTANT: If you indicate 'Federal Contractor with FAR E-Verify Clause,' you will be required to select the federal contractor category that best describes your client's organization and indicate which employees your client will verify. For additional information see the ['E-Verify Supplemental Guide for Federal Contractors.'](#)

- ▶ Click 'Save & Continue.'
- ▶ Enter the North American Industry Classification System (NAICS) code for your client and click 'Save & Continue.' If the number is not known, click 'Don't Know' to determine the company's NAICS code.
- ▶ To determine the company's NAICS code, select the appropriate sector and subsector from the drop-down lists. The resulting NAICS code will appear. Click 'Save & Continue.'
- ▶ Click 'Add New' to add participating hiring sites. Enter all the required information, then click 'Add.'

NEW CLIENT ENROLLMENT – PROCESS OVERVIEW

- ▶ Click 'Add New' to add a new point of contact for your client. To designate a person as the MOU Signatory check the box 'Designate as MOU signatory,' and then click 'add.'

Every employer must have at least one person assigned as a point of contact for E-Verify issues. One of your client's points of contact must serve as the MOU Signatory. The MOU signatory is the person with signature authority for the client company, as his or her name will appear on the signed MOU.

- ▶ Review the client information and click 'Accept & Generate MOU.'

To modify any section of the 'Review & Accept' page, click 'Edit' in the section you want to modify.

- ▶ Select 'Print' from your browser's toolbar, to print the MOU. You must provide the 'Employer Using an E-Verify Employer Agent Memorandum of Understanding' to the client.

After the client has signed the MOU and you have submitted the MOU to E-Verify, enrollment is complete.

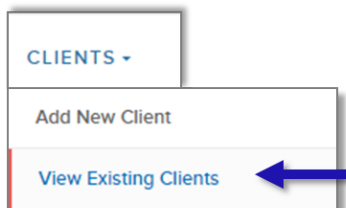
E-Verify employer agents must determine the best method to send the client the MOU and obtain the client signature. The MOU may be provided to the client by fax, mail or email.

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 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 in GIF format may fax the signature page to 202-443-0215.

ELECTRONIC SUBMISSION OF MOU SIGNATURE PAGE – PROCESS OVERVIEW

- ▶ From 'Clients,' select 'View Existing Clients.'



- ▶ Enter the client search criteria. Select the radio button for pending registration. Click 'Display Client Summary List.'

ELECTRONIC SUBMISSION OF MOU SIGNATURE PAGE – PROCESS OVERVIEW

Enter Client Company Search Criteria

Company ID Number:

Client Company Name:

City:

State:

Address 1:

Client Company Status: Pending Registration
 Active Companies
 Request Termination
 Terminated
 Rejected
 All

[Display Client Company Summary List](#) [Cancel](#)

- ▶ Click 'Edit' for the appropriate client.
- ▶ Ensure that all the information for the client is accurate and click 'Upload Signature Page.'

Company Information

Client Company Name: Sample Company [View / Edit](#)

Client ID Number: 14137

Doing Business As (DBA) Name:

DUNS Number:

Physical Location:
 Address 1: 1 Main Street
 Address 2:
 City: New York
 State: NY
 Zip Code: 10000
 County: NEW YORK

Mailing Address:
 Address 1:
 Address 2:
 City:
 State:
 Zip Code:

Additional Information:
 Employer Identification Number: 0
 Total Number of Employees: 10 to 19
 Parent Organization:
 Administrator:
Organization Designation:
 Client Company Category: None of these categories apply

NAICS Code: 333 - MACHINERY MANUFACTURING [View / Edit](#)

Total Hiring Sites: 1 [View / Edit](#)

Total Points of Contact: 1 [View / Edit](#)

[Return to Company List](#) [View MOU](#) [Upload Signature Page](#)

- ▶ Enter the date the MOU was signed by the client, attach the signature page and click 'Submit Electronic Document.'

ELECTRONIC SUBMISSION OF MOU SIGNATURE PAGE – PROCESS OVERVIEW

i Please enter the date the client company signed the MOU and upload the scanned image in GIF format of the signed signature page. Once the signature page is uploaded the client company will be activated unless there is a need for the USCIS Verification Division personnel to review the client company.

Date client company signed MOU:

Select the GIF file of the signature page to upload (Maximum file size is 1572864 bytes):

IMPORTANT: You must submit the file in the form of a GIF file. Other file types are unacceptable.

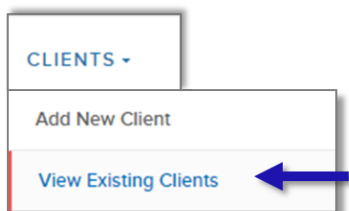
When E-Verify receives the client MOU signature page, a confirmation email is sent to the E-Verify employer agent to indicate that the E-Verify employer agent can begin creating new cases in E-Verify for that client.

