What is E-Verify?

E-Verify is an Internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

Why E-Verify?

Why do people come to the United States illegally? They come here to work. The public can, and should, choose to reward companies that follow the law and employ a legal workforce.

The U.S. Department of Homeland Security is working to stop unauthorized employment. By using E-Verify to determine the employment eligibility of their employees, companies become part of the solution in addressing this problem.

Employment eligibility verification is good business and it's the law.

Who Uses E-Verify?

More than 195,000 employers, large and small, across the United States use E-Verify to check the employment eligibility of their employees, with about 1,000 new businesses signing up each week.

While participation in E-Verify is voluntary for most businesses, some companies may be required by state law or federal regulation to use E-Verify. For example, most employers in Arizona and Mississippi are required to use E-Verify. E-Verify is also mandatory for employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation E-Verify clause.

This page provides general information about E-Verify and is meant to provide an overview of the program. For instructions and policy guidance, visit the For Employers and For Employees sections of the website.

Instant Verification of Work Authorization

E-Verify's most impressive features are its speed and accuracy. E-Verify is the only service that verifies employees' data against millions of government records and provides results within seconds. There's no other program that provides the same peace of mind in such little time.

E-Verify compares the information an employee provides on Form I-9, Employment Eligibility Verification, against millions of government records and generally provides results in three to five seconds. If the information matches, that employee is eligible to work in the United States. If there's a mismatch, E-Verify will alert the employer and the employee will be allowed to work while he or she resolves the problem.

E-Verify works by comparing information entered from an employee's Form I-9 to:

- 455 million Social Security Administration (SSA) records
- 80 million U.S. Department of Homeland Security records

U.S. Department of Homeland Security databases contain records about employment-based visas, immigration and naturalization status, and U.S. passport issuance, which allow E-Verify to compare information against a wide variety of sources.

E-Verify Statistics

- 96 percent of initial responses were consistent with employment eligibility status
- 93.1 percent of all E-Verify cases involved authorized workers who were initially found to be employment authorized
- 2.9 percent of all E-Verify cases involved unauthorized workers who received final nonconfirmations

The statistics show E-Verify works. E-Verify confirms employment eligibility instantly in most cases or identifies those not eligible to work in the United States. Even for employees who receive initial mismatches and are later confirmed as work authorized, E-Verify informs them of possible errors with their government records. By clearing up mismatches sooner rather than later, E-Verify can save these employees significant time and frustration.

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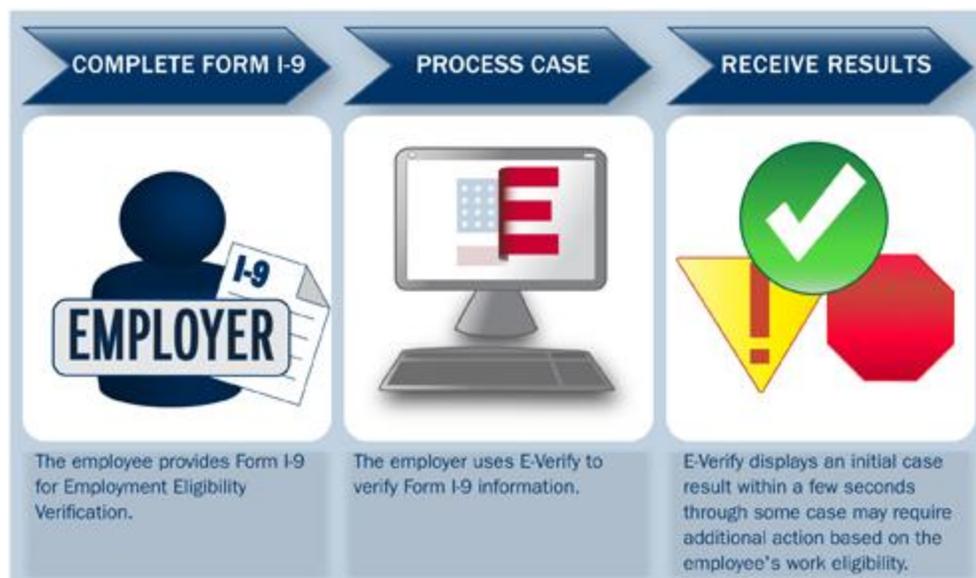
Companion to Form I-9

E-Verify is closely linked to Form I-9, Employment Eligibility Verification, and exists to strengthen the Form I-9 employment eligibility verification process that all employers, by law, must follow. While participation in E-Verify is voluntary for most employers, completion of Form I-9 is required of all employers.

