



E-Verify[®]

For
Federal Contractors



E-VERIFY IS A SERVICE OF DHS AND SSA

Agenda

E-Verify & FAR – The FAR Clause

Federal Contractor Responsibilities

An E-Verify Case

Employee Rights

What is E-Verify?

No-cost Internet based system

Fast & easy to use

Electronically verifies the employment eligibility of

- Newly hired employees
- Existing employees assigned to work on a qualifying Federal contract

Helps maintain a legal workforce

Protects jobs for authorized workers

Partnership between the U.S. Department of Homeland Security and the Social Security Administration



E-Verify & the FAR E-Verify Clause

Federal Acquisition Regulation (FAR) final rule requires that as of **September 8, 2009** federal contractors with contracts containing the **FAR E-Verify clause** must use E-Verify as a condition of their contract

FAR E-Verify Clause: 48 C.F.R. 52.222-54

Affected Contracts

Prime Contracts

- Awarded or modified on or after September 8, 2009 to include the **FAR E-Verify Clause**
 - Value above **\$100,000**
 - Period of performance of **120 days or more**
 - At least some of the contract work is performed in the United States
 - Does not include contracts for **Commercially available off-the-shelf (COTS)** items and related services

Affected Contracts

Subcontracts

- Prime contract contains the **FAR E-Verify clause**
- The **FAR E-Verify clause** flows down to all tiers of subcontracts
- Prime contractor is responsible for insuring that the **FAR E-Verify clause** is included in qualifying subcontracts

Affected Contracts

Subcontracts

- Value of more than **\$3,000**
- Contract is for commercial or noncommercial services or construction
- At least some of the contract work is performed in the United States
- Does not include contracts for **Commercially available off-the-shelf (COTS)** items and related services

Affected Contracts

Indefinite Delivery / Indefinite Quantity

- Existing contract
- Period of performance extends at least six months after September 8, 2009
- Substantial amount of work or number of orders expected during remaining performance period
- Contract may be bi-laterally modified to include the **FAR E-Verify clause**

Federal Contractor Responsibilities

- For a contract with the **FAR E-Verify clause** awarded on or after **September 8, 2009** verify
 - All existing employees working on the contract
 - All new employees hired after the date of enrollment in E-Verify
-
- Entire workforce

Special Category Employers

- May limit verifications to new & existing employees assigned to contract

Institutions of Higher Learning	State & Local Governments
Federally Recognized Indian Tribes	Sureties

Enroll or Update Your Company Profile

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1		3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Contract award date

