



E-Verify

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Background

- Immigration Reform and Control Act of 1986 (IRCA) prohibits:
 - Knowingly hiring a foreign national who is not authorized to work in the U.S.
 - Failing to comply with the employment verification system (Form I-9) requirements

“Knowingly hiring”

- Employers cannot hire or continue to employ a person that they know is not authorized to work in the U.S.
- This includes “constructive knowledge”:
 - “Knowledge of fishy circumstances that would move a reasonable person to inquire further”
 - Cannot turn a blind eye or engage in willful ignorance of relevant facts



Duty to Investigate

- Employer acquires a duty to inquire further into employment authorization of its employee when it is put on notice that an employee's document may be faulty, defective or otherwise suspect
- This ties to the Social Security no match rule.



Social Security No-Match

- Each quarter the North Dakota University System submits a secure file to the Social Security Administration to verify employee names, Social Security Numbers, birthdates and sex of its employees
- All institutions are required to follow-up with employees that come back as a “no-match” to correct data



Discrimination is Prohibited

- IRCA also prohibits:

- Discriminating against any individual with respect to hiring or discharging an individual from employment because of:
 - National origin; or
 - Citizenship status
- But an employer may prefer to hire a U.S. citizen over another individual who is a foreign national if the two individuals are equally qualified



The Beginning of E-Verify

- In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which required Social Security Administration (SSA) and U.S. Citizenship and Immigration Service (USCIS) to initiate an employment verification program



Overview of E-Verify

- E-Verify is a web-based system that electronically verifies the employment eligibility of employees.
- E-Verify is a partnership between the Social Security Administration (SSA) and Department of Homeland Security (DHS). U.S. Citizenship and Immigration Services (USCIS) oversees the program.
- The system is free to all employers and available in all 50 states



What E-Verify Does

- E-Verify electronically compares information from employee I-9 forms against more than
 - 425 million records contained in SSA's database and
 - 60 million records in Department of Homeland Security (DHS) to verify identity and employment eligibility of employees
- Employment eligibility is verified regardless of citizenship
- Results are returned in seconds

Is E-Verify Required?

- All employers may enroll in E-Verify at any time and use the system to verify employment eligibility of new hires only
- Anticipated final rule (FAR 1.108(d)) will require use of E-Verify for all employees working on contracts/subcontracts issued by the federal government after May 21, 2009 as a term of the contract.

Federal Contractor Requirement

- FAR E-Verify clause: 73 FR 67704
- Types of Federal Contracts Affected
 - Period of Performance longer than 120 days
 - And greater than \$100,000
 - And only work performed in the U.S.
- Types of Subcontracts Affected
 - All service or construction subcontracts with a value over \$3,000 flowing from a federal contract that includes the E-Verify clause



E-Verify Deadlines for Federal Contractors

- If not already enrolled, must enroll in E-Verify within 30 days from the date of contract award
- 90 days from date of enrollment to verify all current employees working on the contract and to begin using the system for all new hires
- Then all new hires must be E-Verified within 3 business days after their start date



E-Verify Exception

- Applies to Higher Ed institutions, state and local governments and tribal agencies
- May choose to E-Verify only new and existing employees assigned to the covered federal contract



What is an “Employee Assigned to a Federal Contract”?

- Any employee hired after November 6, 1986
- Directly performing work under a contract that includes the E-Verify clause
- Does Not include employees performing support work, such as indirect or overhead functions



May E-Verify Entire Workforce

- Federal Contractors and Subcontractors have option to E-Verify entire workforce after final rule is approved
- Must notify DHS by selecting option in company profile in E-Verify-during enrollment or as an update
- Must initiate an E-Verify query for all employees within 180 days of selecting the option



SSN Requirement

- Employees must provide Social Security Numbers (SSN) to an E-Verify employer
- If employee has applied for and is waiting to receive an SSN, employer should make a notation on the I-9 form and proceed with E-Verify upon receipt of the SSN



E-Verify-Not a Screening Tool

- E-Verify users are prohibited from using E-Verify prior to a job offer and acceptance
- Employers participating in E-Verify are required to post the notice provided by DHS indicating participation in the program. The posting must be clearly visible to all prospective employees.



Applicants Notified of E-Verify

- Notice that UND uses E-Verify was added to:
 - UND Ads for Job Openings
 - Letter sent to New Employees by Human Resources and/or departments
 - Financial Aid Job-X Website
 - Mandatory posters at each worksite location

How To Register for E-Verify

- Accessible through any internet-capable computer with a Web browser of Internet Explorer 5.5 or Netscape 4.7 or higher (with exception of Netscape 7.0)
- http://www.dhs.gov/xprevprot/programs/gc_1185221678150.shtm
- Register online and sign Memorandum of Understanding



Types of E-Verify Users

- **General Users-** Performs verification queries, views reports and update profile
- **Program Administrator-**Creates user accounts as his/her site, view reports perform queries, update profile, unlock user accounts
- **Corporate Administrator-**Unlock accounts, view reports for multiple sites, register new sites and user accounts

Adding a New User

Add User - Personal Information

User Role: *

Last Name: *

First Name: *

M.I.:

Phone Number: () - ext. *

Fax Number: () -

E-mail Address: *



Online Training Required

- Prior to using E-Verify-Online Training Tutorial required-tutorial depends on access requested
- Time required – approximately 2 hours.
- Yes, there is a test at the end! Passing grade required.