The Immigration Reform and Control Act (IRCA) of 1986 prohibits employers from knowingly hiring illegal workers. To comply with this law, employers must collect information regarding an employee's identity and employment eligibility and document that information on Form I-9. An employee must provide certain information on the form, such as name and date of birth, as well as present supporting documents.

While Form I-9 requires employers to collect information, there was no way for employers to verify that the information employees provide is valid or that the documents presented are genuine—that is, until E-Verify. E-Verify offers employers a powerful tool in protecting themselves against those who try to cheat the system.

By adding E-Verify to the existing Form I-9 employment eligibility verification process, a company can benefit from the peace of mind of knowing that it maintains a legal workforce.

How it Works

COMPLETE FORM I-9	PROCESS CASE	RECEIVE RESULTS
The employee provides Form I-9 for Employment Eligibility Verification.	The employer uses E-Verify to verify Form I-9 information.	E-Verify displays an initial case result within a few seconds through some case may require additional action based on the employee's work eligibility.

Before a company can use E-Verify to verify the employment eligibility of its employees, the company and employee must first complete Form I-9. All of the Form I-9 rules that companies followed before signing up for E-Verify still apply with two exceptions.

- Employees must provide their Social Security numbers on Form I-9. (Providing a Social Security number on Form I-9 is voluntary unless the employer participates in E-Verify.)

- Any List B document that employees present must contain a photo. (Some List B documents without photos are acceptable unless the employer participates in E-Verify.)

Once Form I-9 is completed, the company enters the information from Form I-9 into E Verify. Depending on the documents an employee provides, the employer may have to compare a photo displayed on a computer screen to the photo on the employee's document. The photos should match, which ensures the document photo is genuine and hasn't been altered.

Once the information has been entered and submitted, E-Verify will compare it against millions of government records. If the information entered matches, E-Verify will return an 'Employment Authorized' result. This confirms the employee is authorized to work in the United States. After printing the results page and attaching it to the employee's Form I-9 (or recording the employee's E-Verify case verification number on the form itself), the employer simply closes the case to complete the E-Verify process.

If there's a mismatch, E-Verify will return a 'Tentative Nonconfirmation (TNC)' result. If this happens, the employer needs to print and review a notice with the employee that explains the cause of the mismatch and what it means for the employee.

If the employee decides to contest the mismatch, the employer will refer the case in E-Verify to the appropriate agency (either the U.S. Department of Homeland Security or Social Security Administration) and print a letter that it must give to the employee. The letter contains important instructions and contact information that the employee will need to resolve the mismatch. The employee then has eight federal government work days from the date the case was referred in E-Verify to resolve the problem.

E-Verify will alert the employer of an update in the employee's case. If the employee successfully resolves the mismatch, E-Verify will return a result of employment authorized. If the employee doesn't resolve the mismatch, E-Verify will return a final nonconfirmation result. Only after an employee receives a final nonconfirmation may an employer terminate an employee based on E-Verify.

In rare cases, the U.S. Department of Homeland Security or the Social Security Administration might need more time to verify the employee's employment eligibility.

When this happens, E-Verify will return a case in continuance result. When an employee's case is in continuance the employer must allow the employee to continue to work until E-Verify gives a final result of 'Employment Authorized' or a 'Final Nonconfirmation.'

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Business-Friendly Features

E-Verify gives companies peace of mind in ensuring that employees are legal U.S. workers. E-Verify eliminates the guesswork of determining employment eligibility when a new employee is hired and is a powerful tool in protecting businesses against those who try to cheat the system.
So what's the catch? There isn't one. Companies are already required by law to complete Form I-9 for each newly hired employee, and E-Verify works seamlessly with the Form I-9 process to confirm employment eligibility.

E-Verify features:

- **Secure 24-hour access** – Access E-Verify anytime, anywhere with no special software required. All that is needed is a Web browser and Internet access.

- **Instant results** – Employment eligibility results for most employees are displayed in three to five seconds.

- **Error checking** – E-Verify can alert employees to mismatches and possible errors in their government records. Clearing up errors sooner rather than later saves employees time and frustration down the road.