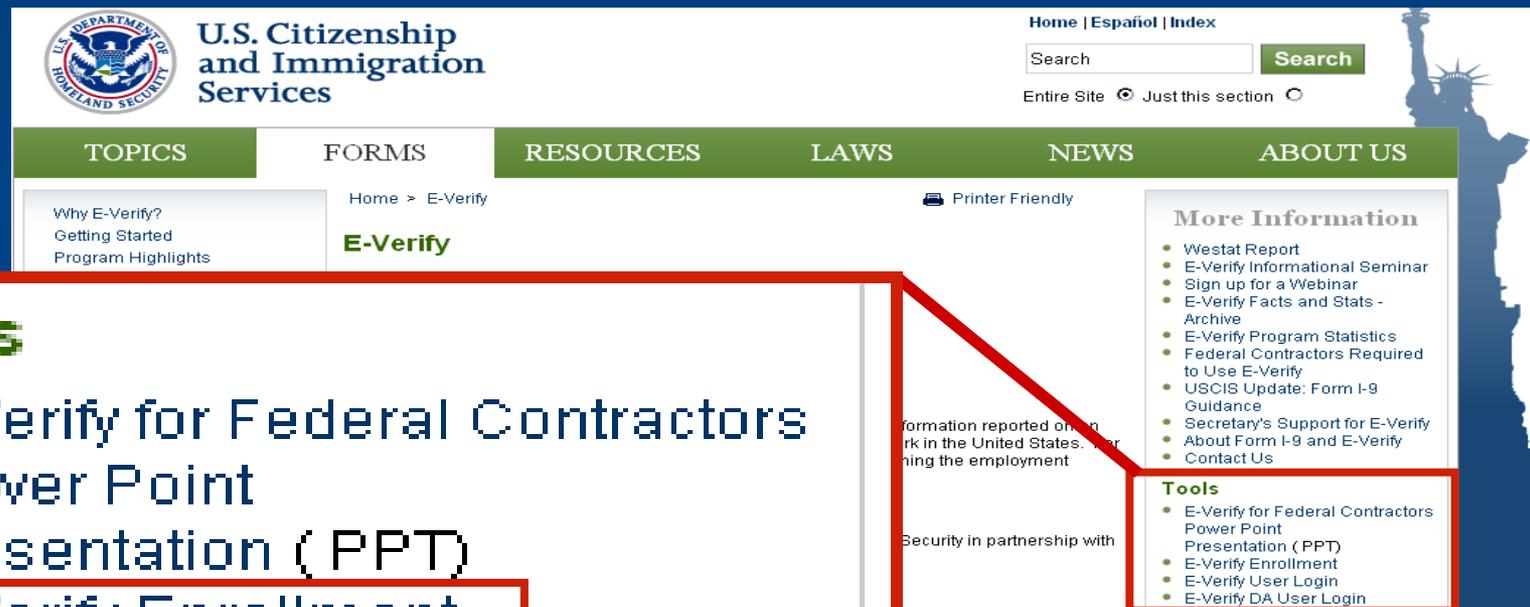
Deadline to Enroll!

Within
30 calendar days
of
Contract Award Date
or
Contract Modification Date

How to enroll

Go to www.dhs.gov/E-Verify

Under **Tools** click **E-Verify Enrollment**



The screenshot shows the U.S. Citizenship and Immigration Services (USCIS) website. The main navigation bar includes 'TOPICS', 'FORMS', 'RESOURCES', 'LAWS', 'NEWS', and 'ABOUT US'. The 'RESOURCES' tab is selected, and the 'E-Verify' link is highlighted. A red box highlights the 'Tools' section in the 'More Information' sidebar, which lists 'E-Verify for Federal Contractors Power Point Presentation (PPT)', 'E-Verify Enrollment', 'E-Verify User Login', and 'E-Verify DA User Login'. The 'E-Verify Enrollment' link is also highlighted with a red box.

Tools

- E-Verify for Federal Contractors Power Point Presentation (PPT)
- E-Verify Enrollment
- E-Verify User Login
- E-Verify DA User Login

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Determining who to verify

Verify existing employees

- Hired after November 6, 1986
- Working in the United States
- Performing direct substantial work on a contract containing the **FAR E-Verify clause**
- Includes short term & temporary employees

Determining who to verify

Step 1 – The workforce

– Am I going to verify...

...my entire workforce (all new hires and all existing employees throughout the company)

OR

...All new hires organization wide and existing employees assigned to the Federal contract

Determining who to verify

Step 2 – Employees you don't run through E-Verify

- Hired on or before November 6, 1986 who are continuing in employment
- Already confirmed as **Employment Authorized** who are continuing in employment

Determining who to verify

Step 3 – Employees you may choose not to verify

- New & existing employees with an active confidential, secret, or top secret security clearance OR HSPD-12 compliant credentials
- Existing employees who perform support work (administrative, overhead, indirect)

Things to remember

Ensure your contract has the **FAR E-Verify Clause** before verifying existing employees

Note your enrollment date

- **90 calendar days** from enrolling or updating your company profile to enter Form I-9 information for new & existing employees
- **180 calendar days** from choosing **Entire Workforce** to verify entire workforce

Form I-9 & existing employees

Option I

Complete new Forms I-9 for all employees who will be run in E-Verify

Option II

Complete new Forms I-9 when required and update existing Forms I-9 when allowed

When completing new Forms I-9

- Current rules for Form I-9 apply (e.g. no expired documents)
- Use Form I-9 with (Rev. 02/02/09) or (Rev. 08/07/09) – expiration date for both forms is 08/31/2012

