E-Verify

Supplemental Guide

For E-Verify Employers Agents

April 2017

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 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, for all new employees and must follow the guidelines set forth in the Memorandum of Understanding for Employers Using an E-Verify Employer Agent (or client MOU).

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
▶ **Allow *only* authorized users to use E-Verify.** Ensure that only appropriate users handle information and create cases.
▶ ***Secure* access to E-Verify**. Protect passwords used to access E-Verify and ensure that unauthorized persons do not gain access to E-Verify.
▶ ***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.
▶ **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.

INFORMATION

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* 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 employees 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, if presented by the employee. For specific guidance related to Form I-9 and photo matching, refer to 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. E-Verify provides a drop-down list of reasons for you to select or you can provide your own reason in the field provided.

Information used to create an E-Verify case comes from the employee's completed Form I-9. E-Verify employer agents must obtain Forms I-9 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. Then, follow the steps outlined in How to Create a Case – Process Overview.

HOW TO CREATE A CASE – PROCESS OVERVIEW

▶ From Cases, click New Case.
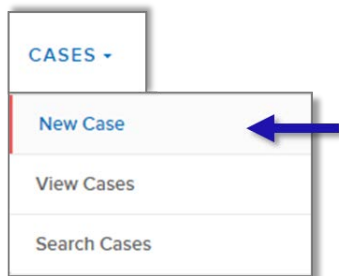
▶ Enter all required information from Section 1 of Form I-9 into each text field. Click Continue. In E-Verify, a red asterisk (*) indicates a required field.

▶ 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 their own internal tracking code to a case.

2.0 CLIENTS

The Clients menu is only available to E-Verify employer agents. This menu enables E-Verify employer agents to:

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

This section provides step by step guidance on each of these functions.

2.1   CLIENT ENROLLMENT

E-Verify employer agents must enroll their clients before they can create cases for them in E-Verify. 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.
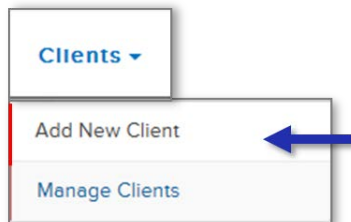
▶ Enter information for your client including client company name, client's Employer Identification Number, total number of employees, physical address and mailing address. A red asterisk (*) indicates a required field.

▶ Click Save & Continue. This creates a draft of the enrollment for this client if you are unable to complete enrollment at one time.

▶ 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 of your client's employees will be verified. For additional information refer to the E-Verify Supplemental Guide for Federal Contractors.

▶ Enter the North American Industry Classification System (NAICS) code for your client and click Save & Continue. If you do not have the number, 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 list. The resulting NAICS code will appear. Click Save & Continue.

▶ Click Add New to add participating hiring sites. Enter all the required information, and then click Add.

NOTE: When an employee is hired remotely and visits a third-party employer agent to complete Form I-9, for E-Verify purposes, the "hiring site" is the location of the third-party employer agent where Form I-9 was completed, not the home of the employee.

NEW CLIENT ENROLLMENT – PROCESS OVERVIEW

To add multiple hiring sites, See Section 2.1.3, Bulk Upload of Hiring Sites.

▶ 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.

IMPORTANT: Every employer must have at least one person assigned as a contact for E-Verify issues. One of your client's contacts must serve as the MOU signatory. The MOU signatory is the person with signature authority for the client company and his or her name will appear on the client MOU. The MOU signatory can also serve as a contact for the client.

▶ Review the client information and click Submit Enrollment. After the enrollment is submitted, the status changes to Pending Registration. E-Verify employer agents can search for a client in Pending Registration status to update or delete the registration.

▶ Click View MOU and print the client MOU. E-Verify employer agents must provide the Memorandum of Understanding for Employers Using an E-Verify Employer Agent to the client. The MOU signatory must sign the client MOU and return it to the E-Verify employer agent.

E-Verify employer agents must determine the best method to send the client the MOU and obtain the client's signature.

▶ After the client has signed the client MOU, return to E-Verify to upload the signed signature page and complete the enrollment. See Section 2.1.2, Upload Client MOU Signature Page for more information.

Upon enrollment, clients are required to clearly display the Notice of E-Verify Participation and Right to Work posters in English and Spanish; both appear below. Clients may also display the posters in other languages provided by DHS. Clients must display the posters in a prominent place that is clearly visible to prospective employees and all employees who will have their employment eligibility verified with E-Verify. In order for employees, applicants and the public to have the most recent and complete information regarding E-Verify, clients should replace their participation posters when updates are provided by DHS. After logging in to E-Verify, the posters are found under View Essential Resources. In addition, E-Verify recommends providing a copy of these posters with job application materials, either online or in hard copy.

Notice of E-Verify Participation — Provided by DHS

Right to Work Poster — Issued by Department of Justice, Immigrant and Employee Rights Section

2.1.1 DRAFT ENROLLMENTS

When a client starts, but does not complete the enrollment process, it is saved as a draft enrollment. This feature allows E-Verify employer agents to continue the client's enrollment process at a later time. To update a client's draft enrollment, follow the steps outlined in the Manage Draft Enrollments – Process Overview.

