



Executive Summary

E-Verify's Newest Customer Service Enhancement Employee TNC Email Notification July 1, 2013

Overview

On Monday, July 1, 2013, the U.S. Citizenship and Immigration Services (USCIS) Customer Service and Public Engagement Directorate (CSPED) and the Verification Division hosted a stakeholder teleconference to introduce E-Verify's newest customer service enhancement, the Tentative Nonconfirmation (TNC) Email Notification to Employees. This enhancement notifies employees by email at the same time it notifies the employer of a TNC through the E-Verify system. A TNC is issued if there is a record mismatch that needs to be resolved before the employee can be confirmed as work authorized. During the engagement, subject matter experts introduced the enhancement, discussed how the change will affect employers and employees, provided updates, and responded to stakeholder questions. General information as well as useful resources provided during the call are outlined below.

Background

On July 1, 2013, USCIS added a field in E-Verify to capture the employees email address when a case is created. This new field matches the optional employee email field that was added to the latest version of the Employment Eligibility Verification [Form I-9](#) released on March 8, 2013. If an employee opts to add an email address on the Form I-9, E-Verify employers are now required to enter it in E-Verify. The employee will be able to receive an email from E-Verify if such communication is triggered as described below.

The TNC email notification is the latest customer service enhancement to continue USCIS's efforts to provide a more transparent E-Verify process for workers and advance E-Verify responsiveness to employer and employee needs. E-Verify is an internet-based system that compares information from an employee's [Form I-9](#), *Employment Eligibility Verification*, to data from U.S. Department of Homeland Security (DHS) and Social Security Administration (SSA) records to confirm employment eligibility.

The new email notification process does not replace the current TNC process. A TNC means that the information entered in E-Verify from the Form I-9 did not match government records. The new enhancement does not change the employer's responsibilities; employers are ultimately responsible for notifying an employee of a TNC. However, this enhancement notifies

employees that they have been issued a TNC and encourages timely resolution. Now an employee, who receives a TNC email notification, can immediately contact their employer and initiate the TNC process.

TNC Email Notification Process

There are three possible emails an employee may receive from E-Verify. The process is as follows:

1. If a TNC is received, employees who have provided a valid email address on [Form I-9](#) will be automatically notified by E-Verify. The link below provides a sample initial email notification:
 - o [Notification from E-Verify – Tentative Nonconfirmation](#)
2. An additional email will be sent when an employee:
 - o Receives a TNC and decides to contest (take action to try to resolve), and
 - o The employer refers the case to DHS or SSA, and
 - o The employee has not contacted DHS or SSA within four days of the date that the case was referred.

Sample reminder email messages are below:

- o [Reminder from E-Verify – SSA Tentative Nonconfirmation](#)
 - o [Reminder from E-Verify – DHS Tentative Nonconfirmation](#)
3. Please note, when E-Verify confirms employment eligibility for a naturalized citizen of the United States according to DHS records, but also finds that records with SSA have not been updated since the employee naturalized, an email will be sent advising the employee to visit a SSA office to update the record:
 - o [Courtesy Reminder from E-Verify – Update records with SSA](#)This email is unrelated to the TNC however; it was created as a courtesy for employees in response to stakeholder feedback.

Employer Responsibilities

Again, the new enhancement does not change the employer's responsibilities when a TNC is received. The employer is still responsible to quickly notify the employee of the TNC; give them a copy of the notice provided by E-Verify; allow the employee to decide whether to contest; and, if the employee decides to contest, give the employee a referral notice and allow the employee to contest without taking adverse actions. As of July 1, 2013, the employer must input the email address into E-Verify if an email address is provided by the employee on Section 1 of the Form I-9.

During the engagement, stakeholders asked if they would be penalized for following existing guidance prior to this date. Subject matter experts indicated that employers will not be penalized under these circumstances.

A number of stakeholders inquired about the types of email addresses that should be used and when it was appropriate to enter an employee’s email address in E-Verify. The instructions to Form I-9 indicate that the email address field is optional for the employee. Therefore, if an employee does not include the email address on the Form I-9, the employer is not permitted to input the employee’s email address even if known. However, the employer can advise the employee it is advantageous to enter the email address and that the email address may be used by DHS to contact them about their E-Verify case results. Moreover, the employer must put the email address provided even if the employee elects to use their work email address.

USCIS stated that, if an employee voluntarily provides an email address and the employer does not enter it then the employer is in violation of E-Verify policy. The Memorandum of Understanding ([MOU](#)) requires employers to comply with the latest version of the *E-Verify User Manual*. The *User Manual for Employers M-775* has been updated to provide guidance on the TNC email notification process and E-Verify has included helper text within the system to include this new policy. Subject matter experts encouraged employers to visit the [For Employers](#) section of the E-Verify website for any questions about this new enhancement.

Resources Available to Employees

Stakeholders were informed that the website has been updated to include a description of the new enhancements and samples of the possible TNC emails an employee can receive. In addition, they reminded stakeholders that E-Verify provides numerous employee resources that are easily accessible online and encouraged employees to visit the [For Employees](#) section of the E-verify website. Some of the most commonly accessed resources are as follows:

Resource	Description
Self-Check <ul style="list-style-type: none"> • English • Spanish 	A free online service available in English and Spanish that allows any individual 16 years of age and over to verify their employment eligibility.
Employee Rights Toolkit	An online multimedia resource available in English and Spanish created for employees and employee advocates. It can be downloaded, or the DVD can be ordered.
E-Verify Employee Hotline (888) 897-7781	The hotline includes menus in English and Spanish; interpreter services are offered in additional languages.
Department of Justice (DOJ), Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices <ul style="list-style-type: none"> • Employer Hotline (800) 255-8155 • Employee hotline (800) 616-5525 Webinars schedule posted online: www.justice.gov/crt/about/osc	This service is available to employees and employers to report discriminatory use of E-Verify.

Employee Rights Webinars	Free webinars are hosted jointly by USCIS and the DOJ, Civil Rights Division, Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices.
Videos	<ul style="list-style-type: none"> • How to Respond to a TNC • Know Your Rights when your Employer uses E-Verify

Web Services Participants

Subject matter experts also notified participants that on July 1, 2013, an E-Verify email notification was sent to Web services participants notifying them that they can access the new Interface Control Agreement (ICA), version 25, from the E-Verify home page. With this version, E-Verify added a new resources page specifically for Web Services participants. It is only available to Web services participant Program Administrators by visiting <https://e-verify.uscis.gov/esp/vislogin.aspx?JS=YES>. "My Web Services" is found on the left-hand side navigation menu by clicking on the "Manage Web Services" link in that section, administrators will learn about the new feature and obtain the new ICA (version 25).

Conclusion

More than 850 stakeholders joined the July 1 teleconference and were encouraged to continue to visit and subscribe to the USCIS E-Verify website at www.uscis.gov/everify for updates and additional tools and resources.