2.2 UPDATE CLIENT INFORMATION

Program administrators can make changes to their clients' information including physical location, organization designation, North American Industry Classification System (NAICS) code, hiring sites or point of contact list by updating information under the 'View Existing Clients' menu. To update client information in E-Verify, program administrators should follow the steps outlined in the 'Update Client Information – Process Overview.'

UPDATE CLIENT INFORMATION – PROCESS OVERVIEW

- ▶ From '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.'

2.2.1 CLIENT COMPANY INFORMATION OVERVIEW

There are many fields that can be updated for your client in the 'Company Information' page. Those fields are listed in the 'Company Information Overview.'

FIELD NAME	DESCRIPTION
Company Name	Name of company enrolled in E-Verify.
Physical Address	The client's physical address.
Mailing Address	Client's mailing address, if different from the physical address.
Additional Information	Additional information about the size of the company and any associated corporate parent company information, if applicable.
Organization Designation	The category that identifies the company as a Federal, State or local government organization or a federal contractor with the Federal Acquisition Rule (FAR) E-Verify clause in their federal contract, if applicable.

2.3 VIEW CLIENT MEMORANDUM OF UNDERSTANDING (MOU)

Program administrators can view the 'Memorandum of Understanding for Employers Using an E-Verify Employer Agent' signature page for every one of their clients enrolled in E-Verify. A blank MOU template is also available to program administrators. To view a particular client's MOU, follow the steps outlined in the 'View Client MOU – Process Overview.'

VIEW CLIENT MOU – PROCESS OVERVIEW

- ▶ From 'Clients' select 'View Existing Clients.'

CLIENTS -

Add New Client

View Existing Clients ←

- ▶ Enter the client search criteria and select 'Display Client Company Summary List.'
- ▶ Click 'Edit' for the appropriate client.
- ▶ Select the hyperlink 'View MOU Signature Page' to view an electronic copy of the signature page signed by both you as the E-Verify employer agent and your client.

VIEW CLIENT MOU – PROCESS OVERVIEW

Company Information

Client Company Name:	ABC Test Company	View / Edit
Client ID Number:		
Doing Business As (DBA) Name:		
DUNS Number:		
Physical Location:		
Address 1:	555 1st Street	Mailing Address:
Address 2:		Address 1:
City:	Washington	Address 2:
State:	DC	City:
Zip Code:	20000	State:
County:	DISTRICT OF COLUMBIA	Zip Code:
Additional Information:		
Employer Identification Number:	000000000	
Total Number of Employees:	1 to 4	
Parent Organization:		
Administrator:		
Organization Designation:		
Client Company Category:	None of these categories apply	

NAICS Code:	721 - ACCOMMODATION	View / Edit
Total Hiring Sites:	1	View / Edit
Total Points of Contact:	1	View / Edit

[View MOU Signature Page](#)

Return to Company List
View MOU

▶ To view a blank MOU, click 'View MOU.'

2.4 TERMINATE CLIENT PARTICIPATION

Participation in E-Verify may be terminated voluntarily. To terminate participation for a client, E-Verify employer agents must submit a termination request to E-Verify no later than 30 days in advance of the date the client would like to close its account. E-Verify employer agents may request termination electronically through E-Verify or submit a written termination notice by email to E-Verify@dhs.gov or by fax to 202-443-0215.

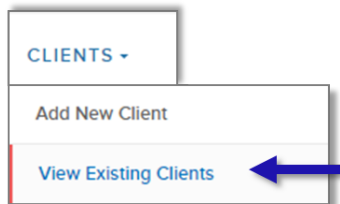
In accordance with the MOU, E-Verify employer agents must continue to use E-Verify on behalf of the client during this 30 day period or until they receive an email confirming that the client’s account is terminated, whichever is sooner. E-Verify employer agents are required to close all open E-Verify cases for a client, even after the request to terminate that client’s E-Verify account is made.

IMPORTANT: Once an account is terminated, all access to the account and its associated records is lost. To preserve the records from an E-Verify account, see Section 6.3 of the E-Verify User Manual to create and retain a user audit report before the account is terminated.

To request termination of client participation in E-Verify, follow the steps outlined in the 'Terminate Client Account – Process Overview.'

TERMINATE CLIENT PARTICIPATION – 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 E-Verify will be notified of the client's request to terminate the client's E-Verify account.

NOTE: You will receive an email confirming that the client's account is terminated.

3.0 E-VERIFY PROCESS OVERVIEW

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 with the employee being verified.

The E-Verify process begins with a completed Form I-9. E-Verify confirms employment eligibility by comparing the employee's Form I-9 information entered in E-Verify by the E-Verify employer agent with the information in records available to SSA and/or DHS. Case result statuses are 'initial,' 'interim' or 'final.'

