E-Verify Process Summary

I-9 Management

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This document provides an overview for using E-Verify with the Equifax Workforce Soulutions I-9 service and is intended for clients implementing the Equifax Workforce Soulutions I-9 service. This document is confidential to Equifax Workforce Soulutions Corporation. This document or any part thereof may not be reproduced or transmitted in any form by any means for any purpose without written permission of Equifax Workforce Soulutions Corporation.

This document is not an official federal government manual for E-Verify.

E-Verify Contact Information

For questions regarding the E-Verify:

- Technical Help Desk: 1-800-741-5023
- General Information: 1-888-464-4218
- Support E-Mail: e-verify@dhs.gov
- Web: https://www.vis-dhs.com

Reference Documents

For additional information regarding the Form I-9 and E-Verify:

- **Handbook for Employers** – Instructions for Completing the Form I-9 (Employment Eligibility Verification Form M-274 (Rev. 03/08/2013) N). To order more forms or handbooks, call the U.S. Citizenship and Immigration Service (USCIS) toll-free number at 1-800-870-3676. Individuals also can order them by phoning the USCIS National Customer Service Center at 1-800-375-5283, or download PDF versions from the USCIS website at www.uscis.gov.
- **E**-Verify User Manual For Employers- M-775 E-Verify User Manual For Employers.
- **E-Verify User Manual For Federal Contractors**– M-574 E-Verify User Manual For Federal Contractors.

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Overview

This document is designed to educate clients on the E-Verify program as well as to provide instructions on how to send cases to E-Verify, close E-Verify cases, and monitor E-Verify issues using the Equifax Workforce Soulutions I-9 service. This document also includes a list of all E-Verify statuses as well as some frequently asked questions.

E-Verify

E-Verify is a secure, online service that verifies an employee's authorization to work in the United States by comparing information from the Form I-9 with records contained in Social Security Administration (SSA) and Department of Homeland Security (DHS) databases. E-Verify, formerly referred to as the SAVE / Basic Pilot Program, has been in existence since the mid-1990's and is operated by the U.S. Citizenship and Immigration Services division of the Department of Homeland Security (DHS) in partnership with the Social Security Administration. It is designed to be used in conjunction with the Form I-9.

Benefits
- Helps eliminate potential employer liability by ensuring Forms I-9 are compliant and workers hired are legal. Use of E-Verify is #1 on the DHS and ICE list of best hiring practices.
- Helps eliminate the guesswork in verifying employee documents.
- Complies with state laws. Some states have passed laws mandating that employers use E-Verify and more states are expected to follow.
- Provides a competitive advantage. Some customers require their service providers to supply workers who have been verified with E-Verify.
- Protects jobs for authorized United States workers.
- Ensures a legal workforce.
- Prevents disruptions and turnover in the workforce if illegal workers are discovered.
- Protects your corporate brand and avoids negative publicity from employing illegal workers.

Requirements
- A new employee must present a photo ID to prove identity when completing the I-9.
- ALL new hires and rehires completing a new I-9 MUST be verified if the location uses E-Verify. Refer to your corporate hiring policies.
- Reactivated employees may NOT be verified. However, there may be some exceptions. Refer to your corporate hiring policies.
- Existing employees may NOT be verified, unless covered by the E-Verify Federal Contractor Rule, which took effect September 8, 2009.
- E-Verify may NOT be used to re-verify existing employees with expiring work documents.
- Employers should submit verification queries for newly hired employees no later than the 3rd business data after they start work for pay.
- If you discover that you failed to initiate a verification query by end of the 3rd business day, you should make a good faith effort to comply by immediately initiating a query. You should make a note of the reason for the delay and attach it to the Form I-9. (If the employee also failed to complete the Form I-9, this must be completed first).

E-Verify System Flow

An E-Verify transaction is automatically initiated when Section 2 of the I-9 is electronically signed by the employer. Information from the I-9 is automatically sent to the SSA and, in certain cases, the DHS for verification. A unique Case Number is assigned by E-Verify and an initial response is returned and displayed in the Equifax Workforce Soulutions I-9 service.

U.S. Citizen / Naturalized Citizen

For a U.S. Citizen or a Naturalized Citizen, E-Verify only checks against the SSA database to verify the new employee.

Non-Citizen

For a non-citizen, E-Verify checks against the SSA database and the DHS database to verify the new employee.

Submitting a Case to E-Verify

Initiating E-Verify

The employee's data is automatically submitted to E-Verify when Section 2 of their I-9 is electronically signed by the employer, if the criteria below are satisfied.

- The SSN must be entered in Section 1 of the I-9.
- The employee must be a new hire.

New Hire Window

The New Hire Window is used to determine if the employee completing the I-9 is an existing or former employee or a new hire. It is a configurable setting that is determined during your implementation of the I-9 service. The I-9 service compares the hire date entered on the I-9 with the current date. If the Hire Date is within your configured New Hire Window, the I-9 service considers the employee a new hire. If it is not within the New Hire Window, the I-9 service considers the employee an existing employee who is considered ineligible for E-Verify and the I-9 is not submitted to E-Verify. The most commonly used configuration is 30 days. This provides time to insure compliance and to correct any accidental operational errors that occur.

SSN Applied for

E-Verify requires that the employee's SSN be included in Section 1 of the I-9. If the employee has applied for a Social Security Number and the SSN has not been issued yet, this must be indicated in Section 1 by clicking the **SSN Applied For** radio button. The employee should provide their SSN to you within 90 days. The service tracks these I-9s for you. SSN Applied for is a configurable options that you can choose to disable.

Clicking the **SSN Applied For** link in the Quick Search box on the Main Menu displays a list of I-9s that have applied for a SSN. Next, click the **employee name** link to access the Employee Detail page for this employee. From here you should click the **Section 3** button and enter the employee's SSN to resolve the SSN Applied For status. When you enter the employee's SSN in Section 3, the I-9 service will automatically submit the employee's information to E-Verify, if the employee was eligible for E-Verify when the original I-9 was completed.

Section 2

If the employee is eligible for E-Verify, completing Section 2 of the employee's I-9 automatically initiates the E-Verify transaction. The service sends the employee's information to E-Verify to verify their eligibility to work in the United States.

Signing Section 2 includes four simple steps.

1. Review the information entered on the I-9 to make sure it is correct and enter the document information provided by the employee.
2. Click the checkbox to agree with the perjury statement.
3. Click Continue to complete the electronic signature.

E-Verify Status and Scenarios

Initial E-Verify Response

When Section 2 is signed and the I-9 information is automatically submitted to E-Verify, the E-Verify system assigns a unique case number and returns an initial status response to the I-9 service. The steps

necessary to complete the E-Verify verification process and close the case are dependent on the current status of the E-Verify case. You will see one of the following responses displayed in the I-9 History section of the Employee Detail page.

