

Questions and Answers For Notice to Employer of Referred Workers

1. When and how frequently does the *Notice to Employer of Referred Workers* need to be used?

The *Notice to Employers of Referred Workers* must be filled out and sent to employers every time new workers are referred. The frequency of utilizing this form is contingent on the rate at which the SWA refers new workers to potential employers.

2. What does the *Notice to Employer of Referred Workers* tell potential employers?

In addition to the names of the SWA and referred worker(s), the notice informs potential employers that the SWA listed uses E-Verify to confirm the employment eligibility of workers seeking employment in the United States. However, the verification process for the referred workers may or may not be completed at the time of referral. If the verification process is incomplete, employers are told that the worker may not receive unfavorable treatment on that basis. Employers are also notified that the SWA will provide further information on the status of verification or a certification within 21 business days of the employee's hire date.

3. What should the SWA do with workers that are in the process of verification?

Workers that are in the process of being queried in E-Verify may still be referred to an employer. However, the SWA is obligated to provide either more information pertaining to the worker's verification status or a certification within 21 business days of hiring the employee.

4. Is it possible to send one notice for several workers?

Yes. When filling out the *Notice to Employers of Referred Workers* the SWA is permitted to write down the names of more than one worker as long as the form is sent simultaneously with the referral. Any additional referrals require an additional *Notice to Employers of Referred Workers* to the employer.

5. What would happen if the SWA does not send the *Notice to Employers of Referred Workers*?

Should the SWA fail to send the Notice to the employer as required, the SWA will be in violation of the E-Verify Program Memorandum of Understanding (MOU). A violation of the MOU may result in termination of the SWA's participation in E-Verify and subject the SWA to civil or criminal penalties under the law.