3.1 INITIAL CASE RESULTS

After Form I-9 information has been entered into E-Verify, E-Verify promptly provides an initial case result. An initial case result is the first, and sometimes final, case result provided by E-Verify. 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 records available to SSA and/or DHS.
SSA or DHS Tentative Nonconfirmation (TNC)	Information does not initially match records available to SSA and/or DHS. Additional action is required.
DHS Verification in Process	This case is referred to DHS for further verification.

Each case result is unique and may or may not require additional action by you, your client and/or the employee. For specific guidance related to case results, review the ['E-Verify User Manual.'](#)

3.2 INTERIM CASE RESULTS

Cases in an interim case result require additional action before E-Verify can complete the verification process. You must work with your client to determine the next steps to take.

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

Interim Case Results – Overview	
SSA or DHS Tentative Nonconfirmation (TNC)	Information did not match records available to SSA and/or DHS. Additional action is required.
Review and Update Employee Data	Review, update and resubmit the employee's Form I-9 information.
DHS Verification in Process	This case is referred to DHS for further verification.

Interim Case Results – Overview	
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.

Additional information about each case result is available in the [‘E-Verify User Manual.’](#)

3.2.1 TENTATIVE NONCONFIRMATION (TNC) PROCESS SUMMARY

A TNC case result means that the information entered into E-Verify does not initially match records available to SSA and/or DHS. A TNC does not necessarily mean that the employee is not authorized to work in the United States; however, additional action is required to resolve the issue. Below is a summary of actions required of you, your client and the employee during the TNC Process.

YOUR ACTION
<ul style="list-style-type: none"> ▶ Notify your client of the TNC case result. ▶ Print the Further Action Notice and send it to your client. ▶ Instruct your client to review the Further Action Notice privately with the employee. ▶ Instruct your client to have the employee indicate on the Further Action Notice whether he or she will contest the TNC. ▶ Instruct your client to have the employee sign and date the Further Action Notice after the employee has indicated his or her decision to contest or not contest the TNC. ▶ Indicate that the employee has been notified by selecting the check box 'Confirm Employee Notification' in E-Verify. ▶ Take next action based on the employee's decision to contest or not contest the TNC. <p>If the employee contests the TNC:</p> <ul style="list-style-type: none"> ▶ Print the Referral Date Confirmation and provide it to your client.
THE CLIENT'S ACTION
<ul style="list-style-type: none"> ▶ Review the Further Action Notice privately with the employee. ▶ Have the employee indicate whether he or she will contest the TNC on the Further Action Notice. ▶ Instruct employee to sign and date the Further Action Notice. ▶ Sign and date the Further Action Notice after the employee has indicated his or her decision to contest or not contest the TNC. ▶ Provide a copy of the signed Further Action Notice to the employee. ▶ Keep the original signed Further Action Notice on file with the employee's Form I-9. ▶ Send a copy of the signed Further Action Notice to the E-Verify employer agent. ▶ If the employee chooses to contest the TNC, provide him or her with the Referral Date

YOUR ACTION

Confirmation.

THE EMPLOYEE'S ACTION

- ▶ Decide to contest or not contest the TNC and indicate choice on the Further Action Notice.
- ▶ Acknowledge receipt of TNC by signing and dating the Further Action Notice.
- ▶ Take next action based on decision to contest or not to contest the TNC.

If he or she contests the TNC:

- ▶ Visit SSA field office with a copy of the Further Action Notice or contact DHS within eight Federal Government working days.

3.3 FINAL CASE RESOLUTION

To complete the E-Verify process, every case must receive a final case result and be closed. You must close every case and communicate the final case result to your client.

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 records available to SSA and/or DHS.
SSA or DHS Final Nonconfirmation	E-Verify cannot confirm an employee's employment eligibility after the employee visited SSA or contacted DHS.
DHS No Show	The employee did not contact DHS within eight Federal Government working days.
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. A new case must be created in E-Verify.

Additional information about each case result is available in the ['E-Verify User Manual.'](#)

4.0 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 email. For easy access to online resources, USCIS suggests that you bookmark or save these websites as favorites for easy access to them in the future.

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"> • Website for initial employer enrollment 	https://e-verify.uscis.gov/enroll
E-Verify Access for Employers and Corporate Administrators <ul style="list-style-type: none"> • User access to E-Verify 	https://e-verify.uscis.gov/emp
E-Verify Access for E-Verify Employer Agents <ul style="list-style-type: none"> • User access to E-Verify 	https://e-verify.uscis.gov/esp

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) E-VerifyEmployerAgent@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
Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC)	

E-VERIFY CONTACT INFORMATION	
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)
Department of Justice Website:	www.justice.gov/crt/about/osc