- Employment Authorized
- Initial verification not processed. The I-9 service will continue trying to process the transaction.
- SSA Tentative Nonconfirmation
- Employment Authorized – with additional verification optional
- Employment Authorized – with additional verification requested automatically
- DHS Verification in Process
- DHS Case Incomplete
- SSA Case Incomplete
- Photo Matching

Employment Authorized

This response means that the employee is authorized to work in the United States. Employment Authorized is the most common initial response received from E-Verify. Most employers receive this response 90% of the time (or more) as the initial response from E-Verify. The I-9 service takes the user to the Employee Detail page. The E-Verify response is displayed in the banner at the top of the page, as well as in the E-Verify section of the Employee Detail page.

While the case will display a status of "Employment Authorized", further action is required in order to close the case.

First, the employer must click the "Close Case" button in the E-Verify section on the Employee Detail page. This will take the user to the E-Verify History page, where they must select the appropriate closure option, and then click Close Case, as shown in the illustration below.

Once the case is closed, the service returns to the Employee Detail page, where the E-Verify banner message is now absent, and the updated closed E-Verify status is listed.

Initial Verification Not Processed

This informational message indicates that the I-9 has been completed, but a response has not yet been received from E-Verify. Check the I-9 service frequently for updated results. This typically occurs right after Section 2 is signed. If E-Verify does not respond to the I-9 service by the time the Employee Detail page has loaded, this will be listed as the E-Verify status. The I-9 service will continue to attempt to process the transaction with E-Verify.

- Click the **Refresh** button to check for an update to the E-Verify status.

- Once results are received, follow the appropriate steps based on the E-Verify status.

SSA or DHS Tentative Nonconfirmation

A response of **SSA TENTATIVE NONCONFIRMATION (SSA TNC)** simply means that the information on the employee's I-9 did not match the information on file at the SSA. It does NOT mean the employee is not authorized to work. The employee can choose to: contest (correct the problem) or not contest (forfeit & terminate employment).

A response of **DHS TENTATIVE NONCONFIRMATION (DHS TNC)** means that the Department of Homeland Security could not verify employment eligibility. You may not receive this as a response from E-Verify. DHS TNC could be received after the DHS Verification in Process status, if information at DHS does not match.

E-Verify includes an indicator that identifies a <mark>Potentially Naturalized Citizen.</mark>Cases flagged as potentially naturalized citizens are presented with a different set of SSA Referral documents. This additional information is displayed on the **E-Verify History** page in the Initial Verification response section as well as on the **Employee Detail** page in the E-Verify section. Potentially Naturalized Citizen status can be **Yes** or **No**. This is conditional and not always provided by E-Verify. If not provided, it is not displayed.

> **IMPORTANT!**
>
> A DHS or SSA Tentative Nonconfirmation response does NOT mean that the employee is ineligible to work. The employer should assume the employee is eligible to work until they receive a Final Nonconfirmation response indicating the employee is not authorized to work in the United States.

Informing the Employee of the TNC

Inform the employee of the reason for the tentative result by using the guide below. The employer should help the employee understand what documentation he/she will need to take to the local SSA office or use to call the DHS to correct the issue. Instruct the employee to ensure the SSA or DHS verifies ALL of the employee's information.

IMPORTANT!
Before clicking the **Referral** button, review the data on the I-9 with the employee to make sure all the data was entered correctly. Common mistakes include typos for SSN, employee name, and date of birth on the I-9. If a data entry error is found, **DO NOT CLICK REFER.** You should click **Close Case**, as invalid data. You should then complete a new I-9 with the employee immediately with the correct information.

- Unable to confirm United States citizenship:
  - o The employee may have checked the wrong checkbox in Section 1 of the Form I-9 regarding citizenship. Perhaps the employee should have checked Lawful Permanent Resident. If this is the case, you will need to close this E-Verify case as an Invalid Query. The employee will then complete a new I-9. Once Section 2 of the I-9 is completed by the employer, a new E-Verify query will be automatically initiated.
  - o If the employee feels they have checked the correct checkbox in Section 1, this may mean that the employee is a Naturalized Citizen, but never updated their citizenship status with the SSA. The E-Verify result will tell you if this employee is a potentially naturalized citizen. If this is the case, the employee must present the SSA with his/her Certificate of Naturalization to prove citizenship. It is helpful if the employee pinpoints the problem to the SSA clerk – this will save time and potentially multiple visits to the SSA.
- SSN does not match:
  - o The wrong SSN may have been entered on the I-9.
  - o This means that either the name or birth date does not match the SSA's information. The employee will need to present documentation (birth certificate, marriage license/certificate, etc.) in order for the SSA to update their information. It is very helpful if the employee pinpoints the problem to the SSA clerk – this will save time and potentially multiple visits to the SSA.
- Invalid SSN:
  - o This is most likely a Social Security number that was not issued by the SSA. As a double check, review the SSN that was entered for accuracy.

Processing the TNC

After you inform the employee of the TNC response from E-Verify, the employee must then decide whether they would like to **Contest** or **Not Contest** the TNC. The I-9 service provides a link to the Tentative Nonconfirmation Notice to help the employee understand the response and make a decision on whether to Contest or Not Contest. By contesting the TNC, the employee is indicating that they believe that they are authorized to work in the United States and they want to have the opportunity to work with the SSA or DHS to correct the data issue. If the employee chooses to not contest, they are admitting that they are not authorized to work in the United States and should be terminated immediately. The following will help guide you through what actions to take for employees that choose to Contest or Not Contest the Tentative Nonconfirmation as well as the process to follow for employees that simply leave after you notify them.

Employee Contests the Tentative Nonconfirmation

1. Click the **Continue** button on the Employee Detail page; this will take you to the E-Verify History page for the employee. The I-9 service will

pre-populate the forms with the employee's information to the SSA or DHS Tentative Nonconfirmation Notice and respective documents.

2. Review the information to confirm accuracy. Next click **Continue** to proceed with the referral process.

3. Follow the instructions to print the Further Action Notice.
   - Click the appropriate link to open and print the Further Action Notice.

4. Click the checkbox under #3 to confirm that the employee has been given the Further Action Notice. Clicking the checkbox enables the **Continue** button.
   - Click **Contest** to proceed.

5. Click **Refer Case** to update the case status to employee referred. This lets E-Verify know that the employee has been referred.

6. Next you must print the **Referral Date Confirmation** and give it to the employee.
   - Click the appropriate link on the page to print the document.

7. Click the checkbox under #3 to confirm that the employee was given the **Referral Date Confirmation**. When you click the checkbox the **Complete** button is enabled.
   - Click **Complete** to proceed.

8. The **Complete** step provides confirmation that the employee has been successfully referred to SSA/DHS.
   - Click **Return to Employee Detail Page** to go back to the Employee Detail page. The current E-Verify case status is displayed on the Employee Detail page.

The E-Verify updated case status will automatically display on the Employee Detail page when E-Verify makes a change to status. You should monitor the case status daily for updates. You can also monitor the status of all open E-Verify cases in the Locations you have access to via the Quick Search box, by clicking on the **E-Verify Issues** link.

> **IMPORTANT!**
>
> After receiving the notification and referral documents and being "referred" to SSA, the employee has 8 government workdays to visit the local SSA office or call the DHS to resolve the issue.

