

# E-VERIFY IS UP & RUNNING

## EMPLOYER ACTION REQUIRED BY 2/11/2019

During the shutdown, the Federal Government's electronic employment verification system (E-Verify) was unavailable. Now it is operational again, and employers who participate are required to take action by February 11, 2019.

### Changes during the Shutdown

During the shutdown, both employers and employees could have been affected: Employers were not able to enter new employees into the E-Verify system, and employees were unable to resolve Tentative Nonconfirmations (TNCs). For this reason, the Department of Homeland Security (DHS), which administers the E-Verify website, implemented policy changes so employers and employees were not penalized due to the E-Verify website being unavailable.

### Next Steps

The full release is available on the E-Verify website, which explains the requirements for employers going forward and can be accessed via the following link: <https://www.e-verify.gov/e-verify-resumes-operation>. A summary of important requirements is also below.

Although E-Verify is operational, users may experience delays in support request response times and processing turnaround times due to the large amount of anticipated cases.

**Employers who participate in the E-Verify program will now need to take action to ensure they are fulfilling their requirements:**

- ❖ Creating Cases: Participating employers “must create an E-Verify case by February 11, 2019 for each employee hired while E-Verify was not available.”
  - Use the hire date from the Form I-9
  - “If the case creation date is more than three days following the date the employee began working for pay, select ‘Other’ from the drop-down list and enter ‘E-Verify Not Available’ as the specific reason.”
- ❖ Tentative Nonconfirmations (TNCs): Employees will be allowed additional time to contact the Social Security Administration (SSA) or DHS to resolved TNCs.

### What is E-Verify?

Employers may voluntarily opt to use the E-Verify website to ensure a new hire is eligible for employment; however, once enrolled in E-Verify, employers are required to upload the new employee's information to perform a check within three days of hiring the employee. The E-Verify website cross-checks new-hire data from their Form I-9 against Department of Homeland Security (DHS) and Social Security records to confirm employment eligibility.

- Add 10 federal business days to the date printed on the “Referral Date Confirmation” notice (accessible via the employee’s case in E-Verify). You will need to cross out the old date and insert the new date.
- Employees will need to contact either the SSA or DHS by the new deadline.
- “For TNC cases that were referred after E-Verify resumed operations, do not add days to the time your employee has to contact either SSA or DHS. If your employee decided to contest the TNC when E-Verify was unavailable, you should now refer the employee’s case and follow the TNC process.”
- ✿ Federal Contractor Deadlines: “DHS guidance is that any calendar day during which E-Verify was unavailable... should not count towards the federal contractor deadlines found in the Employment Eligibility Verification Federal Acquisition Regulation. Please contact your contracting officer for more information on federal contractor responsibilities.”

## For More Information

For more information or assistance, please contact our Human Resources team at **210-775-6082**, toll-free at **1-888-757-2104**, or **HRManagement@BFGonline.com**.



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