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1. What is the E-Verify program?

- a. E-Verify is an internet based program in which the employment eligibility of all newly hired employees is confirmed after the I-9 Employment Eligibility Verification Form has been completed.

2. Am I required to participate?

- a. Yes, if you are a North Carolina State agency, department, institution, community college, or local education agency, you are required to use the program. However, the Federal government has not mandated the use of the E-Verify program nationwide.

3. What is the advantage of the E-Verify program?

- a. E-Verify is currently the best means available for employers to electronically verify the employment eligibility of their newly hired employees. The program virtually eliminates Social Security mismatch letters, improves the accuracy of wage and tax reporting, protects jobs for authorized workers, and helps you to maintain a legal workforce.

4. What is the purpose of the Memorandum of Understanding?

- a. The MOU sets forth the points of agreement between the Social Security Administration (SSA), the Department of Homeland Security (DHS), and the user agency or university.

5. Are the terms of the MOU negotiable?

- a. All North Carolina state agencies and universities were required to sign the MOU by January 1, 2007. Once your agency or university has agreed to and signed the memorandum of understanding, the terms of that memorandum are binding.

- 6. What are the responsibilities of the SSA with regard to the proper function of the E-Verify program?**
- i. SSA will provide the employer with available information that will allow the employer to confirm the accuracy of Social Security numbers provided by all newly hired employees.
 - ii. Provide appropriate assistance with operational problems that may arise during the employer's participation in the E-Verify program.
 - iii. Safeguard information provided by the employer through the E-Verify program, and limit access to such information to individuals responsible for the verification of SS numbers and for evaluation of the E-Verify program.
 - iv. Establish a means of secondary verification for employees who contest SSA tentative non-confirmations.
- 7. What are the responsibilities of the Department of Homeland Security?**
- i. Agrees to provide the employer access to selected data from the Department of Homeland Security database to enable the employer to conduct automated verification checks on newly hired alien employees by electronic means.
 - ii. Provide appropriate assistance with operational problems that may arise from the employer's participation.
 - iii. Provide a manual containing instructions on E-Verify procedures.
 - iv. Provide a notice regarding the employer's participation in the E-Verify program, as well as notices issued by the Office of Special Counsel for Unfair Immigration Related Employment.
 - v. Issue the employer a user identification number and password that will permit the employer to verify information provided by alien employees with DHS' database.
 - vi. Safeguard information provided to DHS through the E-Verify program, and limit access to that information to individuals responsible for the verification of alien employment eligibility and for evaluation of the E-Verify program.
 - vii. Establish a means of automated verification that is designed to provide confirmation or tentative non-confirmation of employees' employment eligibility within 3 federal gov't work days of the initial inquiry.
 - viii. Establish a means of secondary verification for employees who contest DHS tentative non-confirmation that is designed to provide confirmation or non-confirmation of the employee's employment eligibility.
- 8. What are the responsibilities of the employer?**

- i. Display notices supplied by DHS regarding participation in the E-Verify program.
- ii. Provide to the SSA and DHS the names, titles, addresses and telephone numbers of the employer representatives to be contacted regarding the E-Verify program.
- iii. Become familiar with and comply with the E-Verify Manual.
- iv. Agree that all employer representatives performing employment verification queries will complete E-Verify web based training.
- v. Comply with established I-9 procedures, except that all list B documents must contain a photograph.

9. When should the employer initiate the E-Verify verification?

- a. The E-Verify employment eligibility verification must be completed within 3 business days after each employer has been hired. The earliest the employer may initiate a query is after an individual accepts an offer of employment and after the employer and employee complete the I-9 form.
- b. Although the employer may initiate the query before a new hire's actual start date, it may not pre-screen applicants and may not delay training or an actual start date based upon a tentative non-confirmation or a delay in the receipt.

10. Can the employer complete the I-9 and run E-Verify before a person is hired?

- a. No, an employer is prohibited from initiating verification procedures before the employee has been hired and the form I-9 completed. However, an employer is permitted to complete the process prior to the employee's actual start date. Also, it is permissible to complete the process when a conditional offer of employment has been made and accepted.

11. Is E-Verify run at the same time the I-9 is completed?

- a. The E-Verify program may be run at the same time as the I-9 form is completed, but it may not be run before both sections 1 and 2 of the forms have been completed.

12. What do I do if the E-Verify program website is down?

- a. If the automated system is not working, the 3 day time period is extended until it is again operational in order to accommodate the employer's attempt, in good faith, to make inquiries.

