For: FSA HRD and State Offices

Requirements for E-Verify (Federal and County Employee New Hires)

Approved by: Deputy Administrator, Management

1 Overview

A Background

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, requiring SSA and the U.S. Citizenship and Immigration Service (USCIS) (formerly the Immigration and Naturalization Service), to initiate an employment verification program. Presently, the E-Verify program implements this mandate.

B What E-Verify Is

E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS) in partnership with SSA allowing participating employers to electronically verify the employment eligibility of new hires. E-Verify virtually eliminates Social Security mismatches, improves the accuracy of wage and tax reporting, protects jobs for authorized U.S. workers, and helps U.S. employers maintain a legal workforce.

C Purpose

This notice:

- implements FSA requirements for the employment verification of new Federal and county hires

- provides E-Verify enrollment instructions for Program Administrators and general users

- provides procedures for the verification of new hires.

Disposal Date	Distribution
December 1, 2018	FSA HRD and State Offices

1   Overview (Continued)

D   Privacy Statement

It is essential to protect the privacy of individuals submitting information for processing
through E-Verify. Since E-Verify involves collecting and using an individual's personal
information, it is FSA's responsibility to ensure that this information is safeguarded. The
personal information shall be used only for the purposes outlined in the MOU between the
E-Verify Program Administrators and general users. Failure to properly protect individuals'
information can result in identity theft or fraud, and can cause considerable inconvenience,
harm, or embarrassment to the individuals affected. Failure to comply with the Privacy Act
or other applicable laws and regulations may subject the employee and FSA to criminal
penalties.

At the minimum, the following shall be taken to protect personal information and comply
with the appropriate regulations:

* allowing only authorized employees to use E-Verify by ensuring that only the appropriate
  employees handle information and perform verification queries

* securing access to E-Verify by protecting the E-Verify password and ensuring that
  unauthorized users do not gain access to the system

* protecting and storing individuals' information properly in a safe and secure location to
  which only authorized individuals have access.

E   Agency Contact Information for Assistance

If there are questions about this notice, contact either of the following.

IF…	THEN contact…
Federal	the Human Resources-Resolutions Operation Center (HR-ROC) by: • e-mail to **SM.FSA.MOKAN.HR-ROC@kcc.usda.gov** • telephone at 816-823-3996.
County	Patricia Murray, County Personnel Program Manager, by: • e-mail to **patricia.murray@ia.usda.gov** • telephone at 515-331-8449.

If help is needed with operating E-Verify, contact the DHS Verification Division for
assistance as follows.

IF…	THEN contact…
DHS	• DHS Technical Help Desk by telephone at 800-741-5023 • DHS E-Verify General Information by telephone at 888-464-4218 • DHS E-Verify Support E-mail to **e-verify@dhs.gov**.

2   Enrollment of E-Verify Program Administrators and General Users

A   Enrollment Procedures

The Designated Program Administrator in HR-ROC will give access to each FSA State Office Administrative Officer (AO) or designees. The AO or designees will be given a user ID by e-mail, and a temporary password to log into the E-Verify website address at **https://e-verify.uscis.gov/web/Login.aspx**. If the AO wants other designated users to use E-Verify, the AO should contact their HR-ROC Specialist to register the designated user.

Note: User ID's and passwords must be protected at all times.

If the Program Administrator or general user leaves FSA, employees are required to choose and add a new Program Administrator or general user and terminate their user access before they leave FSA.

AO's must ensure that the E-Verify Participation Poster and the E-Verify Right to Work Poster are posted where they can be seen by all new employees or applicants. The posters must be in English and Spanish. Links are provided in Exhibit 1.

B   Using E-Verify: Verification Procedures

Exhibit 2 outlines the step-by-step process by which E-Verify is completed for newly hired employees. Follow all directions and refer to the E-Verify User Manual found on the E-Verify website, click on "Resources" and "View User Manual".

C   Frequently Asked Questions

Exhibit 3 provides some questions and answers presented from users that may prove to be helpful while using E-Verify.

Important Links

Description	Link
E-Verify enrollment as a general user	**https://e-verify.uscis.gov/web/Login.aspx**
E-Verify Right to Work Poster in English	**https://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/OSC_Right_to_Work_Poster.pdf**
E-Verify Right to Work Poster in Spanish	**https://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/OSC_Right_to_Work_Poster_ES.pdf**
E-Verify Participation Poster in English and Spanish	**https://e-verify.uscis.gov/web/media/resourcesContents/E-Verify_Participation_Poster_ES.pdf**
Form I-9 in English	**https://www.uscis.gov/sites/default/files/files/form/i-9.pdf**
Form I-9 in Spanish	**https://www.uscis.gov/sites/default/files/files/form/i-9_spanish.pdf**

Using E-Verify: Verification Procedures

Step	Action
1	Go to the E-Verify website at **https://e-verify.uscis.gov/web/login.aspx** and log in.