Form I-9 & existing employees

Option II: When to complete a new Form I-9

- The employee presented an expired document on a previous Form I-9
- Employment authorization as stated in Section 1 has expired
- The List B document previously submitted did not have a photo or you are unable to determine if it had a photo
- The employee is a Noncitizen National and was unable to separately attest to that status on a previous Form I-9

Form I-9 & existing employees

Option II: When to complete a new Form I-9

- The employee presented a document such as a Certificate of Naturalization or Form I-688 that was acceptable at the time of completion of the previous Form I-9, but is no longer acceptable
- The employee's immigration status has changed.
- The employee's name has changed
- The previous Form I-9 did not conform to I-9 requirements at time of completion

Form I-9 & existing employees

Option II: Updating a previous Form I-9

If your employee...

...presented an *unexpired* Form I-551 (Permanent Resident Card) or Form I-766 (Employment Authorization Document) and it is still unexpired, photocopy the document & keep it with the employee's Form I-9

...did not provide his or her Social Security Number (SSN) or if the employee claims that the number was changed by SSA, the employee should update Section 1 with the current SSN

Form I-9 & existing employees

Option II: Updating a previous Form I-9

If your employee...

...indicates his or her Alien number has been changed by the DHS, update Section 1 with the current Alien number

...presented an unexpired Form I-551 or U.S. Passport & the document has since expired, you may not request the employee to present an unexpired version of either document

How does it work?

OMB No. 1625-0047, Expires 06/30/12
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)

First Name, Last	First	Middle Initial	Initials
Address (Street Name and Number)	City	State	Zip Code
Appt. #	Date of Birth (month/day/year)	Sex	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I am the possessor of the document(s) listed on the reverse of this form.
 I am a citizen of the United States.
 I am now the national of the United States (see instructions).
 A lawful permanent resident (Alien #) _____
 An alien authorized to work (Alien # or Admission #) _____ and expiration date (if applicable - month/day/year) _____

Employer's Signature _____ Date (month/day/year) _____
 Preparer and/or Employer Certification (To be completed and signed by employer or preparer other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/ Employer's Signature _____ Title _____
 Address (Street Name and Number), City, State, Zip Code _____ Date (month/day/year) _____

Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

Document Title	List A	List B	List C
Document 1:			
Document 2:			
Document 3:			
Document 4:			

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above named employee, that the above listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment authorization only when the date the employee began employment.)

Signature of Employer or Authorized Representative _____ Title _____
 Address or Organization Name and Address (Street Name and Number), City, State, Zip Code _____ Date (month/day/year) _____

Section 3. Updating and Reverification (To be completed and signed by employee.)

A. New Hire (If applicable) _____ B. Date of Expiry (month/day/year) (If applicable) _____

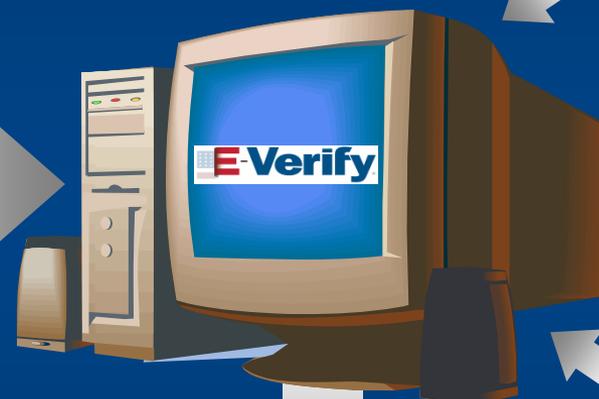
C. If employer's previous agent of record notification has expired, provide the information below for the document that establishes current employment authorization.