- **Photo matching** – E-Verify features a photo matching tool to combat document fraud and ensure the documents that employees present are genuine.

- **Compliance peace of mind** – Companies that properly use E-Verify get a "rebuttable presumption" that they are in compliance with Form I-9 and employment eligibility laws.

- **User access flexibility** – With two different user roles to choose from, companies can select what their users can see and do in E-Verify.

- **Usage reports** – E-Verify offers companies the ability to monitor usage to assist with their compliance efforts.

- **Implementation flexibility** – With E-Verify, companies can decide their participation on a location-by-location basis (state laws and federal regulations may limit use of this feature).

- **Support for large companies** – E-Verify offers features through its corporate administrator access method that allow companies to link and manage their locations that use E-Verify.

- **Interactive training** – E-Verify offers a comprehensive online tutorial as well as quick reference guides, user manuals and other publications to assist users.

- **Customer service** – You're never on your own with E-Verify. E-Verify customer support is available to provide you with technical and program assistance.

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The Verification Process

Overview of the Verification Process

Using E-Verify to verify the employment eligibility of employees is a three-step process.

Create a Case

Before an employer can create a case in E-Verify, both the employer and employee must complete the Employment Eligibility Verification form (Form I-9). All U.S. employers, regardless of whether they participate in E-Verify must complete Form I-9 no later than 3 days after the employee begins work for pay. Information about the employee from Form I-9 then serves as the foundation for an E-Verify case, which must be created also no later than 3 days after the employee begins work for pay.

E-Verify guides the employer through a series of questions, which follow Form I-9, beginning with the employee's citizenship attestation, document type(s), then biographical information including name, date of birth, Social Security number and Alien or I-94 number (if a noncitizen). In some cases, the document number and expiration date are also required.

If E-Verify cannot initially match the information, the employer will be prompted to review and correct the information if necessary. Otherwise, E-Verify will display an initial response within three to five seconds.

Get Results

In most cases, E-Verify will instantly verify the employee's work authorization. If E-Verify returns an "Employment Authorized" response, the employer can continue to the last step in the verification process and close the case

Sometimes, E-Verify cannot immediately confirm the employee's work authorization and may require the employer or the employee to take action. In these cases, the employer will see one of the following responses on the employee's verification results screen:

- **DHS Verification in Process:** Sometimes, E-Verify's automated search of government records cannot immediately verify employment authorization, and a manual search is required. In this case, E-Verify will return a "DHS Verification in Process" response. The employer must check E-Verify until the employee's case is updated, which usually happens within 24 hours, though it may take as long as three business days. When the employee's case is updated, E-Verify will return either an "Employment Authorized" or "Tentative Nonconfirmation" response.

- **Tentative Nonconfirmation:** If the employee information does not match government records, the employer will see a tentative nonconfirmation (TNC) response. Visit the "Tentative Nonconfirmation" page in this section for more information.

To prevent unnecessary TNCs, the employer must carefully review all entered information for accuracy. Should the employer have made a typographical error or entered incorrect data, the employer should close the case and create a new case for the employee with the correct information.

Close the Case

All E-Verify cases must be closed by the user in E-Verify when a final verification result is received, regardless of the result. Closing cases is very important because it helps E-Verify maintain statistics on program usage and outcomes.

E-Verify will ask if the employee is still working for the employer and will then instruct the employer to choose the reason why the case is being closed. Once the case is closed, the employer must either record the case verification number on the employee's Form I-9 or print the case details and keep it on file with the employee's Form I-9.

Tentative Nonconfirmations

E-Verify works by comparing the information employees provide on the Employment Eligibility Verification form (Form I-9) against millions of government records. Generally, if the information matches, the employee receives an "Employment Authorized" response in E-Verify. If the information does not match, the employee is given an opportunity to resolve the problem. The employers must understand and follow the proper procedures in E-Verify, which are designed to ensure fair treatment and due process for all employees.

Most employees have their employment authorization confirmed during the E-Verify initial verification process. Occasionally, E-Verify cannot instantly confirm employment authorization because a manual review of the records in government databases is necessary. For those cases requiring manual review, E-Verify will first return a "DHS Verification in Process" response, and will then usually provide an initial verification result within 24 to 48 hours.