Using E-Verify: Verification Procedures (Continued)

Step	Action
2	From the homepage, CLICK "Cases" and then CLICK "New Case".

Using E-Verify: Verification Procedures (Continued)

Step	Action
3	Within 3 days of the employee reporting for duty, enter the information on the Initial Verification Screen as requested (Last Name, First Name, Date of Birth, Social Security Number). If the employee provided an e-mail address, it must be included. Otherwise, click the "No email address provided" box. CLICK "Continue".

Using E-Verify: Verification Procedures (Continued)

Step	Action
4	Select the citizenship status of the employee found in Section 1 of Form I-9, then CLICK "Continue".

Citizenship Status

A citizen of the United States	A noncitizen national of the United States	A lawful permanent resident	An alien authorized to work

Continue

Using E-Verify: Verification Procedures (Continued)

Step	Action
5	Click on the type of acceptable documents listed in Section 2 of Form I-9 ("List A Document" or "List B & C Document"), then CLICK "Continue".

From the drop-down list, select what document was used. Enter the document number, enter the expiration date on the document, and CLICK "Continue".

Using E-Verify: Verification Procedures (Continued)

Step	Action
6	Select the employee's first day of employment and enter the date. CLICK "Continue". **Note:** If the date is entered late, an explanation will be required.

Using E-Verify: Verification Procedures (Continued)

Step	Action
7	Review the case details, CLICK "Edit Case Details" if needed; otherwise, CLICK "Submit Case".

Additional Case Details

Employee's First Day of Employment
04/30/2018

Reason for Delay
Other

Reason for Delay Description
Late coming from Field Office

Edit Case Details

By clicking 'Submit Case' I confirm that the case information accurately reflects the information on the employee's Form I-9.

Submit Case   **Save & Exit**

If an employee used a passport, compare the photo displayed with the documentation. Click 1 of the following then CLICK "Continue to Case Results":

- "Yes, this photo matches" if it is a match
- "No, this photo does not match" if it is not a match
- "No photo displayed" if no photo is displayed.

Photo Match

Does the photo displayed match the photo displayed on [REDACTED] U.S. Passport or Passport Card?

○ Yes, this photo matches
○ No, this photo does not match
○ No photo displayed

DO NOT SIGN APPLICATI

Continue to Case Results   **Save & Exit**

Using E-Verify: Verification Procedures (Continued)

Step	Action
8	Verify "Employment Authorized" and either write the Case Verification Number on the bottom of the first page of Form I-9, or CLICK "View/Print Case Details" to print the Case Verification and attach it to Form I-9.

Using E-Verify: Verification Procedures (Continued)

Step	Action
9	Tentative Nonconfirmation (TNC) means that the information entered into E-Verify does not match records available to SSA and/or DHS. It is possible for an employee to receive a dual TNC, which means the case received a TNC result from both agencies at the same time because information entered into E-Verify does not match records available to both SSA and DHS. E-Verify identifies the agency or agencies associated with the mismatch in the TNC Further Action Notice. TNC for an information mismatch against SSA records may result because of the following reasons: • employee's citizenship or immigration status was not updated with SSA • employee's name change was not reported to SSA • employee's name, Social Security number, or date of birth is incorrect in SSA records • SSA records contain another type of mismatch • employer did not enter employee's information correctly. A case can result in TNC with DHS because the employee's: • name, alien number, Form I-94 number, and/or foreign passport number are incorrect in DHS records • U.S. passport, passport card, driver's license, State ID, or foreign passport 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. **Important:** Employers may not terminate, suspend, delay training, withhold or lower pay, or take any other adverse action against an employee because the employee received TNC, until TNC becomes a Final Nonconfirmation. If the employee chooses not to take action on TNC, the employer may terminate employment with no civil or criminal liability as noted in "Responsibilities of the Employer", Article II, Section A, paragraph 13 of MOU. The case can be treated as a Final Nonconfirmation and the employer should close the case in E-Verify.