Using E-Verify-Welcome Screen

Case Administration

- [Initial Verification](#)
- [View Cases](#)

Client Company Administration

- [Add Client Company](#)
- [View Client Companies](#)

User Administration

- [Change Password](#)
- [Pwd Challenge Q&A](#)
- [Change Profile](#)

Site Administration

- [Add User](#)
- [View Users](#)
- [Maintain Company](#)
- [Terminate DA Participation](#)

Reports

- [View Reports](#)

Welcome to E-Verify



For questions on E-Verify policy or procedures call 1-888-464-4218

Important Information for E-Verify Users

➤ 07/18/2008 - FAR BROADCAST MESSAGE JULY08

Reminder: Verification of New Hires Only

The proposed federal regulation suggesting certain federal government contractors verify all employees working on government contracts has not been made final and is not in effect at this time.

[Archive >](#)

News

- 05/05/2008 - *NEW* DIRECTIONS ON VISA NUMBER DATA ENTRY FOR E-VERIFY QUERIES
- 04/23/2008 - How to Find Your Company ID
- 04/09/2008 - Extension of Employment Authorization for F-1 STEM Students

[< Archive](#)

[More >](#)

Verification Process-Step 2

Enter Employee Information from Form I-9:

The employee attests to be (select one of the following):

- A citizen or national of the United States
- A Lawful Permanent Resident
- An alien authorized to work

Next

Verification Process-Step 3

Enter Employee Information from Form I-9:

<input checked="" type="radio"/> Alien Number:	<input type="text"/>	*	?
<input type="radio"/> I-94 Number:			
Passport Number:	<input type="text"/>	*	
Visa Number:	<input type="text"/>		?
Last Name:	<input type="text"/>	*	?
First Name:	<input type="text"/>	*	
Middle Initial:	<input type="text"/>		
Maiden Name:	<input type="text"/>		
Social Security Number:	<input type="text"/>	*	
Date of Birth: (mm/dd/yyyy)	<input type="text"/>	*	
Hire Date: (mm/dd/yyyy)	<input type="text"/>	*	?
Employer Case ID:	<input type="text"/>		?
Passport Exp. Date: (mm/dd/yyyy)	<input type="text"/>		

Back

Next

Verification Process-Step 4

Case Verification Number: 20080221039422M

Review the entered employee information for correctness. Ensure that you correctly entered the name, birth date, and social security number from the Form I-9.

If the data was correctly entered, select the 'Continue Verification' button. If corrections need to be made, make the necessary corrections and select the 'Continue Verification' button. If this case was entered in error, select the 'Resolve Case' button to close it as an invalid query.

SSA Verification Information

Last Name:	<input type="text" value="Doe"/> * ?
First Name:	<input type="text" value="John"/> *
Middle Initial:	<input type="text"/>
Maiden Name:	<input type="text"/>
Social Security Number:	<input type="text" value="000-00-0000"/> *
Date of Birth:	<input type="text" value="01/01/1965"/> *
Hire Date:	01/01/2008
Citizenship Status:	Citizen or National of the United States
Document Type:	List B, C Documents
Doc. Expiration Date:	
Employer Case ID:	

Verification-Step 5

Initial Verification Results

Last Name:	HERRERA LOMELI	First Name:	IGNACIO
Initial Eligibility	EMPLOYMENT AUTHORIZED		

Case Documents for Printing

[Case Details](#)

Photo Screening-PRC or EAC

Case Verification Number: 2007241141101MQ

Initial Verification

Last Name:	Lin	First Name:	Su
Middle Initial:		Maiden Name:	
Social Security Number:	000-00-0007	Date of Birth:	03/05/1987
Hire Date:	08/01/2007	Citizenship Status:	Lawful Permanent Resident (Alien # required)
Alien Number:	888888881	I-94 Number:	
Card Number:	MSC1234567891	Doc. Expiration Date:	
Document Type:	I-551	Initiated On:	08/29/2007
Initiated By:	TDONBP01		

Initial Verification Results

Last Name:	LIN	First Name:	SU
		Expire Date:	INDEFINITE



[Click to Enlarge](#)

Initial Eligibility

EMPLOYMENT AUTHORIZED

Case Documents for Printing

[Case Details](#)