13. Do I have to run an E-Verify verification on everyone, or is it only for foreign employees?

- a. An employer may not verify selectively, and agrees to use the E-Verify program for ALL new hires.

14. If an employee is tentatively not confirmed, should that person remain employed if he or she contests the tentative non-confirmation?

- a. The employer agrees not to take any adverse action against an employee based upon the employee's employment eligibility status while SSA or DHS is processing the verification request unless the employer obtains knowledge that the employee is not work authorized. This "knowledge" is defined in 8 C.F.R. sec 274a.1(1).

15. How do I prove that I have completed an E-Verify verification?

- a. The employer agrees to record the case verification number on the employee's I-9 form or print the computer screen containing the case verification number and attach it to the employee's I-9 form.

16. Are my E-Verify verification records subject to audit?

- a. The employer agrees to allow DHS to make periodic visits to the employer for the purpose of reviewing E-Verify related records that were created during the employer's participation in the E-Verify pilot program.

17. What should I do if one of my employees is tentatively not confirmed for employment eligibility based on a social security number discrepancy?

- a. The employer will refer employees to the SSA field offices only as directed by the automated system based on a tentative non-confirmation, and only after the employer records the case verification number, reviews the input to detect any transaction errors, and determines that the employee contests the tentative non-confirmation.

18. What should my employee do if he or she receives a SSA tentative non-confirmation and wishes to contest it?

- a. If the employee contests an SSA tentative non-confirmation, the employer will provide the employee with a referral letter and instruct the employee to visit an SSA office to resolve the discrepancy within 8 Federal Government business days from the date of the referral letter. The employer will make a second inquiry to the SSA database using E-Verify procedures on the date that is 10 government work days after the date of the referral letter in order to obtain confirmation, or final non-confirmation.

19. What should my employee do if he or she receives a tentative non-confirmation from the Department of Homeland Security?

- a. The employer must record the case verification number and date on the I-9 form, or print the screen showing the case verification

number, and attach that form to the I-9. The employer must determine whether or not the employee wishes to contest the tentative non-confirmation, and instruct an employee who contests to contact the Department of Homeland Security to resolve the discrepancy within 8 Federal Government work days. DHS will electronically transmit the result of the referral to the employer.

20. What is a “hiring site”?

- a. Even though your agency or University is considered one employer for the purposes of the E-Verify program, you probably hire employees through multiple offices. Also, different employees might be subject to different hiring procedures (i.e. EPA v. SPA employees). The E-Verify program allows you to consolidate your hires based on their similarities or differences (i.e. all people hired through the History Department, or all SPA employees). Your agency or university has the discretion as to create different hiring sites.

21. My agency/university has multiple hiring sites. Can one site verify everyone?

- a. Yes, one site may verify new hires at all sites. At the time your agency or university registered for the program, it was required to submit information for all hiring sites. When you log into the system, you must choose the site for which you want to verify an employee.

22. Can one person oversee all of our hiring sites?

- a. Your Corporate Administrator has the ability to run reports on the activity at each hiring site. However, that person would also have to be a Program Administrator in order to run verification queries.

23. What is a Corporate Administrator?

- a. The Corporate Administrator is a person who has the ability to oversee the use of the E-Verify Program at your agency or University. There may be more than one Corporate Administrator. This person can run reports that will detail program usage, and can add or delete users from the system.

24. How does our agency/university change or add corporate administrators?

- a. One of your corporate administrators can simply log into the E-Verify Program, and click on “Add Corporate Administrator” in the left hand column. You can also eliminate a Corporate Administrator if a person has left their position, or their job responsibilities have changed.

25. What are program administrators?

- a. A Corporate Administrator can oversee the E-Verify Program, but cannot run employment eligibility verification queries. Once a Corporate Administrator has set up your hiring sites, that person must choose Program Administrators to run queries. Program Administrators can also run reports to review the usage of the system at their particular hiring location.

26. What are general users?

- a. Some employees should not have or do not want the ability to run reports on the E-Verify program usage at a particular hiring location. General Users can run employment eligibility verification queries, however the only reports that they can access contain information on their own usage of the system.

27. We have a temporary employee who is employed through an outside agency. We plan to hire her as a permanent employee. Is it ok to ask her to complete her I-9 and run her through the E-Verify program before her employment status changes?

