

What is E-Verify?

Simply put, E-Verify is a Web-based system that electronically verifies the employment eligibility of newly hired employees, regardless of citizenship. E-Verify is the product of a partnership between the Department of Homeland Security (DHS) and the Social Security Administration (SSA), and the U.S. Citizenship and Immigration Services (USCIS) oversees the program.

Based on the information provided by the employee on their Form I-9, E-Verify electronically checks more than 425 million records in the Social Security Administration (SSA) databases and 60 million records contained in Department of Homeland Security (DHS).

Who is required to participate in E-Verify?

While participation in E-Verify is not currently mandated by the federal government, several states, including Arizona, South Carolina, Georgia and South Carolina have enacted their own laws regarding employment eligibility verification, and more states and municipalities are following suit.

Which employees may I verify through the E-Verify system?

If you participate in the E-Verify Program, you are required to verify all new hires following completion of the Employment Eligibility Verification Form I-9 (Form I-9).

May I run an existing employee through E-Verify at this time?

No. All employers are prohibited from *running existing employees through E-Verify at this time*.

If I don't do any business with the State of Rhode Island, why should I participate in E-Verify?

E-Verify is currently the only means available for employers to electronically verify the employment eligibility of new hires. E-Verify helps protect jobs for authorized U.S. workers and helps U.S. employers maintain a legal workforce.

What are the consequences of non-compliance?

The Immigration Reform and Control Act of 1986 (IRCA) requires U.S. employers to verify the employment eligibility status of newly-hired employees and makes it unlawful for employers to knowingly hire or continue to employ unauthorized workers. Non-compliance can carry severe penalties, whether or not the violation was intentional or a result of ignorance or oversight.

How do I begin using E-Verify?

Before you can start using E-Verify, your company must be enrolled in the program. You can do this register directly with the DHS if you wish to use E-Verify on your own. If you want Hire Image to be your E-Verify Employer Agent, we will provide you with the necessary agreement (MOU, or Memorandum of Understanding) that provides the terms of agreement between you, Hire Image, the SSA, and DHS.

Are federal contractors required to use E-Verify?

Not at this time. At this time, the E-Verify program remains a voluntary program for most employers, including federal contractors. The Executive Order instructs Federal agencies to require contractor participation in E-Verify as a term of future contracts, and the proposed rule provides detailed guidance on how that requirement is to be implemented. However, the proposed rule is not a final rule; it is a proposal that is open for public comment at this time. There may be substantive changes to the rule before it becomes final. Moreover, the final rule will not be effective until 30 days after publication. Under the proposed rule, you would only be required to enroll in E-Verify if and when you enter into a Federal contract or subcontract that requires participation in E-Verify as a term of the contract. Although Federal Contractors are not yet required to participate in E-Verify, you are encouraged to enroll in E-Verify now to verify the employment eligibility of your new hires.

Can E-Verify be used prior to hiring a job applicant?

No. All users are prohibited from using E-Verify prior to hiring an applicant. By signing the MOU to participate in E-Verify, all employers agree not to use E-Verify for pre-employment screening of job applicants, support for any unlawful employment practice, or any other use not authorized by the MOU. Should the employer use E-Verify procedures for any purpose other than as authorized by the MOU, the employer may be subject to appropriate legal action and the immediate termination of its access to SSA and DHS information.

What information is required to conduct an initial verification using E-Verify?

All new hires are required to complete the Form I-9 before an E-Verify query is conducted. Note that recently admitted asylees and refugees may not have a Social Security number at the time of hire; for those cases, the employer should run the person through E-Verify after the employee has received their number from the Social Security Administration.

What is the required timeframe for conducting an employment eligibility check through E-Verify on a newly hired employee?

The earliest the employer may initiate a query is after an individual accepts an offer of employment and after the employee and employer complete the Form I-9. For newly hired employees, the employer must initiate the query no later than three business days after the newly hired employee starts work for pay.

How quickly will I know if an employee is employment authorized?

Response to the initial query is received within seconds of submitting the query. Most employees are immediately determined authorized for employment. A "Tentative Nonconfirmation" (TNC) occurs when the employee's information is compared to government records and work authorization cannot be immediately confirmed. A TNC may be issued by either SSA or DHS, depending on where the information mismatch occurred. A TNC does not necessarily mean that the worker is not work authorized or that the information provided was incorrect.

Does participation in E-Verify provide "safe harbor" from work site enforcement?

An employer who verifies work authorization under E-Verify has established a rebuttable presumption that it has not knowingly hired an unauthorized alien. However, participation in the program does not provide a "safe harbor" from worksite enforcement.

Are we required to notify our employees of our participation in E-Verify?

Yes. All employers using E-Verify must notify applicants of their use of the program. As an employer participating in E-Verify, you are required to post the notice provided by DHS indicating your company's participation in the E-Verify program as well as the anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the Department of Justice. The posting must take place in an area where it can be viewed by applicants and new hires. Notices can be found in the "On-line Resources" section of the E-Verify site, and Hire Image will provide them to you upon signing the MOU. Your employees have the right to know that you participate in E-Verify before you enter an E-Verify query on that employee.

I am an employer with multiple hiring sites. Can one site verify everyone? Alternately, must every site be enrolled?

Yes, one site may verify new hires from all sites. No, every site is not required to be enrolled. You can choose which sites to enroll.

**For more information on E-Verify visit <https://www.vis-dhs.com>
or contact E-Verify Customer Support at 1-888-464-4218.**