DHS Tentative Nonconfirmation

Case Verification Number: 2007241124430MK

Initial Verification

Last Name:	linsberg	First Name:	rodney
Middle Initial:		Maiden Name:	
Social Security Number:	111-11-1111	Date of Birth:	08/28/2000
Hire Date:	08/08/2007	Citizenship Status:	Alien Authorized to Work (Alien or I94 # required)
Alien Number:	111111111	I-94 Number:	
Document Type:	Unexpired Foreign Passport with I-94 Stamp	Doc. Expiration Date:	
Initiated By:	RJON9865	Initiated On:	08/29/2007

Verification Response

Eligibility:	DHS Tentative Nonconfirmation	Response Date:	02/22/2008
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Case Documents for Printing

[Case Details](#)

[Notification to Employee - Department of Homeland Security Tentative Nonconfirmation \(English version\)](#)

[Notification to Employee - Department of Homeland Security Tentative Nonconfirmation \(Spanish version\)](#)

SSA Tentative Nonconfirmation

[Online Resources](#) | [Tutorial](#) | [Home](#) | [Contact Us](#) | [Exit](#)



Case Verification Number: 2008218134041VE

Case Administration

- > [Initial Verification](#)
- > [View Cases](#)

User Administration

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- > [Pwd Challenge Q&A](#)
- > [Change Profile](#)

Site Administration

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- > [View Users](#)
- > [Maintain Company](#)
- > [Terminate Company Participation](#)

Reports

- > [View Reports](#)

Initial Verification

Last Name:	Doe	First Name:	Jane
Middle Initial:	Q	Maiden Name:	
Social Security Number:	111-11-1111	Date of Birth:	01/01/2001
Hire Date:	10/10/2001	Citizenship Status:	Citizen or National of the United States
Alien Number:		I-94 Number:	
Document Type:	Unexpired or Expired U.S. Passport	Doc. Expiration Date:	
Employer Case ID:	1234		
Initiated By:	MRAA0986	Initiated On:	08/05/2008

Initial Verification Results

Initial Eligibility SSA TENTATIVE NONCONFIRMATION
SSN is invalid

Case Documents for Printing

[Case Details](#)

[Notification to Employee - Social Security Administration Tentative Nonconfirmation \(English version\)](#)

[Notification to Employee - Social Security Administration Tentative Nonconfirmation \(Spanish version\)](#)

[Initiate SSA Referral](#)

[Resolve Case](#)

[Close](#)

E-Verify Search Options

Enter Case Search Criteria

Case Status:

- All Open Cases
- Cases Requiring Action
- Cases In Process
- Resolved Cases

Case Verification Number:

Alien Number:

I-94 Number:

Social Security Number:

Date Initiated From:
(mm/dd/yyyy)

Date Initiated To:
(mm/dd/yyyy)

Initiated By:

Employer Case ID:



UND Implementation

- UND implemented E-Verify for all new employees employed on or after November 1, 2008
- Access is very limited
- Currently E-Verify sites are limited to:
 - Payroll Office
 - Department HR Officers/designees
 - Limited departments requiring after-hours verification

Department Role in E-Verify

■ Employing departments:

- Provide new employees, prior to starting work, with a blank I-9 form and show/tell them the identification they need to complete the form is listed on the back of the I-9 (Original documents only)
- Let new employees know which E-Verify site they need to take the completed form and identification as requested on the back of the I-9 form (Notify Payroll if an agent will be required for an off-site employee to complete the employer section of the I-9 form)
- Employing department will not allow employee to start work without a completed (employer/employee) I-9

E-Verify Site Role

- Complete employer section of I-9 form, when presented with original identification documents, as required, by the new employee. If employee presents a Permanent Resident Card or an Employment Authorization card, make a copy of that card (so that the face is recognizable on the copy) and attach to the back of the I-9). Do not make copies of any other documentation for the I-9 verification.
- Provide new employee with a New Employee packet with instructions to complete and return to the E-Verify site (Departments will no longer have New Employee packets)
- Payroll Office will give a green slip to the employee to take back to their department, with the date the I-9 was completed – employee may be employed no earlier than that date
- If employee is not a U.S. Citizen, the employee is requested to complete the Foreign National Information form and the E-Verify site will make copies of all international paperwork and attach to completed form.

E-Verify Site Role (cont'd)

- Within 3 days of employment, the E-Verify site will access the E-Verify website and enter identification data from the new employee I-9 form.
- The information will be electronically compared to SSA and DHS information
- If all information matches, the website will provide a confirmation page. Print that confirmation page and staple it to the back of the I-9 form.
- If information does not match, the E-Verify site is responsible for notifying employee and following up with employee to correct their information on their form or with SSA or DHS-must be completed within 8 business days-employee may continue to work until resolution. If a final Non-Confirmation is returned, notify department to terminate employee immediately.

New Employee Paperwork

- Employing department will:
 - Complete Job Data Hire form and Position Funding Form (if necessary)-Hire date may not be prior to the I-9 completion date
 - Route Job Data Hire (and Position Funding form) for signatures and then forward to the Payroll Office
- E-Verify Site will:
 - Send completed and E-Verified I-9 form and New Employee packet directly to Payroll- for protection of personal information



Questions?

Thank you for coming!