Employee Does Not Contest the Tentative Nonconfirmation

1. Click the **Continue** button on the Employee Detail page. This will take you to the E-Verify History page.

2. Review the information for accuracy and then click **Continue** to proceed with the **Not Contest** process

3. Follow the instructions on the screen to print the **Further Action Notice**.
   - Click the appropriate link to open and print the **Further Action Notice.**

4. Click the checkbox under #3 to confirm that the employee has been given the **Further Action Notice**. When you click the checkbox the **Not Contest** button is enabled.

- Click **Not Contest** to proceed.

5. Select the appropriate **Case Resolution** by clicking the radio button next to the desired resolution.

- Click **Close Case** to continue.

6. The **Complete** step provides confirmation that the case has been successfully closed.

- You can exit this page by clicking the Return to Employee Detail Page link. The updated E-Verify case status is displayed on the Employee Detail page.

Employee leaves when you notify them of the TNC.

1. Click the **Close Case** button on the Employee Detail page. This will take you to the E-Verify History page.

> **ACTION REQUIRED!**
>
> The Tentative Nonconfirmation Notices on this page are for informational purposes only. They are only provided to help the employee decide to contest or not contest the E-Verify results. When the employee makes their decision you MUST click on the appropriate button below. After clicking the appropriate button you MUST follow the steps listed on the E-Verify History page to actually refer the employee to SSA or DHS to close this Tentative Nonconfirmation. You MUST print the E-Verify documents on the E-Verify History page and provide copies to the employee.
>
> View SSA Tentative Nonconfirmation Notice
> View SSA Tentative Nonconfirmation Notice (Español)
>
> [History...] [Contest] [Not Contest] [Close Case]

2. On the E-Verify History page, you will see the **Select Case Closure** section. Select 'No' to indicate the employee is not currently employed, select the appropriate closer option and then click the **Close Case** button. See the **Closing Cases** section of this document for details.

> **Select Case Closure Option**
> E-Verify requires that you confirm that the employee is or is not employed at this time before you can close the case.
>
> 1. Select **Yes** or **No** to indicate if the employee is current employed.
> 2. Select the closure option for this employee.
> 3. Click **Close Case**.
>
> **Is the employee currently employed?**
> ○ Yes - The employee **IS** currently employed.
> ○ No - The employee **IS NOT** currently employed.
>
> [Back] [Close Case]

Employment Authorized – With Additional Verification Optional

This response from E-Verify indicates that the employee has been determined to be **Employment Authorized**. However, the DHS can perform a more in-depth verification on this employee. The decision to request an additional verification is at the discretion of the employer. **Your company policy will determine if this additional verification <u>must be requested</u>**, since these cases could actually receive a FINAL NONCONFIRMATION (unauthorized) result even though the initial result was EMPLOYMENT AUTHORIZED. **<u>It is very important to always follow company policy regarding requesting the additional verification when EMPLOYMENT AUTHORIZED–ADDITIONAL VERIFICATION results are received</u>**. You will need to indicate whether you would like to perform the additional or not.

- **Request Additional** – Click the **Additional Verification** button. The case status will update to **DHS Verification in Process**. DHS responds to most of these cases within 24 hours, although DHS is permitted up to 3 government workdays to respond. You should check the I-9 service daily for a response from DHS/E-Verify.

- **Close Case** – Click the **Close Case** button. You will then need to select the resolution to indicate that the employee is continuing to work after receiving an Employment Authorized response.

Employment Authorized – With Additional Verification Requested Automatically

This response indicates that the employee has been determined to be Employment Authorized. However, the DHS can perform a more in-depth verification on this employee. **The additional verification is automatically requested.** In most cases, you will not even see this status since E-Verify processes the additional verification automatically. No action is required by you at this point. The additional verification will be automatically requested and the case status will update to **DHS Verification in Process**. DHS reviews and updates the status for most of these cases within 24 hours, although DHS is permitted up to 3 government workdays to respond. You should check the I-9 service daily for an update from DHS/E-Verify.

DHS Verification in Process

This response means a definitive answer is not yet available. DHS responds to most of these cases within 24 hours, although DHS is permitted up to 3 government workdays to respond. You should check the I-9 service daily for an update from DHS/E-Verify.

The DHS Verification in Process status will be displayed in the E-Verify section of the Employee Detail page. **No action** is required by you or the employee at this point. E-Verify will automatically update the status. You should check the I-9 service daily for a response.

The reason for the DHS Verification is listed on the E-Verify History page. Clicking the **History** button on the Employee Detail page to take you to the E-Verify History page.

SSA or DHS Continuance

E-Verify returns the status of SSA or DHS **Case in Continuance** when the respective agency needs more time to research the case. These statuses indicate that the employee received an SSA or DHS TNC and opted to **Contest** the result. The employee then visited SSA or contacted DHS within 8 government workdays to update his or her record, but the government needs more time to confirm employment eligibility.

You should check the I-9 service daily for updated results. Possible responses include:

- Employment Authorized
- SSA Final Nonconfirmation

- Review and Update Employee Data then Resubmit
- DHS Verification in Process
- DHS Final Nonconfirmation

The case remains open in E-Verify and your employee should continue to work. You must wait until the government provides an updated response through E-Verify before taking action on the case. You may not terminate or take adverse action against the employee unless E-Verify returns an updated response of **SSA Final Nonconfirmation** or **DHS Final Nonconfirmation**.

- No action is required from you or the employee at this point
- Check the I-9 service daily for updates
- When E-Verify updates the status, follow the steps accordingly based on the E-Verify status as outlined in this document.

IMPORTANT!

There is no definitive timeline for E-Verify providing an updated status for a **DHS/SSA Case in Continuance**. A case can remain in this status for months and in extreme situations over a year.

Review and update employee data and resubmit

In some cases, SSA will prompt you to review and update the employee information you originally submitted to E-Verify. This means the SSA has determined that there appears to be a discrepancy in the employee data. This discrepancy may result from any of the following situations:

- A keying error on the I-9;
- The employee unintentionally provided incorrect information on the I-9; or
- The employee intentionally provided incorrect information on the I-9.

To resubmit the case to SSA, perform the following steps:

1. Review with the employee, the accuracy of the information they provided on the electronic I-9 in the I-9 service.

E-Verify
Origination Date: 10/29/2008
Current Status Date: 10/29/2008
Current Status: Review and update employee data and resubmit.
History...   Resubmit Verification

2. Click the **Resubmit Verification** button on the **Employee Detail** page. This will take you to the **E-Verify History** page for this case.

3. Next, update the employee information as needed by entering it in the fields provided. After you have entered any necessary information, click **Resubmit**.

Enter Resubmit Verification Information
You can only resubmit a case one time. Please make sure it has been at least 24 hours since the employee visited the SSA before you resubmit the case.
Last Name: Nathan   First Name: John   Middle Initial: Maiden Name:
Social Security #: 300063212   Date of Birth: 01/01/1970   *(mm/dd/yyyy)*
Back   Resubmit

4. Clicking **Resubmit** will resubmit the case to E-Verify, including any updated employee information that was entered. The case will generally go into a status of **DHS Verification in Process**. No action is required from you or the employee while the DHS Verification in Process. See the DHS Verification in Process section for more details.

