



Compliance Guide: E-Verify

What is E-Verify?

E-Verify (formerly the Basic Pilot/Employment Eligibility Verification Program) is an Internet-based system operated by the U.S. Department of Homeland Security (DHS), in partnership with the Social Security Administration, to electronically verify employment eligibility by matching new hire information from I-9 forms with Social Security Numbers (SSN).

If the data is consistent, a work authorization notice is issued. However, if there is a mismatch, employers must work with employees to remedy the discrepancy.

Employer Implications

As of September 8, 2009, E-Verify is mandatory for federal contractors (with projects exceeding \$100,000) and subcontractors (with projects exceeding \$3,000) for new hires and any employees who will work “under” any contract containing the Federal Acquisition Regulation (FAR) Clause.

90 days after E-Verify enrollment, employers must verify the work authorization of their new employees within 3 days of hire. Current employees assigned to the federal contract must be verified within the 90 days enrollment grace period or within 30 days of the employee being assigned to the contract, whichever is later.

Regulations regarding employers’ use of E-Verify will vary depending on state legislation.

Employers may choose to use E-Verify to obtain 17-month OPT Extensions for F-1 students who possess a degree in a “STEM” field (science, technology, engineering or mathematics).

What is the risk of non-compliance?

Non-compliance can result in significant monetary penalties and possible debarment from future federal contracts. Employers who knowingly continue to hire unauthorized workers may face civil and criminal penalties.

What Can I Do?

If you are required to use E-Verify, document the necessary E-Verify steps within your company’s I-9 process, provide E-Verify training to HR and legal on how to use the online platform, and conduct internal audits to ensure compliance.

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What Can I Do?

If E-Verify is optional, consult your immigration services provider, as state legislation regulating the use of E-Verify varies by state.

VISANOW offers E-Verify training, assessment services, and recommendations for E-Verify use to ensure compliance.