MANAGE DRAFT ENROLLMENT – PROCESS OVERVIEW

▶ Search for the client that has a draft enrollment in process. See Section 2.2, Client Search.

   NOTE: You can select the Draft filter on the Search Clients page to view all draft enrollments.

▶ To continue with the enrollment process for the client, Click Continue Editing.

   OR

▶ To delete the draft enrollment, Click Delete Draft.

2.1.2 UPLOAD CLIENT MOU SIGNATURE PAGE

E-Verify employer agents must submit the signed client MOU signature page to E-Verify to complete their client's enrollment. To submit the signed client MOU signature page, E-Verify employer agents may upload an electronic copy in E-Verify. To complete this upload, follow the steps outlined in Electronic Submission of Client MOU Signature Page – Process Overview.

ELECTRONIC SUBMISSION OF CLIENT MOU SIGNATURE PAGE – PROCESS OVERVIEW

▶ Search for the client. See Section 2.2, Client Search.

▶ Click View & Edit for the client.

▶ Ensure that all the information for the client is accurate and click Upload Signature Page.

ELECTRONIC SUBMISSION OF CLIENT MOU SIGNATURE PAGE – PROCESS OVERVIEW

▶ Enter the date the Client MOU was signed by the client, attach the signature page, and click Upload.

IMPORTANT: The file must be in PDF file format. No other file type is acceptable.

▶ E-Verify will email the E-Verify employer agent to confirm that the client MOU signature page was received and to indicate when the E-Verify employer agent can begin creating cases for that client.

Once the client MOU signature page is submitted, the client will remain in Pending Registration status until E-Verify confirms the client is enrolled. E-Verify employer agents can also search for a client in Pending Registration status and delete the registration if it is no longer needed.

NOTE: E-Verify employer agents who are unable to submit the client MOU signature page electronically in PDF format may fax it to 202-443-0215.

2.1.3 BULK UPLOAD OF HIRING SITES

The bulk upload function allows you to add multiple hiring sites by uploading a file. To use the bulk upload function, you must create a comma separated value (.csv) file with the hiring site addresses. To add multiple hiring sites, follow the steps outlined in the Bulk Upload of Hiring Sites – Process Overview.

BULK UPLOAD OF HIRING SITES – PROCESS OVERVIEW

▶ From the hiring sites tab, select Bulk Upload.

▶ If you need to create a .csv file, click Download CSV Samples to open a pre-formatted .csv file. Add the hiring site addresses to the .csv file and save the document. Click Browse to locate the file and then click Upload.

▶ Using the drop-down menu, match the columns in the .csv file to the E-Verify fields.

▶ Click Validate Fields.

▶ E-Verify will identify and separate any errors in the .csv file. The errors will be noted on the Import Summary page.

BULK UPLOAD OF HIRING SITES – PROCESS OVERVIEW
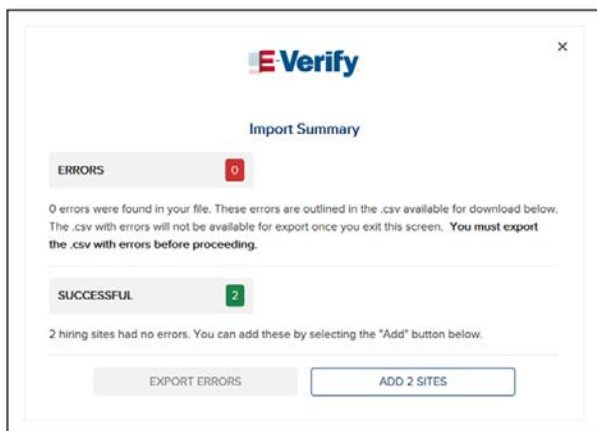
If you encounter errors during the bulk upload process, click Export Errors from the Import Summary page.

▶ Click Add "X" Sites to complete the bulk upload process for hiring sites.

▶ If you had errors in the .csv file, correct the errors in the .csv file. Use the updated .csv file to add the remaining hiring sites.

2.2 CLIENT SEARCH

E-Verify employer agents can search for their clients using the features in Manage Clients. To search for a client, follow the steps outlined in the Search Clients – Process Overview.

SEARCH CLIENTS – PROCESS OVERVIEW

▶ From Clients, click Manage Clients.
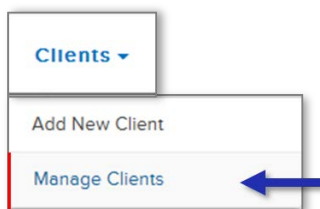
▶ Use the search bar (1) or check the filter options (2) to search for clients by their status or state. The search bar field can be used to search for a company name, address, company ID or email address.

SEARCH CLIENTS – PROCESS OVERVIEW

▶ Click View & Edit for the client you want to access. Follow the steps outlined in the Update Client Information – Process Overview to make changes to a client account.