5. You should monitor the status of the E-Verify case in the I-9 service on a daily basis.

NOTE:

This will not change the information on the original I-9. If you would like to update the information on the I-9, you can complete Section 3 on the electronic I-9 by clicking the **Section 3** button on the **Employee Detail** page. This should be done **AFTER** the current E-Verify case is closed.

DHS Referral to SSA

The SSA Referral Resolution interaction has E-Verify response that will result in a status of **DHS Referral to SSA**. There are no user options for a case with this status. The user must wait until E-Verify updates the status.

The E-Verify History page displays the **DHS Referral** to **SSA Status**.

SSA/DHS Case Incomplete

The status codes of **SSA Case Incomplete** and **DHS Case Incomplete** were created to help reduce the burden on employers and employees by reducing the number of **Tentative Nonconfirmation (TNC)** responses from E-Verify. These status codes act as precursors to a **TNC**. E-Verify returns the status of **Case Incomplete** if there are minor discrepancies in the data submitted and the data on record for the employee at SSA or DHS. The employer/employee is then given a second chance to review/edit the data to confirm accuracy. This helps reduce the burden on the employer and employee by avoiding **TNCs** caused by data entry errors.

SSA Case Incomplete – Employee Detail page

When E-Verify returns the status of **SSA** or **DHS Case Incomplete**, the employer can click the **Review/Edit Case** button to review the data submitted to E-Verify, confirm it is accurate and edit if necessary.

SSA Case Incomplete – E-Verify History page

E-Verify History - Case Number: 2010287172752ZU

Initial Verification (10/14/2010)

Name:	Alpha One
Social security #:	XXX-XX-6788
Birth date:	01/01/1951
Employment date:	10/14/2010
Work Status:	A Citizen of the United States
Alien #:	
I-94 #:	
Passport #:	195111111
Visa #:	
Document Type:	U.S. Passport or U.S. Passport Card
Document #:	
Document Expiration Date:	
Initiated By:	John Smith
E-Verify Company ID Number:	11457
Reason for Delay:	Initial query submitted on time.
FAR E-Verify Status:	Covered
Return Name:	
Status:	SSA Case Incomplete

SSA Case Incomplete

Check Information

The information below is on the employee?s Form I-9. Check with the employee to confirm that the information is correct.

If this information is correct, click **Continue**.

If this information is not correct, enter the correct information and click **Continue**.

Last Name:	**First Name:**	**Middle Initial:**	**Maiden Name:**
One	Alpha		

SSN:	**Date of Birth:**
123456788	01/01/1951 *(mm/dd/yyyy)*

[Back] [Continue]

Review the data entered and make any necessary corrections. Click **Continue** to submit the information to E-Verify.

DHS Case Incomplete: E-Verify History page

E-Verify History - Case Number: 2010281113153NL

Initial Verification (10/08/2010)

Name:	Charlie Three
Social security #:	XXX-XX-6789
Birth date:	03/03/1973
Employment date:	10/08/2010
Work Status:	An alien authorized to work
Alien #:	197333333
I-94 #:	
Passport #:	
Visa #:	
Document Type:	Form I-766 - Employment Authorization Document that contains a photograph
Document #:	ABC1234567890
Document Expiration Date:	03/03/2013
Initiated By:	John Smith
E-Verify Company ID Number:	11457
Reason for Delay:	Initial query submitted on time.
FAR E-Verify Status:	Covered
Return Name:	
Status:	DHS Case Incomplete

DHS Case Incomplete

Check Information

The information below is on the employee?s Form I-9. Check with the employee to confirm that the information is correct.

If this information is correct, click **Continue**.

If this information is not correct, enter the correct information and click **Continue**.

Alien Number: 197333333

Document Number: ABC1234567890

[Back] [Continue]

Review the data entered and make any necessary corrections. Click **Continue** to submit the information to E-Verify.

After the **SSA** or **DHS Case Incomplete** status, the case will be updated by E-Verify to one of the following statuses:

- Employment Authorized

- SSA or DHS Tentative Nonconfirmation

- Photo Match

Employee Search page

This screenshot displays the E-Verify status of **SSA Case Incomplete** on the Employee Search screen. This E-Verify case is open, so it is considered an E-Verify issue.

Photo Matching

Photo Matching is a status regarding the E-Verify Photo Matching tool. The status of **Photo Matching** may be returned as an initial response by E-Verify. The **Photo Matching** status requires the employer to compare the photograph on the employee's Section 2 document to the picture displayed by E-Verify. The employer must then indicate if the photograph on the employee's document matches the photograph displayed by E-Verify. The only documents included in the E-Verify **Photo Matching** tool are the I-766, I-551, and U.S. Passport and U.S. Passport Card.

There is an additional step added to the **DHS Tentative Nonconfirmation Contest** process when an I-766 and I-551 is presented by the employee. The step is prior to the **Referral** step in the **Contest** wizard. The employer has the ability to upload an image of the employee's document that is stored with the I-9 and submitted to E-Verify, or may choose to mail a copy of the employee's document to E-Verify.

Submitting the document copy to E-Verify is only necessary if all of the following are true:

1. The employee presented a document included in the **Photo Matching** tool feature. Currently these are the I-766, I-551, and U.S. Passport and U.S. Passport Card.

2. The employer indicated that the photograph on the employee's document and the photograph returned by E-Verify do NOT match.

3. The employee chooses to **Contest** the **DHS Tentative Nonconfirmation**.

Document Copies

Employers have a couple of options when it comes to retaining copies of the I-766 and I-551 documents. Below are the options employers may choose from.

- Retain an electronic copy of the employees I-766 or I-551 document

- Retain a hardcopy of the employee's I-766 or I-551 document

Employers should use the option that is most feasible for them based on their I-9 process and the technology available at the hiring locations. Whichever option that you choose, you must be able to produce the document copy for review if requested during an audit.

Configuration Option

The I-9 service is adding a configuration option to allow employers to indicate which document copy option your organization is following.

1. **Electronic Copies only** – If you have the service configured to retain electronic copies only, the service will prompt the User to scan and attach a copy of the employee's document. If a document copy is not attached to the employee's I-9, the following message will be displayed indicating that the document needs to be retained and giving the user the ability to do so.

2. **Hardcopies only** – If you have configured the service to only only retain hardcopies of the Photo Matching document, the service will prompt the User to confirm that a hardcopy has been made and is being retained. If the hardcopy has not been confirmed by the User, the following message will be displayed indicating that the document needs to be retained and giving the user the ability to do so.

