

E-Verify

Frequently Asked Questions



What is E-Verify?

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

When does an E-Verify case need to be created?

An E-Verify case is to be created AFTER the Form I-9 is complete and **no later than the third business day after the employee starts work for pay.**

Does E-Verify require documents presented by an employee to have a photograph?

Any List A or B documents (used for the Form I-9) must have a photograph.

How do I store E-Verify information?

All E-Verify case details need to be safeguarded and stored with the employee's Form I-9. (the GryphonHR system automatically attaches to the Form I-9 and displays the Case Number and details on the employee's Form I-9).

Can employers E-Verify existing employees?

No. E-Verify can only be completed on newly hired employees **UNLESS** the employer has a Federal Contract with the E-Verify FAR clause. If the employer has a FAR clause contract, then they can E-Verify existing employees who are assigned to the contract.

What is an E-Verify Photo Match?

If the employee presented a Form I-551, Permanent Resident Card, (also known as a Green Card); Form I-766, Employment Authorization Document; U.S. passport; or passport card; E-Verify Photo Matching will prompt the employer to compare the photo on the employee's document with a photo displayed during creation of the E-Verify case. This helps ensure that the document the employee provided is genuine and relates to the employee.

What documents do E-Verify require an employer to retain?

E-Verify requires employers to retain: Form I-551, Permanent Resident Card, (also known as a Green Card); Form I-766, Employment Authorization Document; U.S. passport; or passport card.

What is the E-Verify case result?

After the E-Verify participant enters their employee's information into E-Verify, a case result is displayed. The chart below provides an overview of the case results that E-Verify may return.

Case Result	Description
Employment Authorized	The employee's information matched records available to DHS and/or SSA.
E-Verify Needs More Time	This case was referred to DHS for further verification.
Tentative Non-confirmation (TNC)	Information did not match records available to DHS and/or SSA. Additional action is required.
Case in Continuance	The employee has contacted DHS or visited an SSA field office, but more time is needed to determine a final case result.
Close Case and Resubmit	DHS or SSA requires that you close the case and create a new case for the employee.
Final Non-Confirmation	E-Verify cannot confirm the employee's employment eligibility after the employee contacted DHS or SSA, the time for resolving the case expired, or DHS closed the case without confirming the employee's employment eligibility for some other reason.

What does a Mismatch mean in E-Verify?

A mismatch means that the information from your Form I-9 that your employer entered into E-Verify does not match records available to the Department of Homeland Security (DHS) and/or Social Security Administration (SSA).

Typically, when a mismatch is received, the employer has the ability to review the information to ensure the Section 1 details and Section 2 details were entered correctly.

They have an opportunity to update these sections and resubmit them to E-Verify. This typically happens prior to a Tentative Non-confirmation.

What is the process for an employer if an employee receives a Tentative Non-confirmation?

- › The employer must notify the employee of the TNC as soon as possible but no later than 10 days.
- › Ensure the employee has access to the Final Non-confirmation Letter (FAN) Review the FAN letter with the employee in PRIVATE and verify the employee understands the issue.
- › If the employee does not speak English, they must provide a translator to ensure the employee understands the options they have.
- › Ask the employee to determine if they will contest, or not contest the TNC (act to resolve the TNC).

What is the process for an employee if they receive a Tentative Non-confirmation?

The employee logs into the GryphonHR Employee portal using their credentials, reviews the Further Action Notice, chooses to Contest (take action to resolve) or Not Contest (Chooses to not take action) and then reviews the Referral Date letter within their documents profile. The employee is then directed to go to the Social Security Administration or call the DHS @ 888-897-7781 to work through the issue.

Can an employer Terminate an employee if they receive a Tentative non-confirmation?

No, the employer may not terminate an employee during the TNC process. They may not suspend the employee or withhold pay during the TNC process. No negative action can be taken during this time.

Can the employer Terminate an employee if they receive a Final Non-confirmation?

Yes. If the employee receives a Final non-confirmation the employee can be terminated.

What are the E-Verify Right to Work and the E-Verify Participation Posters?

These are posters E-Verify requires be posted when an employer participates in E-Verify. An Employer must display both the English and Spanish versions of the posters in a prominent place that is clearly visible to prospective employees who will have their employment eligibility verified with E-Verify. The posters are located on the resources page within E-Verify (link located below).

E-Verify Rules and Responsibilities Overview

Employers who participate in E-Verify MUST:

- › Follow procedures when an E-Verify case is created.
- › Notify each job applicant of E-Verify participation by clearly displaying the Notice of E-Verify Participation and the Right to Work posters in English and Spanish. You may also display the posters in other languages provided by DHS.
- › Complete Form I-9 before creating a case in E-Verify.
- › Obtain an SSN from each newly hired employee on Form I-9.
- › Ensure that Form I-9 List B identity documents have a photo.
- › Create a case for each employee no later than the third business day after they start work for pay.
- › Enter email addresses in E-Verify if they were provided on Form I-9.
- › Provide each employee with notice of and the opportunity to act on a Tentative Nonconfirmation (mismatch).
- › Ensure that all personally identifiable information is safeguarded.

Employers who participate in E-Verify MUST NOT:

- › Use E-Verify to pre-screen an applicant for employment.
- › Request which Form I-9 documentation an employee use, except to specify that any Form I-9 List B document the employee chooses must contain a photo.
- › Use E-Verify to discriminate against any job applicant or employee based on his or her national origin, citizenship, immigration status, race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, or genetic information.
- › Create a case for an employee who was hired before the employer signed the E-Verify MOU, except in certain instances such as employees of federal contractors with the FAR E-Verify clause.
- › Take adverse action against or terminate an employee because he or she received a mismatch result, unless E-Verify issues a case result of Final Nonconfirmation.
- › Share any user ID or password.

Important links:

[Employer Resources](#)

[E-Verify Site](#)

[Quick Reference Guide](#)

[Contractor Guide](#)

For questions or more information,
reach out to your Paradox Client
Success Manager.