Using E-Verify: Verification Procedures (Continued)

Step	Action
10	Notify the employee of TNC. Follow the instructions in step 1 below, and change the language if needed. Follow the instructions in step 2 below, and click the radio button that applies. CLICK "Continue". **Tentative Nonconfirmation** It's okay! E- Verify just needs some more information from you and **John** ▉▉▉▉ before confirming employment authorization. Here are the next steps you both will need to take. Next steps: STEP 1 Download, print, and review the Further Action Notice with John privately. Make sure that John fully understands the Further Action Notice. This document will explain why John received this result, and what to do next. If you encounter any issues downloading your document, please ensure that you are using the latest version of your browser and that your pop-up blocker is disabled. [Download Further Action Notice] [English] STEP 2 Ask if John will choose to take action to resolve this error and correct the data mismatch that led to this result. (A) **If John chooses to take action to resolve this case, indicate that in the option below.** Make sure John understands that after you select this option, there will be a deadline of **8 federal working days** starting today to take action. If an email was provided, John will receive a confirmation email that indicates when this countdown begins. (B) **If John chooses not to take action to resolve this case, indicate that in the option below.** You will receive a final result that indicates that we were unable to confirm employment eligibility. John needs to understand that refusing to take action could result in losing this job. **After John has reviewed the Further Action Notice, indicate the decision below:** ○ **John will take action to resolve this E-Verify case.** John understands that action must be taken by **May 17, 2018**. ○ **John will not take action to resolve this case.** John understands that this cannot be undone and choosing not to take action could result in termination of employment. [Continue] [Save & Exit]

Using E-Verify: Verification Procedures (Continued)

Step	Action
10 (Cntd)	Confirm the employee intends to take action to resolve the case, download the document, and CLICK "Continue". Review the Further Action Notice with the employee in private and instruct the employee to confirm that the information listed at the top is correct. **Important:** Provide the Further Action Notice to the employee in person, by FAX, by e-mail, or by overnight or next-day delivery service, as long as proper precautions are taken to ensure that the employee's information is protected. • Instruct the employee to indicate whether he or she will take action to resolve TNC, then have the employee sign and date the Further Action Notice printed in English. • Provide the employee a copy of the signed Further Action Notice in English (and a translated version, if appropriate). • Attach the original signed Further Action Notice to the employee's Form I-9. Close the case only after E-Verify provides a final case result or if the employer no longer needs to continue to confirm the employment eligibility of the employee. If the employer determines information in the case is incorrect and the case should be closed, select the option indicating the employee will not take action. The case will receive a Final Nonconfirmation result and the employer will be allowed to select an option indicating the case information was entered incorrectly.
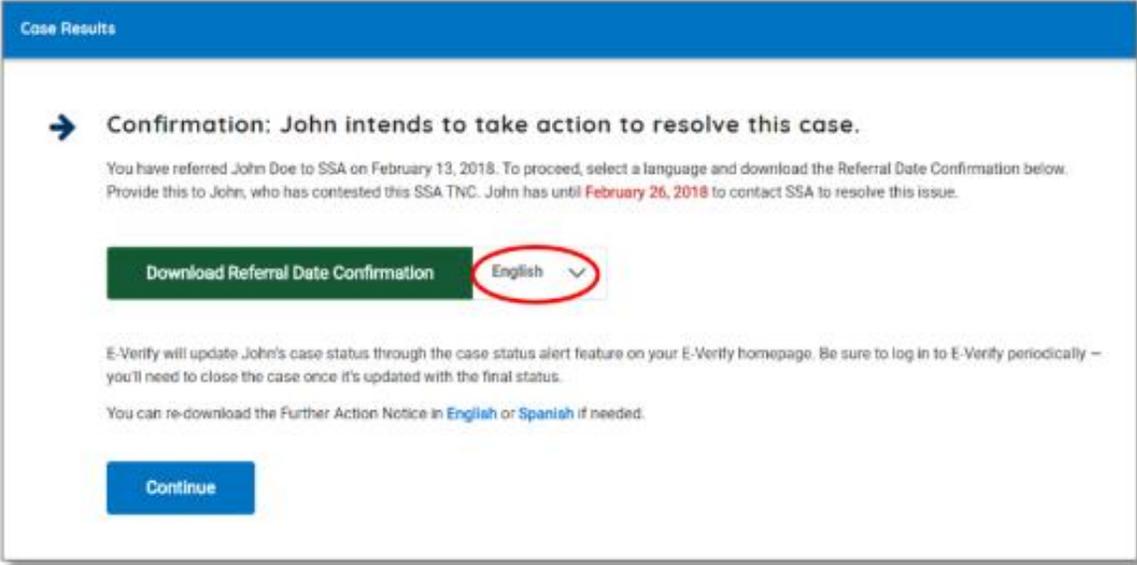
Using E-Verify: Verification Procedures (Continued)

Step	Action
10 (Cntd)	If the employer selected the option indicating the employee will not take action to resolve the case, and confirmed that the correct option is selected: • CLICK "Continue" to close the case • CLICK "Cancel" to return to the previous screen. **Note:** If the employer clicks "Continue" to close the case, E-Verify displays an updated case status of Final Nonconfirmation. CLICK "Close Case". SSA or DHS has 10 Federal Government workdays from the date the case was referred to update the case result in E-Verify. Check E-Verify periodically for an update in the case result.