3. **Either Electronic Copies or Hardcopies** – If you have configured the service to allow both electronic copies or hardcopies of the **Photo Matching** document, the service will prompt the User with both options. If neither is completed by the user, the following message will be displayed, indicating that the document needs to be retained and giving the user the ability to do so.

```
E-Verify
                Origination Date: 10/25/2010
                Reason for Delay: Initial query submitted on time.
              FAR E-Verify Status: Covered
              Current Status Date: 10/26/2010
                  Current Status: Employment Authorized.

IMPORTANT! For a case with Photo Matching you MUST retain a copy of the employee's document.
You may either:

    1.  Scan the document and attach the image to the employee's electronic Form I-9 by clicking the
        Attach File action in the I-9 History Section on the Employee Detail page, OR
    2.  Copy the document and retain the hardcopy in a separate file.

              ☐ A hardcopy of the employee's document has been made and retained.

                                    [ Save ]

   ⊙  This employee has been authorized by E-Verify. To complete the process, click the Close Case
      button below.

                          [ History... ]   [ Close Case ]
```

Photo Matching Scenario #1 (Photograph matches)

The employee presents an I-766 or I-551 document for their Form I-9. The initial response of **Photo Matching** is returned.

```
E-Verify
                Origination Date: 10/18/2010
                Reason for Delay: Initial query submitted on time.
              FAR E-Verify Status: Covered
              Current Status Date: 10/18/2010
                  Current Status: Photo Matching

                          [ History... ]   [ Photo Matching ]
```

To complete the photo match, click the **Photo Matching** button.

Clicking this button takes the user to the E-Verify History page where the photograph that should be on the employee's document is displayed.

E-Verify History - Case Number: 2010291173212XH

Initial Verification (10/18/2010)

Name:	Charlie Three
Social security #:	XXX-XX-6789
Birth date:	03/03/1973
Employment date:	10/18/2010
Work Status:	An alien authorized to work
Alien #:	197333333
I-94 #:	
Passport #:	
Visa #:	
Document Type:	Form I-766 - Employment Authorization Document that contains a photograph
Document #:	ABC1234567890
Document Expiration Date:	03/03/2013
Initiated By:	John Smith
E-Verify Company ID Number:	11457
Reason for Delay:	Initial query submitted on time.
FAR E-Verify Status:	Covered
Return Name:	
Status:	DHS Case Incomplete

DHS Reverification (10/18/2010)

Alien Number:	197333333
Document Number:	CTV2103031973
Initiated By:	John Smith
Status:	Photo Matching

E-Verify Photo Matching

You **MUST** compare the photo below to the photo on the Form I-766 - Employment Authorization Document that contains a photograph presented by the employee. Do **NOT** compare the photo below from E-Verify to the employee directly.

Does the photo below match the photo on the Form I-766 - Employment Authorization Document that contains a photograph presented by the Employee?

○ Yes. The photographs are the same.
○ No. The photographs are different.

IMPORTANT! Make sure your selection above is correct. Then, click the **Continue** button below to conifrm your response with E-Verify.

Click to Enlarge

IMPORTANT! You **MUST** retain a copy of the employee's Form I-766 - Employment Authorization Document that contains a photograph. To comply with this Federal government requirement you may either:

1. Scan the document and attach the image to the employee's electronic Form I-9 by clicking the Attach File action in the I-9 History Section on the Employee Detail page, **OR**
2. Copy the document and retain the hardcopy in a separate file. If you retain a hardcopy, use the Comment feature on the Employee Detail page to note that the hardcopy is being retained in a separate file.

[Back] [Continue]

Instructions are displayed for the user explaining what they must do to indicate that the photographs do or do not match.

Click "Yes. The photographs are the same" to confirm that the photo on the employee's document matches the photo returned by E-Verify. E-Verify will then update the case status to **Employment Authorized** and you can close the case.

Click "No. The photographs are different" to indicate that the photo on the employee's document does not match the photo returned by E-Verify. E-Verify will then update the case status to **DHS Tentative Nonconfirmation**.

Employee Search page

The screenshot above is displaying a case that has a status of **Photo Matching** (displayed as Verify Photo on the search page). This case requires action by the user to compare the photo on the employee's document to the photo returned by E-Verify. This E-Verify case is open, so it is considered an E-Verify issue.

Photo Matching Scenario #2 (Photographs do NOT match – Employee Contests)

Below is an illustration of the process users take if a **Photo Matching** tool document is presented, the user indicates that the photo on the employee document does NOT match the photograph displayed, **AND** the employee chooses to **Contest** the E-Verify results.

Note: The screenshots below show an employer configured to retain hardcopies ONLY of the employee I-766 and I-551 documents.

1. The employee's I-9 is completed; the employee presented an I-766 or I-551 document, and E-Verify returns the status **Photo Matching**.
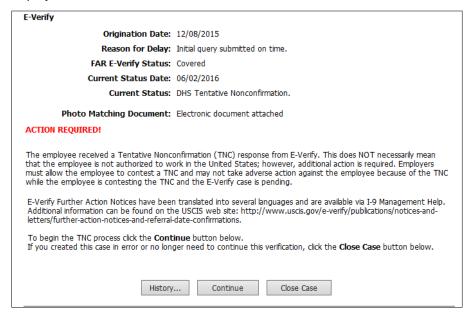
2. The user clicks the **Photo Matching** button to compare the employee document photograph.
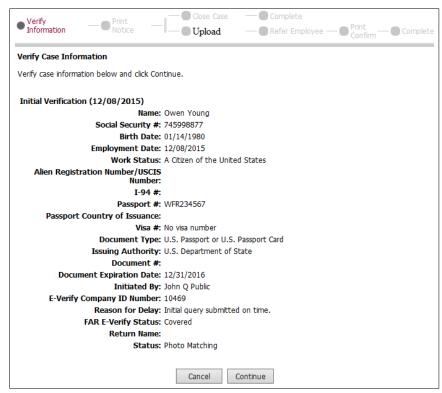

E-Verify History - Case Number: 2010291173?12XH

Initial Verification (10/18/2010)

Name:	Charlie Three
Social security #:	XXX-XX-6789
Birth date:	03/03/1973
Employment date:	10/18/2010
Work Status:	An alien authorized to work
Alien #:	197333333
I-94 #:	
Passport #:	
Visa #:	
Document Type:	Form I-766 - Employment Authorization Document that contains a photograph
Document #:	ABC1234567890
Document Expiration Date:	03/03/2013
Initiated By:	John Smith
E-Verify Company ID Number:	11457
Reason for Delay:	Initial query submitted on time.
FAR E-Verify Status:	Covered
Return Name:	
Status:	DHS Case Incomplete

DHS Reverification (10/18/2010)

Alien Number:	197333333
Document Number:	CTV2103031973
Initiated By:	John Smith
Status:	Photo Matching

E-Verify Photo Matching

You **MUST** compare the photo below to the photo on the Form I-766 - Employment Authorization Document that contains a photograph presented by the employee. Do **NOT** compare the photo below from E-Verify to the employee directly.

Does the photo below match the photo on the Form I-766 - Employment Authorization Document that contains a photograph presented by the Employee?

Click to Enlarge

○ Yes. The photographs are the same.
○ No. The photographs are different.

IMPORTANT! Make sure your selection above is correct. Then, click the **Continue** button below to conifrm your response with E-Verify.