2.2.1 UPDATE CLIENT INFORMATION

E-Verify employer agents can make changes to their clients' information including the company address, employer category, North American Industry Classification System (NAICS) code, hiring sites or point of contact list by updating information under the Manage Clients menu. To update client information in E-Verify, follow the steps outlined in the Update Client Information – Process Overview.

UPDATE CLIENT INFORMATION – PROCESS OVERVIEW

▶ Search for the client that requires updates. See Section 2.2 Client Search.

▶ Click View & Edit for the client you want to update.

▶ Click the edit button in the section you want to modify, including: company information, employer category, hiring sites and contacts.

Updated Hiring Site Requirement:

E-Verify employer agents are now required to enter the complete address for each client hiring site that participates in E-Verify.

Hiring sites entered in E-Verify before this policy change can be viewed as read-only or deleted after clicking Edit Hiring Sites from the hiring sites tab. You can add the address of any hiring site that does not already have an address manually or through the bulk upload process. See Section 2.1.3, Bulk Upload of Hiring Sites.

Once all of the client's hiring sites are added with the full address, delete the hiring sites without an address.

▶ Make the required changes and click Save & Continue.

2.2.2 CLIENT COMPANY INFORMATION FIELDS

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

CLIENT INFORMATION OVERVIEW	
SECTION NAME	**DESCRIPTION**
Company Overview	Name of the client company enrolled in E-Verify and its doing business as name, Employer Identification Number, DUNS number, and total number of employees.
Physical Address	Client's physical address.
Mailing Address	Client's mailing address, if different from the physical address.

2.2.3 VIEW CLIENT MEMORANDUM OF UNDERSTANDING (MOU)

Program administrators can view the client MOU 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
▶ Search for the client. See Section 2.2, Client Search.
▶ Click View & Edit for the client and scroll to the bottom of the Company Information page. Select the link to view the client's MOU signature page, the current MOU, or the historic MOU. The historic MOU will be the same as the current MOU if the MOU has not been updated since the client was enrolled.

2.3 TERMINATE CLIENT PARTICIPATION

Client 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 client termination electronically through E-Verify or email by submitting a written termination notice to E-Verify@dhs.gov or by fax to 202-443-0215.

In accordance with the Memorandum of Understanding for E-Verify Employer Agents, 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. Even after making a request to terminate a client's account, E-Verify employer agents are required to close all open E-Verify

cases for a client and make sure all cases are closed before the account is terminated.

IMPORTANT: Once an account is terminated, all access to the account and its associated records is gone. To preserve the records from an E-Verify account, refer to Section 5.0 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 through E-Verify, follow the steps outlined in the Terminate Client Account – Process Overview.

TERMINATE CLIENT PARTICIPATION – PROCESS OVERVIEW

▶ Search for the client whose participation you will terminate. See Section 2.2, Client Search.

▶ Click Terminate for the appropriate client.

▶ Select the reason for termination.

▶ Click Terminate.

Update or Cancel Termination:

Once termination is requested, the client will be in Pending Termination status for 30 days. E-Verify employer agents may return to E-Verify within 30 days to update the reason for termination or cancel the request.

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 for their clients until they have enrolled the 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 the Social Security Administration (SSA) and/or the Department of Homeland Security (DHS).

3.1 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 case result is listed in the Case Results – Overview.

CASE RESULTS - OVERVIEW	
Employment Authorized	The employee's information matched records available to SSA and/or DHS.
DHS Verification In Process	This case is referred to DHS for further verification.
SSA or DHS Tentative Nonconfirmation (TNC)	Information did not match records available to SSA and/or DHS. Additional action is required.
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.
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.

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, refer to the E-Verify User Manual.

3.1.1 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.

E-VERIFY EMPLOYER AGENT ACTION

- ▶ Notify the client of the TNC case result.

- ▶ Print the Further Action Notice and send it to the client.

- ▶ Instruct the client to review the Further Action Notice privately with the employee.

- ▶ Instruct the client to have the employee indicate on the Further Action Notice whether he or she will contest the TNC.

- ▶ Instruct the 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.

If the employee contests the TNC:

- ▶ Print the Referral Date Confirmation and provide it to the client.

THE CLIENT'S ACTION

- ▶ 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 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.

THE EMPLOYEE'S ACTION

If he or she contests the TNC:

▶   Visit an SSA field office with a copy of the Further Action Notice or contact DHS within eight federal government working days.

3.2   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. Additional information on case closure 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 by 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 • 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 • Website for initial employer enrollment	https://e-verify.uscis.gov/enroll
E-Verify Access for Employers and Corporate Administrators • User access to E-Verify	https://e-verify.uscis.gov/emp
E-Verify Access for E-Verify Employer Agents • 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. to 8 p.m. Eastern Time (TTY phone is available from 8 a.m. to 5 p.m. Eastern 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

E-VERIFY CONTACT INFORMATION

U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER)	
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/IER