

E-Verify

Frequently Asked Questions (FAQs)

1. What is E-Verify?

An internet program operated by U.S. Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA), as part of the Department of Homeland Security (DHS), for employers to determine the validity of an applicant's or employee's social security numbers.

2. How do I begin using E-Verify?

Before you can start using E-Verify, you need to enroll your company in the program. The instructions and registration are on-line at www.uscis.gov/everify. When you enroll your company, you will be asked to provide basic contact information for your company and agree to follow the rules of the program. At the end of the enrollment process, you will be required to sign a Memorandum of Understanding (MOU) that provides the terms of agreement between you as the Employer, the SSA, and DHS. Once you have completed the enrollment process, USCIS will review your information and activate your account. After the account is activated, you will receive an email with your logon instructions, user identification, and password.

3. Who is required to participate?

Under La. R.S. 38:2212.10, all private employers, including contractors and their subcontractors, bidding on or otherwise contracting with a public entity for the physical performance of services within the State of Louisiana must register and utilize the services of the E-Verify program to ensure compliance with federal and state law.

4. Can I opt-out?

No. If you bid on or otherwise contract with a public entity for the physical performance of services within the State of Louisiana, you are covered under this statute.

5. What are the consequences of non-compliance?

If a private employer (including contractors and their subcontractors) bidding on or otherwise contracting with a public entity for the physical performance of services within the State of Louisiana knowingly employs persons in violation of the United States immigration laws, or have not implemented the E-Verify program for all newly hired employees, the State reserves the right to determine what action it may take. This action could include, but is not limited to the cancellation of any public contract and being declared ineligible for any public contract for not more than three years from the date the violation is discovered and being held liable for any additional costs incurred by the public entity occasioned by the cancellation of a contract or loss of any license or permit to do business in the state.

6. Our company has several hiring sites interested in participating in E-Verify. Each site will be conducting the verification process for its newly hired employees. How should these sites register?

Each site that will perform the employment verification queries must go through the registration process and sign an individual MOU.

7. I am an employer with multiple hiring sites. Can one site verify everyone? How?

Yes, one site may verify new hires at all sites. When registering, the individual at the site that will be verifying new hires should select “multiple site registration” and give the number of sites per State it will be verifying.

8. Which employees may I verify through the E-Verify system?

All employers are required to verify all new hires at designated sites, following the completion of the Employment Eligibility Verification Form I-9 (Form I-9). Employers are prohibited from verifying or re-verifying current employees through E-Verify.

9. May I run an existing employee through E-Verify?

No. All employers are prohibited from running existing employees through E-verify. Traditional means of verification of existing employees should have been conducted at the time of hire.

10. May I use E-Verify prior to hiring a job applicant?

No. All users, including state contractors, are prohibited from using E-Verify prior to hiring an applicant. By signing the MOU to participate in E-Verify, all employers agree not to use E-verify for pre-employment screening of job applicants, support for any unlawful employment practice, or any other use not authorized by the MOU. Should the employer use E-Verify procedures for any purpose other than as authorized by the MOU, the employer may be subject to appropriate legal action and immediate termination of its access to SSA and DHS information.

11. What information is required to conduct an initial verification using E-Verify?

All new hires are required to complete the Form I-9 before an E-Verify query is conducted. Employers who are enrolled participants must submit a query that includes information from sections 1 and 2 of the Form I-9, including:

- a) Employee’s name and date of birth
- b) Social Security Number (SSN)
- c) Attested citizenship status (US Citizen, Lawful Permanent Resident, or Alien Authorized to Work)
- d) Alien number or I-94 number, if applicable

- e) Type of document presented for the Form I-9 to establish identity and/or work eligibility status
- f) In some cases the document number and expiration date

* Note that recently admitted asylees and refugees may not have a Social Security Number at the time of hire. For those cases, the employer should run the person through E-Verify after the employee has received their number from the Social Security Administration

12. What is the required timeframe for conducting an employment eligibility check through E-Verify on a newly hired employee?

The earliest and employer may initiate a query is after an individual accepts an offer of employment and after the employee and employer complete the Form I-9. The employer must initiate the query for the newly hired employees no later than three (3) business days after the newly hired employee starts work for which he/she will be paid.

13. How quickly will I know if an employee is employment authorized??

Response to the initial query is received within seconds of submitting the query. Most employees are immediately determined authorized for employment. A Tentative Nonconfirmation (TNC) occurs when the employee's information is compared to government records and work authorization cannot be immediately confirmed. A TNC may be issued by SSA or DHS, depending on where the information mismatch occurred. A TNC does not necessarily mean that the worker is not work authorized or that the information provided was incorrect. Additional guidance for employers on how to proceed with a TNC is outlined in the E-Verify User Guide and on-line tutorial.

14. I have already enrolled and received my username and password. However, I am having difficulty locating the E-Verify site. Where can I find it?

The E-Verify site can be accessed directly at <http://www.uscis.gov/portal/site/uscis> or by linking onto the Louisiana Workforce Commission website at http://www.laworks.net/E_Verify.asp.

15. Does participation in E-Verify provide a “safe harbor” from work site enforcement?

An employer who verifies work authorization under E-Verify has established a rebuttable presumption that it has not knowingly hired an unauthorized alien. Participation in the program does not provide a “safe harbor” from worksite enforcement, however.

16. If my company participates in E-Verify, are we required to notify applicants of our participation?

Yes. All employers using E-Verify must notify applicants of their use of the program. As an employer participating in E-Verify, you are required to post the notice provided by DHS indicating your company's participation in the E-Verify program as well as the anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the Department of Justice. The posting must take place in an area where it can be viewed by applicants and new hires. Once you are enrolled, and able to log into the E-Verify online system, these notices can be found in the "on-line Resources" section. Again, this and all responsibilities of Contractors/Employers in the program are outlined in the Memorandum of Understanding. Remember, your employees have the right to know that you participate in E-Verify before you enter an E-Verify query on that employee.

17. What if I have additional questions?

The E-Verify Quick Reference Guide, current User Manual, and Tutorial all contain instructions and other related materials on E-Verify procedures and requirements. Once you enroll in E-Verify and are able to log into the system, these items are available under the "On-line Resources."