IMPORTANT! You **MUST** retain a copy of the employee's Form I-766 - Employment Authorization Document that contains a photograph. To comply with this Federal government requirement you may either:

1. Scan the document and attach the image to the employee's electronic Form I-9 by clicking the Attach File action in the I-9 History Section on the Employee Detail page, **OR**
2. Copy the document and retain the hardcopy in a separate file.

| Back | Continue |

---

3. The user then compares the photograph from the employee document (I-766 in this example), to the photograph displayed on the screen. In this example, the user then clicks **No** to indicate that the photograph on the employee's document does not match the photograph displayed on the screen and clicks **Continue**.

4. A message is displayed informing the user that a hardcopy of the employee's document should be retained (based on the employer's configuration to retain hardcopy, electronic copy or either). The user should click the checkbox to confirm that the copy has been retained.

5. The user then clicks the appropriate **Continue** option.

6. In this example, the employee has elected to Contest, so the User must print the DHS Further Action Notice for the employee and click the checkbox under #3 that it was provided to the employee. This activates the the **Contest** button. The user then clicks **Contest**. The user is then taken into the **Contest** wizard and follows the steps to process the **Contest** and refer the employee.

7. The **DHS Referral Date Confirmation** document must then be printed and provided to the employee. Once the user has done that, the user will click the checkbox under #4 and then click the **Complete** button.

Closing an E-Verify Case

All E-Verify cases must be manually closed. By closing an E-Verify case, you are closing the case with the DHS and E-Verify.

Closing an Employment Authorized Case

The E-Verify case status is **Employment Authorized** and the employee is still employed. The user is attempting to close the case.

The user must first click on the **Close Case** button on the Employee Detail page. This takes the user to the E-Verify History page and prompts them to select the closure option.

Select Case Closure Option

E-Verify requires that you confirm that the employee is or is not employed at this time before you can close the case.

1. Select **Yes** or **No** to indicate if the employee is current employed.
2. Select the closure option for this employee.
3. Click **Close Case**.

Is the employee currently employed?

○ Yes - The employee **IS** currently employed.

○ No - The employee **IS NOT** currently employed.

[Back] [Close Case]

Clicking the **Yes** radio button expands the page to show the closure options available.

Note: If the status is **Employment Authorized** and you select "Yes - the employee IS currently employed", the closure status "The employee continues to work after receiving an Employment Authorized result" is already selected for you.

Select Case Closure Option

E-Verify requires that you confirm that the employee is or is not employed at this time before you can close the case.

1. Select **Yes** or **No** to indicate if the employee is current employed.
2. Select the closure option for this employee.
3. Click **Close Case**.

Is the employee currently employed?

◉ Yes - The employee **IS** currently employed.

◉ The employee continues to work after receiving an Employment Authorized result.

○ The case is invalid because another case with the same data already exists.

○ The case is invalid because the data entered is incorrect.

○ No - The employee **IS NOT** currently employed.

[Back] [Close Case]

Clicking the **No** radio button expands the page to show the closure options available.

Select Case Closure Option

E-Verify requires that you confirm that the employee is or is not employed at this time before you can close the case.

1. Select **Yes** or **No** to indicate if the employee is current employed.
2. Select the closure option for this employee.
3. Click **Close Case.**

Is the employee currently employed?

○ Yes - The employee **IS** currently employed.

◉ No - The employee **IS NOT** currently employed.

  ○ The employee voluntarily quit working.

  ○ The employee was terminated for reasons other than E-Verify.

  ○ The case is invalid because another case with the same data already exists.

  ○ The case is invalid because the data entered is incorrect.
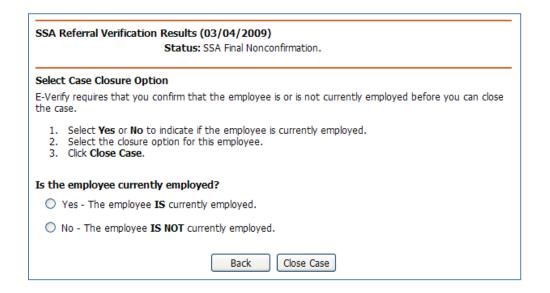
[Back] [Close Case]

The user must select the appropriate closure option and then click the **Close Case** button to complete the process.

Closing an SSA Final Nonconfirmation Case

This indicates that the SSA could not verify the employee's elibility to work in the United States. You should close the case to end the verification process and terminate the employee.

Click the **Close Case** button on the Employee Detail page and ensure the following steps are completed to close the case. Screenshots below show the options available if you select Yes or No.

SSA Referral Verification Results (03/04/2009)
                    Status: SSA Final Nonconfirmation.

Select Case Closure Option

E-Verify requires that you confirm that the employee is or is not currently employed before you can close the case.

1. Select **Yes** or **No** to indicate if the employee is currently employed.
2. Select the closure option for this employee.
3. Click **Close Case.**

Is the employee currently employed?

○ Yes - The employee **IS** currently employed.

○ No - The employee **IS NOT** currently employed.

[Back] [Close Case]

Closure options when'Yes' selected

SSA Referral Verification Results (03/04/2009)
Status: SSA Final Nonconfirmation.

Select Case Closure Option
E-Verify requires that you confirm that the employee is or is not currently employed before you can close the case.

1. Select **Yes** or **No** to indicate if the employee is currently employed.
2. Select the closure option for this employee.
3. Click **Close Case**.

Is the employee currently employed?

- ◉ Yes - The employee **IS** currently employed.

    - ○ The employee continues to work after receiving a Final Nonconfirmation result.
    - ○ The case is invalid because another case with the same data already exists.
    - ○ The case is invalid because the data entered is incorrect.

- ○ No - The employee **IS NOT** currently employed.

[Back] [Close Case]

Case Closure options when 'No' selected

SSA Referral Verification Results (03/04/2009)
Status: SSA Final Nonconfirmation.

Select Case Closure Option
E-Verify requires that you confirm that the employee is or is not currently employed before you can close the case.

1. Select **Yes** or **No** to indicate if the employee is currently employed.
2. Select the closure option for this employee.
3. Click **Close Case**.

Is the employee currently employed?

- ○ Yes - The employee **IS** currently employed.

- ◉ No - The employee **IS NOT** currently employed.

    - ○ The employee was terminated for receiving a Final Nonconfirmation result.
    - ○ The employee voluntarily quit working.
    - ○ The employee was terminated for reasons other than E-Verify.
    - ○ The case is invalid because another case with the same data already exists.
    - ○ The case is invalid because the data entered is incorrect.

[Back] [Close Case]

USCIS PUBLISHED GUIDANCE:

Employed or Not Employed: That is the Question

When we (USCIS) redesigned the case closure step in E-Verify, the idea was to offer clear and simple case closure statements that would make it easy to pick the right one. Choosing the right case closure statement is important – it helps you comply with the E-Verify rules and helps us (USCIS) keep accurate program statistics.

There are 11 possible closure statements so we (USCIS) ask you whether your employee is currently employed in order to narrow down the list and display only the statements that may apply. Here are some tips to help you decide how to answer the question of whether the employee still works for you:

Is the employee currently employed with this company?

