E-Verify Extensions Due to COVID-19

Article By
Jeffrey S. Bell
Polsinelli PC
Polsinelli At Work

- Immigration
- Labor & Employment
- All Federal

Tuesday, March 24, 2020

E-Verify has announced that it is temporarily extending the timeframe to take action to resolve Tentative Nonconfirmations (TNC) from the Social Security Administration or Department of Homeland Security due to office closures to the public.

Under the new temporary policies, employers are still required to create E-Verify cases for new hires within three business days from the date of hire. If the E-Verify case creation is delayed due to the employer’s office closure or other COVID-19 precautions, the employer should select “Other” in E-Verify and enter COVID-19 as the reason.

If an employee receives a TNC, the employer must still notify the employee of the TNC result as soon as possible. If the employee decides to take action to contest the TNC, the employer should notify E-Verify of the employee’s decision.

E-Verify works by comparing the information employees provide for Form I-9, Employment Eligibility Verification, against records available to SSA and DHS. If the information provided by the employee does not match, the case will receive a TNC result, and the employer must give the employee an opportunity to take action to resolve the mismatch. Employees who choose to take action on a TNC are referred to SSA or DHS.

In ordinary times, an employee taking action to resolve a TNC must visit the SSA or DHS office within eight (8) federal government workdays to begin resolving the
discrepancy. Provided the employee has timely visited an SSA field office or contacted DHS, the E-Verify case will be in interim status until a final result is issued.

Because of government office closures due to COVID-19, an employee contesting a TNC may not be able to visit an SSA or DHS office within eight business days. Under the new temporary guidelines, the E-Verify case will then be in an extended interim status. Once government offices reopen, the employee must then visit the appropriate office to resolve the TNC, ultimately leading to a result that either the employee is authorized or a final nonconfirmation result that the employee is not authorized to work.

DHS reminds employers not to take any adverse action against an employee because the E-Verify case is in an interim status, including while the employee’s E-Verify case is in an extended interim case status due to COVID-19 precautions.

© Polsinelli PC, Polsinelli LLP in California

Source URL: https://www.natlawreview.com/article/e-verify-extensions-due-to-covid-19