In some cases, the information from an employee's Form I-9 does not match government records and E-Verify will display a temporary case status that may require additional action. In these cases, E-Verify will return a response called a "Tentative Nonconfirmation (TNC)." A TNC response means that the Social Security Administration (SSA) and/or the U.S. Department of Homeland Security (DHS) could not confirm that the employee's information matches government records. It does not mean an employee is unauthorized to work or is an illegal immigrant as there are legitimate reasons why an employee may receive this result.

There are several types of TNCs, and the type displayed in E-Verify depends on which government agency is involved and the cause for the mismatch:

- **SSA Tentative Nonconfirmation:** This response indicates that the employee's information could not be verified by SSA. The employee must be notified of the TNC response and referred to SSA.

- **DHS Tentative Nonconfirmation:** There are two types of "DHS TNCs." The first type means that DHS was unable to verify employment eligibility and the employee is instructed to call DHS to find out how to resolve the discrepancy.

The second type is caused by a photographic mismatch, meaning the employer indicated that the photograph displayed by E-Verify did not match the photograph on the employee's document. If the employee contests this type of TNC, the employer must

either scan and upload an image of the document or send a copy of the document via express mail at the employer's expense.

Photo Matching

E-Verify's photo matching is an important part of the employment eligibility verification process. It requires the employer to verify that the photo displayed in E-Verify is identical to the photo on the document that the employee presented for section 2 of Form I-9.

Reminder: A photo displayed in E-Verify should be compared with the photo in the document that the employee has presented and not with the face of the employee.

Photo matching is activated automatically if an employee has presented Form I-551, Permanent Resident Card, or Form I-766, Employment Authorization Document, with his or her Form I-9. Other documents with photos (such as a driver's license) will not activate photo matching. Also, the photo might not display if E-Verify is unable to locate it in U.S. Department of Homeland Security (DHS) records. In that situation, the case will automatically continue as normal and skip photo matching.

- Employees have the right to present any acceptable documentation to complete Form I-9. Photo matching does not require new employees who are noncitizens to present Permanent Resident Cards or Employment Authorization Documents during the Form I-9 process. Employers must accept the documents the new employee chooses to present as long as they appear to be genuine and relate to the person presenting them. Otherwise, employers may violate federal law prohibiting verification-related discrimination.

- E-Verify users may not resubmit cases for existing employees who were hired before photo matching was implemented, even if those employees presented Permanent Resident Cards or Employment Authorization Documents during their Form I-9 completion process.

- If an employee presents a Permanent Resident Card or Employment Authorization Document as the verification document, the employer must make a copy of that document and keep it on file with Form I-9.

- If the photo displayed on the E-Verify screen does not match the photo on the employee's document, the employee will receive a "DHS Tentative Nonconfirmation" (TNC) and must be given the opportunity to correct the problem. If the employee chooses to contest the TNC, the employer must either attach and submit electronically a copy of the employee's photo document or mail a copy of the employee's document to DHS via express mail at the employer's expense.

Employee Rights and Responsibilities

E-Verify Overview for Employees

You may not have heard of E-Verify before and wonder why your employer participates. Though participation in E-Verify is required of some employers, most employers participate voluntarily.   E-Verify is fast, free and easy to use—and it's the best way companies can ensure a legal workforce. Until E-Verify, there was no way for employers to verify that the information employees provided was valid or that the documents presented were genuine. E-Verify offers employers a powerful tool in protecting themselves against those who try to cheat the system.

Employees also benefit when their employers use E-Verify. E-Verify can alert you to possible errors with your government records and correcting those errors now rather than later may save you significant time and frustration in the future.

E-Verify compares the information you provide on Form I-9, Employment Eligibility Verification, against millions of government records and generally provides results in three to five seconds. If the information matches, you do not need to do anything. If there's a mismatch, E-Verify will alert your employer—and you can choose to contest the mismatch and work until you and the government resolve the mismatch. E-Verify works by comparing information entered from your Form I-9 to:

- 455 million Social Security Administration (SSA) records
- 80 million U.S. Department of Homeland Security records

Department of Homeland Security databases contain records about employment-based visas, immigration and naturalization status and U.S. passport issuance, that allow E-Verify to compare information against a wide variety of sources.