If the employee didn't contest a **TNC**, or received a **Final Nonconfirmation** or **No Show**, you must decide whether you will allow the employee to continue working. If you decide to:

- Continue to employee's employment then select 'Yes'
- Terminate the employee's employment, you must do so, then select 'No'.

If you have an employee who has accepted a job offer, but hasn't started work, you must decide whether you will allow the employee to start working. If you decide to:

- Allow the employee to start work as planned, then select 'Yes'.
- Terminate the employee's employment offer then select 'No'.

Note: Prescreening is not allowed. You may create a case in E-Verify only after an employee has accepted an offer of employment and Form I-9 is complete.

You must close each case after E-Verify provides a final case result. If you need assistance with closing cases, contact E-Verify Customer Support

Monitoring E-Verify Issues

It is important that you monitor E-Verify issues in the I-9 service to ensure that you are proactively processing the cases when action is required by you and/or the employee, as well as be aware of all open E-Verify cases that are awaiting a response from E-Verify. The I-9 service offers several ways to monitor E-Verify cases.

- Quick Search
- Search for Employees
- E-mail Notifications

Quick Search

The **Quick Search** box is displayed on the Main Menu in the I-9 service. The categories listed in the **Quick Search** box depend on your **User Role** and the service's configuration for your employer. For example, Missing (I-9) is only available to employers who are also clients of The Work Number employment verification service from Equifax Workforce Soulutions.

a) Click the **E-Verify Issues** link in the Quick Search box to view all open E-Verify issues.

b) To take action on an E-Verify issue, click the **employee name** link. This

takes you to the **Employee Detail** page. Follow the steps to process the case based on the E-Verify status as outlined in this document.
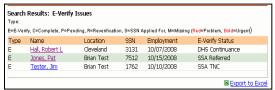
Search for Employees
Another way to access the list of open E-Verify issues is to perform an employee search. The employee search functionality, available to authorized users, allows you to enter specific search criteria, which include the ability to search for E-Verify issues.

a) Click the **Search for Employee** link. There is a link located on the left navigation bar on each page as well as in the middle section of the Main Menu.
b) Enter the desired search criteria on the search screen and click the **Search** button. Choosing Type of I-9: E-Verify Issues, will display all the open E-Verify issues. You can also choose to limit your search results by entering other search criteria.
c) To take action on the E-Verify issue, click the **Employee Name** link. This will take you to the **Employee Detail** page. Next, follow the steps to process the case based on the E-Verify status as outlined previously in this document.

NOTE:

You will only have access to E-Verify issues for the locations that you have access to.

E-mail Notifications
The I-9 service has the ability to send an e-mail to you for outstanding E-Verify issues. As part of your configuration of the I-9 service, you will determine if you would like to receive e-mails for outstanding E-Verify issues. If you would like to receive e-mails, you will define the following:

- Send e-mail to the employee's current work location. (Enable/Disable)
- Main e-mail address for all E-Verify alerts.
- When to send the e-mails.

FAQs

Is there a difference between the DHS and SSA Tentative Nonconfirmation processes?

Yes! The referral process for a **DHS Tentative Nonconfirmation** is <u>similar</u> to the **SSA Tentative Nonconfirmation**, <u>but there are distinct differences between the two</u>:

- For a **DHS TNC** you may have to <u>call the person back to the office</u> to receive the referral documents if the initial result received was **DHS Verification in Process**. This means you would have had to check the I-9 service and wait for an update – by then the employee is usually gone. For a **SSA TNC**, the tentative result is typically received immediately while the <u>employee is still in the office</u> and available to receive the referral documents.
- For a **DHS TNC**, the employee must <u>call</u> to resolve the issue; for **SSA TNCs** the employee must <u>visit</u> the local SSA office or call the DHS to resolve the issue.
- For both DHS and SSA TNCs, once an employee contests the results, the referral documents are given to the employee and the referral button is clicked. <u>You must check the I-9 service daily for an automated update to the E-Verify status</u>.
- For a **DHS TNC**, if the employee is referred and does not call DHS to resolve the issue within 8 government workdays, the <u>status will automatically be updated</u> with a final result of **DHS No Show**. For a **SSA TNC**, if the employee is referred and does not visit SSA or call the DHS to resolve the issue within 8 government workdays, <u>the status will automatically be updated</u> to a **Final Nonconfirmation**.

What does the closure status of "Case Resolved. Case is invalid because the data entered is incorrect."   mean and does it require any additional action?

This closure option allows employers to close the case as invalid because incorrect data was provided on the I-9 (formerly called "Invalid Query"). In most cases, this is used to close a case that was returned as a **TNC**, but you and the employee realized that the reason for the **TNC** was due to a data entry error on the I-9. By closing this case as invalid, you are closing the case with E-Verify.

If the employee will be working for your company, **YOU MUST COMPLETE A NEW I-9** for the employee as soon as possible to ensure that they are verified through E-Verify. Remember, the employment date must be within the configured **New Hire Window** for the I-9 service to view this I-9 as eligible for E-Verify and thus submit the data to E-Verify to initiate a new case.

SSA/DHS Final Nonconfirmation. What does this mean and does it require any additional action?

This indicates that the SSA or DHS could not verify the furnished information. You should close the case indicating that the employee is no longer working as a result of the E-Verify response**.** To end the verification process, you should terminate the employee.

Employee was a No Show at DHS. What does this mean and does it require any additional action?

This response indicates that the employee did not contact DHS within 8 government workdays after being referred to DHS. This response is considered a **Final Nonconfirmation**, and if received, you should close the case indicating that the employee is no longer working as a result of the E-Verify response**.** To end the verification process, you should terminate the employee.

When should I expect an E-Verify response after the employee has been referred to SSA?

E-Verify should respond to all SSA referrals within 10 government workdays. You should check the I-9 service daily for updates. When results are updated, follow the steps accordingly based on the E-Verify status as outlined previouslyin the document.

- **Expected Response Date** – E-Verify provides an expected response date for a **TNC** case which is displayed on the **Employee Detail** page in the I-9 service to give you an estimate on when the response can be expected.

E-Verify
Origination Date: 10/29/2008
Current Status Date: 10/29/2008
Current Status: Employee referred to SSA.
Expected Response Date: 10/30/2008
History...

What does Potentially Naturalized Citizen mean?

E-Verify provides a **Yes** or **No** response for a **TNC** that indicates whether or not the employee is a **Potentially Naturalized Citizen**.

A large number of E-Verify **TNCs** are the result of a naturalized citizen not updating their information with SSA. By including the database of naturalized citizens with E-Verify the employee can be alerted that the SSA needs to be updated and the SSA can be notified via the referral document that the employee may be naturalized so the SSA properly updates their records.

- No special action is required by the user or the employee. The I-9 service will automatically include the pertinent TNC notice and referral documents based on whether the employee is potentially naturalized or not.

What should the employee do after contesting a SSA TNC?

The employee has 8 government workdays to visit the local SSA office or call the DHS to resolve the issue. The employee must present the **SSA Referral Document** as well as any documentation to update incorrect information. The E-Verify status will automatically update in the I-9 service when the employee resolves the issue with either the SSA or the DHS. You should monitor the I-9 service daily for updates to the E-Verify case.