Document Title _____ Document # _____ Expiration Date (if any) _____
 I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) have remained proper to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative _____ Date (month/day/year) _____

Form I-9 (Rev. 08/14/09) - Page 4

Form I-9



An E-Verify case

Initial verification results will be

Employment Authorized

The employee is authorized to work

You record the system-generated verification number on Form I-9 and resolve the case in E-Verify

SSA Tentative Nonconfirmation (TNC)

There is an information mismatch

DHS Verification in Process

DHS will usually respond within 24 hours with either

Employment Authorized

or

DHS Tentative Nonconfirmation

Handling a TNC

- **Inform** the employee of the TNC
- **Print** the TNC Notice and **review** it with the employee

CONTEST

Refer employee to appropriate agency

**NOT
CONTEST**

You may terminate the employee and close the case in E-Verify

Handling a TNC

- The employee has **eight Federal Government workdays** from the referral date to visit or call the appropriate agency and resolve the discrepancy
- The **employee continues to work in full status** during the TNC resolution process
- **DO NOT** take any adverse action based on the TNC against the employee during the resolution process

Handling a TNC

Once the employee resolves the record discrepancy, he/she should inform you

Check E-Verify periodically for one of the following responses

Employment Authorized

Review & Update Employee Data

Case in Continuance

DHS Verification in Process

DHS No Show

Final Nonconfirmation

Employer responsibilities

- Unless you are a *Federal Contractor with FAR E-Verify Clause* only use E-Verify to verify new hires
- Once you begin using E-Verify, you must verify new employees **no later than the 3rd business day** after the employee begins working for pay
- You must apply E-Verify procedures to **ALL new hires**, regardless of citizenship status

Posters

This Employer Participates in E-Verify



This employer will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.

In order to determine whether Form I-9 documentation is valid, this employer uses E-Verify's photo screening tool to match the photograph appearing on some permanent resident and employment authorization cards with the official U.S. Citizenship and Immigration Services' (USCIS) photograph.

NOTICE:

Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States.

IMPORTANT: If the Government cannot confirm that you are authorized to work, this employer is required to provide you written instructions and an opportunity to contact SSA and/or DHS before taking adverse action against you, including terminating your employment.

If you believe that your employer has violated its responsibilities under this program or has discriminated against you during the verification process based upon your national origin or citizenship status, please call the Office of Special Counsel at 1-800-255-7688 (TDD: 1-800-237-2515).

Employers may not use E-Verify to pre-screen job applicants or to re-verify current employees and may not limit or influence the choice of documents presented for use on the Form I-9.

Employment Verification,  Done.

For more information on E-Verify, please contact DHS at:

1-888-464-4218



E-VERIFY IS A SERVICE OF DHS AND SSA

IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.



If you have a legal right to work in the United States, there are laws to protect you against discrimination in the workplace.

No employer can deny you a job or fire you because of your national origin or citizenship status.

In most cases employers cannot require you to be a U.S. citizen or permanent resident or refuse any legally acceptable documents.

You should know that –

If any of these things have happened to you, you may have a valid charge of discrimination that can be filed with the OSC. Contact the OSC for assistance in your own language.

Call 1-800-255-7688, TDD for the hearing impaired is 1-800-237-2515.

In the Washington, D.C. area, please call 202-616-5594, TDD 202-616-5525

Or write to:
U.S. Department of Justice
Office of Special Counsel - NYA
950 Pennsylvania Ave., N.W.
Washington, DC 20530



U.S. Department of Justice Civil Rights Division
Office of Special Counsel for Immigration-Related Unfair Employment Practices

Employee rights

The employee has the right to contest a tentative nonconfirmation (TNC) from SSA or DHS

Employees who believe they have been subjected to discrimination should call

Department of Justice
Civil Rights Division
Office of Special Counsel for
Immigration Related Unfair Employment Practices
1-800-255-7688 (TDD: 1-800-237-2515)



E-Verify Information

Customer Support: (888) 464-4218

E-Verify E-Mail: E-Verify@dhs.gov

E-Verify Website: www.dhs.gov/E-Verify

Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process

This presentation provides basic information to help you become generally familiar with the rules and procedures

For more information on the law and regulations please see our website: www.dhs.gov/E-Verify

Thank You