

E-VERIFY: AT A GLANCE

WHAT IS E-VERIFY?

E-Verify is an Internet-based system that uses information from an employee's I-9 form and Employment Eligibility Verification, as well as the Department of Homeland Security (DHS) and Department of State (DOS) records to confirm the employee is authorized to work in the U.S.

The system is administered by the DHS, U.S. Citizenship and Immigration Services (USCIS) Verification Division and the Social Security Administration.

HOW DOES E-VERIFY WORK?

Employers create a case in E-Verify, which checks the employee's information against available DHS records. The system then provides the employer a result in 3 to 5 seconds. The case results state one of the following:

Employment Authorized

- The information entered by the employer matches with DHS or SSA records

DHS or SSA Tentative Nonconfirmation (TNC)

- The information entered by the employer does not match DHS, SSA or DOS records
- Employers must inform the employee of the TNC and give him/her the opportunity to contest the result by correcting the DHS or SSA records (on their own)

WHY IS E-VERIFY IN PLACE?

E-Verify helps employers maintain a legal workforce and reduce the use of fraudulent work documents. Also, E-Verify improves the accuracy of wage and tax reporting by reducing identity mismatches.

WHAT EMPLOYERS ARE REQUIRED TO USE E-VERIFY?

E-Verify is a voluntary program for most employers, but mandatory for some, including:

- Federal contractors
- Employers in the following states:
 - Arizona and Mississippi: Required for all employers
 - South Carolina: Encouraged for all employers
 - Colorado, Georgia, Missouri, Nebraska, Oklahoma, Rhode Island and Utah: Required for public contractors and state agencies
 - Idaho, Minnesota and North Carolina: Required for state agencies

WHAT ARE THE E-VERIFY POSTING REQUIREMENTS?

Employers who participate in E-Verify must post the *E-Verify* and *Right to Work* postings, in English and Spanish, at the company's hiring location. The postings are required for:

- Federal contractors
- Employers in states required to use E-Verify (see *What Employers are Required to Use E-Verify?*)
- Employers who voluntarily participate in the federal E-Verify program

TIMELINE OF RECENT E-VERIFY EVENTS

MAY 2017

Mandatory E-Verify Included in Trump's 2018 Budget

Trump's 2018 budget – announced May 2017 – proposes \$15 million of the DHS budget to begin the implementation of a mandatory nationwide E-Verify program. The goal of the program would be to have E-Verify implemented in all businesses within three years.

Mandatory E-Verify Posting Update

The federal *E-Verify* posting, issued by the USCIS agency, updated Aug. 17. It was revised to reduce language and make information more clear and understandable. The poster layout was also redesigned and includes both the English and Spanish posting versions.

SEPT. 2017

AUG. 2017

The Legal Workforce Act of 2017 Introduced to Congress

This law would require every employer in the U.S. to use E-Verify. Details include:

- Preemption of local E-Verify laws
- Locking Social Security numbers to protect against identify theft
- Raising penalties for knowingly hiring undocumented workers

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