How it Works

Before your employer can use E-Verify to verify your employment eligibility, your employer must first enter into a written agreement with DHS in which it agrees to follow strict procedures designed to ensure that you are treated fairly. When you apply for a job with an employer that uses E-Verify, the employer should notify you that it uses E-Verify. After hire, within three days of starting work, you and your employer must complete Form I-9. If your employer uses E-Verify, you must provide your Social Security number on Form I-9. (Providing a Social Security number on Form I-9 is voluntary unless your employer participates in E-Verify.) Also, if you present a List B document with Form I-9, the document must contain a photo. (Some List B documents without photos would be acceptable if your employer did not participate in E-Verify. You can also be provided an accommodation for religious practices.)

Once your Form I-9 is completed, your employer will enter the information from it into E-

Verify. Depending on the documents you provided, your employer may have to compare a photo displayed on a computer screen to the photo on your document. The photos should match, which ensures the document photo is genuine and hasn't been altered.

Once the information has been entered and submitted, E-Verify will compare it against millions of government records. If the information entered matches, E-Verify will return an "Employment Authorized" result. This confirms you are authorized to work in the United States. Your employer then simply closes the case to complete the E-Verify process.

If there's a mismatch, E-Verify will return a "Tentative Nonconfirmation" (TNC) result. If this happens, your employer needs to print and review a notice with you that explains the cause of the mismatch and what it means for you.

You have the right to challenge the mismatch. If you do so, your employer will refer the case in E-Verify to the appropriate agency (either SSA or the Department of Homeland Security) and print a letter that it must give to you. The letter contains important instructions and contact information that you will need in order to resolve the mismatch. You then have eight federal government work days from the date the case was referred in E-Verify to initiate contact with the appropriate government agency to start resolving the problem. During this time, your employer must allow you to continue working and may not delay your training, reduce your work hours or take any other adverse actions against you.

E-Verify will alert your employer of an update in your case. If you successfully resolve the mismatch, E-Verify will return a result of "Employment Authorized." If you don't resolve the mismatch, E-Verify will return a "Final Nonconfirmation" (FNC) result. Your employer may terminate you because of E-Verify only if you receive an FNC.

In rare cases, the Department of Homeland Security or SSA might need more time to verify your employment eligibility. When this happens, E-Verify will return a "Case in Continuance" result. When your case is in continuance your employer must allow you to continue to work until E-Verify gives a final result of "Employment Authorized" or an FNC.

If you believe your employer has discriminated against you, we encourage you to report it.

Know Your Rights—Quick List
- Employers must post a notice informing prospective employees of their use of E-Verify. Electronic notification is acceptable if posting the notice in a physical location wouldn't be visible to prospective employees.

- ***E-Verify must be used for new hires only and can't be used to verify the employment eligibility of current employees unless the employer is a federal contractor required to use E-Verify under the Federal Acquisition Regulation (FAR).***

- ***E-Verify must be used for all new hires regardless of national origin or citizenship. If an employer chooses to use E-Verify at a location, it must use E-Verify for all newly hired employees at that location.***

- ***E-Verify must be used only after an employee has been hired and accepted employment. The employee and employer must complete Form I-9, Employment Eligibility Verification, before the employer may use E-Verify. Employers may not prescreen applicants through E-Verify.***

- If an employee receives an information mismatch, or Tentative Nonconfirmation (TNC), in E-Verify, the employer must promptly provide the employee with information about how to contest the TNC, including a written notice provided by E-Verify.

- If an employee decides to contest the TNC, the employer must provide the employee with a referral letter provided by E-Verify that contains specific instructions and contact information.

- Employers may not take any adverse action against an employee because he or she contests a TNC. Adverse actions include firing, suspending, withholding pay or training, or otherwise infringing upon his or her employment.

- The employee must be given eight federal government work days to contact the appropriate federal agency to resolve the TNC.

As an employee, you must provide accurate data to your employer. If you recently married and changed your name, or your citizenship has changed, it is your responsibility to promptly notify the Social Security Administration (SSA). Many preventable E-Verify TNCs occur when employees provide current information on their Forms I-9, Employment Eligibility Verification, but fail to update their records with SSA. You can significantly minimize your chances of getting a TNC by ensuring your SSA records are correct and up-to-date.

If you receive a TNC, you must choose whether to contest it. If you choose to contest a TNC, you must contact the appropriate agency to resolve the mismatch within eight federal government work days from the referral date. To resolve an "SSA TNC," you must visit an SSA office and bring your referral letter and required documentation. To resolve a "DHS TNC," you must call the number listed on your referral letter.