Using E-Verify: Verification Procedures (Continued)

Step	Action
10 (Cntd)	A "Case in Continuance" status indicates that the employee has visited an SSA Field Office and/or contacted DHS, but more time is needed to determine a final case result. The reason SSA or DHS needs more time varies with each situation. Employers should check E-Verify periodically for case result updates. The employer may not terminate or take adverse action against an employee because of TNC while SSA or DHS is reviewing the employee's case. The employee's case may receive a "Close Case and Resubmit" case result if SSA and/or DHS are unable to process the case and confirm employment eligibility. The employer should close the case in E-Verify and create a new case. When the user clicks "Close and Create New Case", the case is automatically closed and E-Verify opens a new case for the user to begin entering the employee's information from Form I-9.

Using E-Verify: Verification Procedures (Continued)

Step	Action
10 (Cntd)	 Print the TNC letter and instructions to give to the employee.

Using E-Verify: Verification Procedures (Continued)

Step	Action
11	Click "Cases with New Updates" to print out a list of all cases that have been verified and employment not authorized.

Frequently Asked Questions

Q: Will States be responsible for completing E-Verify for both county and Federal hires or will HRD handle it for the Federal hires?
A: **The State Offices will be responsible for completing E-Verify for new hires in their State and County Offices (both Federal and county).**

Q: Should we complete the E-Verify process of all current employees, or just for all new hires moving forward?
A: **All new hires receiving pay moving forward only.**

Q: Does this process need to be completed for volunteers?
A: **No, the E-Verify process only needs to be completed for employees and nonemployees receiving pay.**

Q: How can State Office employees verify photos if we are not always the person completing Form I-9 and verifying the ID documents? For example, our county hiring managers usually verify ID documents for County Office employees. Will they now have to provide a photocopy to us?
A: **The County Offices will need to forward photo copies of the ID documents used to complete Form I-9 to the States Office along with Form I-9.**

Q: What are the steps in the rare case we have an employee who is not authorized for employment?
A: **Refer to the E-Verify User's Manual.**

Q: Who is our Program Administrator?
A: **The Program Administrator is the servicing Human Resources Specialist in HR-ROC.**

Q: When does this take effect? We had a new hire on January 7, 2018, and we did not do E-Verify. Do we have to go back and do it on this new hire?
A: **The required use of E-Verify takes effect as of the date the employee is registered on E-Verify and goes forward from that date. The employer does not need to go back and complete retroactively for previous new hires.**

Q: When a county employee moves to a Federal position, do we have to do E-Verify?
A: **No, if the county employee had an E-Verify case opened for them already. Yes, if an E-Verify case has not already been completed.**

Q: Who do we contact to get access to E-Verify?
A: **Contact the servicing Human Resources Specialist in HR-ROC.**

Q: Do we do E-Verify on COC members? They are elected, paid, intermittent employees.
A: **Form I-9 and the ID proof documents are collected on all COC members when hired, so yes, complete E-Verify on them.**

Frequently Asked Questions (Continued)

Q: Do we need to do E-Verify on reappointed COC members and newly appointed members?
A: No, not on reappointed COC members, only new members need E-Verify.

Q: May we enter E-Verify data before the entrance on duty?
A: No, E-Verify should not be completed before the first day of employment, but must be entered within the first 3 days of employment.

Q: Are we required to see the proof of identification documents?
A: Yes. In fact, copies of the identification documents are required to be kept on file.

Q: If we hire a COC member effective January 1, but they do not come to work for a while, when do we do Form I-9 and E-Verify? COC members are intermittent employees, so they just work as needed. Their effective date of hire is January 1, but they may not come to their first meeting until February or later. We normally do Form I-9 when they come to their first meeting. Is that still okay to do? So we would need to do E-Verify within 3 days of the day they first work, correct? Not within 3 days of January 1? On Form I-9, there is a field for "The employee's first day of employment". What do we put in that blank in the case of an intermittent employee whose first day of actual work could be quite a while after the effective date of their hire action?
A: The E-Verify User Manual states, "newly hired employees must complete Section 1 of Form I-9 in its entirety on the first day of work for pay". Therefore, if the State Offices enter the first day of the COC meeting the COC/Minority Advisor/SDA member attends is the "employee's first day of employment", they should be fine. This is the date that should be put on Form I-9.