- a. You may ask this employee to complete her I-9 and run her through the E-Verify program as long as you have officially offered her the position, and she has accepted that position.

28. Do I have to run the E-Verify program on student employees?

Yes, N.C. Senate Bill 1523 sec. 23.1 states that all individual's legal eligibility to be employed in the United States must be confirmed by the E-Verify program after hiring the individual as an employee to work in the United States. The legislation does not exclude students. Therefore, if a student is employed while he or she attending school, his or her legal eligibility to be employed must be confirmed by the E-Verify program.

29. Is a student engaged in "Optional Practical Training" pursuant to the terms of an F-1 visa considered an employee for purposes of the E-Verify program?

- a. Yes. If your University or agency employs a person who presents an F-1 visa as proof of eligibility for work, you must verify that person's eligibility for employment using the E-Verify program. Even though the SEVIS system has already determined that this person is, in fact, legally eligible for one year of optional practical training, the State of NC requires that all employees are verified by the E-Verify program, and no exception exists for workers who have previously been verified by another system.

30. We have precedent for treating student employees differently from non-student employees. For example, the 12-month limitation on temporary employment does not apply to student workers, and students are not factored into Affirmative Action plan reporting. Are

students thus exempt from the requirements of the E-Verify program?

- a. No, even though students are treated differently from other employees in a variety of other situations, currently there is no exception in the NC statute that requires all employees' employment eligibility to be verified by the E-Verify program.

31. Are there any student workers who can be exempt from the E-Verify program verification?

- a. If a student is participating in an unpaid internship, for which he or she is compensated with nothing but academic credit, then that person does not have to be verified for employment eligibility through the E-Verify program.

32. Who is responsible for creating reports on the usage of the E-Verify program?

- a. Currently, the Office of State Personnel is responsible for the generation of reports if the General Assembly or State Personnel Director requests them. However, any Corporate or Program Administrator can and should generate reports in order to confirm that the system is being run on all new employees.

33. Why should we run our own reports if State Personnel is already doing it?

- a. The reports that will be run by the Office of State Personnel will only be in response to requests made by the State Personnel Director, or the General Assembly. However, in order for each agency/university to insure that the system is being used properly, it is advisable to use the program's reporting mechanisms on a regular basis. Also, the Office of State Personnel is limited by the information that is included in PMIS, and may have specific questions about certain inconsistencies that it sees between PMIS and E-Verify reports. Therefore, it would save agencies and universities time in resolving discrepancies if they run regular reports.

34. Our agency/university has verified a person as employment eligible using the E-Verify program. However, we have since come across information that indicates that the person's employment eligibility has expired. Should we separate this person?

- a. In a situation in which an employee has initially presented documentation that proves that he or she is only temporarily eligible to work in the United States, upon expiration of that documentation you must request updated documents that prove that the person is still, in fact, eligible to continue working. DO NOT rerun that person through the E-Verify program. The E-Verify system is not to be

used for reverification. Thus, if the person has been verified by the system once, and must present updated documents, all you must do is complete section 3 of the I-9 form using the information from the updated document(s).

35. Employee did not tentatively nonconfirm, but first name on list B doc does not exactly match first name on list C doc. (i.e., driver's license says 'Timothy' but SS card says 'Tim').

- a. If the person has been cleared by E-Verify, do not re-run them through the system. Ask the person to go to Social Security and have the name on the Social Security card changed. When that is done, record the event on the I-9 form, and attach a copy of any documentation that the person received from the Social Security Administration.

36. Some of our employees may not be able to obtain a social security card within three days of employment. Do we have to wait until they possess a SS card before we are able to commence their employment?

- a. People are sometimes able to meet the requirements of the I-9, but still do not possess a Social Security number. Therefore, you should complete the I-9 form, and obtain a receipt demonstrating that the employee has applied for a Social Security number. Once that person does, in fact, obtain the social security card, you should run them through the E-Verify program.

37. We often hire people who live very far away, and cannot come to our office to complete the I-9 form. If that form is not complete, how can we run them through the E-Verify program before three days have passed?

- a. It is possible to allow another person to act as an agent for your office with regard to completing an I-9 form. You as the employer, are responsible for the actions of that agent. Once the agent has personally verified the employment eligibility documents of the new employee, you can ask that person to fax or overnight the I-9 to your office. Use the information from the I-9 to run the E-Verify program. If the I-9 is faxed, please remember that the original form must follow by mail.