An employee may be hired at any time in the future by going through the entire interview/hiring process, completing a new I-9, and having a new E-Verify query initiated.

What should I do when the employee has notified us of a call to DHS within 8 government workdays?

- **Check the status daily** in the I-9 service. **If the information is verified**, you will receive an **Employment Authorized** response and you will then need to close the case.
- **Check the status daily** in the I-9 service. **If the information is not confirmed**, you will receive a **DHS Final Nonconfirmation** response.
  - Close the case, indicating the employee is no longer employed as a result of the **FNC**.
  - Terminate the employee.
  - Take appropriate action in your internal systems. The process is now complete, no further action is required.

The employee may be hired at any time in the future, but the employee will need to complete a new I-9 and the employee's information on the I-9 will be submitted to E-Verify for verification.

DHS No Show: What should I do if a referred employee does not call DHS in 8 government workdays?

After 10 government workdays from the date of the referral, if the employee has not called DHS the status will be updated to **DHS No Show**.

- Close the case, indicating the employee is no longer employed as a result of the **FNC**.
- Terminate the employee.
- Take appropriate action in your internal systems. The process is now complete, no further action is required.

What can I do if I can't make a copy of the employees Photo Tool document?

E-Verify states that the employer should retain copies of employee documents used for **Photo Matching**. The **Photo Matching** documents are currently the Form I-766,Form I-551, and U.S. Passport and U.S. Passport Card. If you don't have a copy machine or a scanner at your facility, one option is to ask the employee to provide copies of their documents subject to **Photo Matching**. Below are some things to keep in mind.

- If the employer requests the employee to provide copies of **Photo Matching** documents, the employer must request that all employees provide the copies. This is intended to avoid potential discriminatory practices.
- The employer cannot require an employee to present copies of **Photo Matching** documents.
- The employer must make copies of **Photo Matching** documents if the employee refuses or is unable to provide copies.
- The employer may not take adverse action against a new employee who refuses or is unable to provide copies of their **Photo Matching** documents.
- The employer may need to allow additional time for new employees to provide copies of **Photo Matching** documents.
- All other requirements for the employer in completing Section 2 of Form I-9 must be followed.

It is anticipated that new hires will opt to provide copies of Photo Matching documents, if requested. The issue is how to handle the exceptions. The employer's SOP (standard operating procedure) manual should be updated with the requirement to request that the employee provide the copies and hiring managers must be trained on the procedure. The employer may want to provide a list of the Photo Matching documents to the employee so the employee knows which document copies to make based on which documentation the employee chooses to present for Section 2. Also, a strategy for the employer to make the copies, must be developed.

Am I required to use the Photo Matching tool, or can I opt out?
Photo Matching is NOT an optional feature. Employers that utilize E-Verify are required to use **Photo Matching**.

Since E-Verify requires employers to retain copies of Photo Matching documents, must we retain copies of all Section 2 documents presented?
No. The requirement to retain copies of **Photo Matching** documents is an E-Verify requirement and not a Form I-9 requirement. Equifax Workforce Soulutions recommends each employer review the requirements of **Photo Matching** with internal and/or outside counsel to determine the employer's position.

Many recent interpretations believe that employers may retain copies of ONLY the Photo Tool documents and not all Section 2 documents if they choose. This seems to contradict the notion of treating all employees equally (requiring for one, then you must require for all); however, the interpretation is slightly different because the requirement to retain Photo Matching documents is an E-Verify requirement, rather than a Form I-9 requirement.

As stated above you should review the requirements with your own counsel to determine your corporate policy regarding the document copy retention.

Must I compare the employee's original document to the photograph displayed by E-Verify?
No. You may use a copy of the employee's **Photo Matching** document to make the comparison to the photograph returned by E-Verify. This allows employers to make the comparison even if the employee is not present.

When retaining copies of Photo Matching documents, do I need to store them electronically with the Form I-9?
No. You may choose to upload and retain a copy of the employee's document electronically with the electronic Form I-9, or you may choose to retain a hardcopy of the document. If you retain a hardcopy, it is recommended that you store the document copy in a file for the employee. You must be able to provide the document copy, if requested, in the event of an audit.

What if the employee presents an I-766, I-551, or U.S. Passport or U.S. Passport Card and the E-Verify Photo Matching displays no photograph or a blank photograph?
If no photograph is returned the user should select 'Yes' to indicate that the photograph on the document matches that photograph on the employee document.

E-Verify Status Table

When a case is submitted to E-Verify, E-Verify will return a response to the I-9 service. While all the responses could be listed as the current status, certain statuses are only used for the initial response, while others indicate a final status. The table below lists the possible E-Verify responses and indicates when they can occur. The table also shows how the statuses are abbreviated and listed on the **Search** page in the I-9 service.

- **Initial** – The status can be received as an initial response from E-Verify.
- **Final** – This case is closed with E-Verify. No further action is required.
- **Current Only** – The status can only be the current E-Verify status, this is not a final status.

Initial Verification not processed.	Not Sent	Initial
SSA Tentative Nonconfirmation.	SSA TNC	Initial
Employment Authorized with additional verification requested automatically.	Authorized + Additional	Initial
Employment Authorized with additional verification that can be requested by the employer.	Authorized + Optional	Initial
Employment Authorized.	Authorized	Initial
DHS Verification in Process.	DHS Verification	Initial
An error has occurred.	Error – request help	Initial
SSA Case Incomplete	SSA Incomplete	Initial
DHS Case Incomplete	DHS Incomplete	Initial
Photo Matching	Photo Matching	Initial
Employee referred to SSA.	SSA Referred	Current Only
SSA Final Nonconfirmation.	SSA FNC	Current Only
DHS Tentative Nonconfirmation.	DHS TNC	Current Only
This case is currently in DHS continuance.	DHS Continuance	Current Only
Employee referred to DHS.	DHS Referred	Current Only
Employee was a No Show at DHS.	DHS No Show	Current Only
DHS Final Nonconfirmation.	DHS FNC	Current Only
This case is currently in SSA continuance.	SSA Continuance	Current Only
Review and update employee data and resubmit.	Resubmit to SSA	Current Only
DHS has Referred case to SSA	DHS to SSA	Current Only
Case Resolved: Employee continues to work after receiving an Employment Authorized result	Resolved: Authorized	Final
Case Resolved: Employee continues to work after receiving a Final Nonconfirmation.	Resolved: Employed/FNC	Final
Case Resolved: Employee continues to work after receiving a No Show.	Resolved: Employed/No Show	Final
Case Resolved: Employee continues to work after choosing not to contest a Tentative Nonconfirmation.	Resolved: Employed/No Contest	Final
Case Resolved: Employee terminated after receiving a Final Nonconfirmation result.	Resolved: Terminated/FNC	Final
Case Resolved: Employee voluntarily quit.	Resolved: Voluntarily Quit	Final

Case Resolved: Employee terminated for reasons other than E-Verify.	Resolved: Terminated/Other	Final
Case Resolved: Employee terminated after receiving a No Show.	Resolved: Terminated/No Show	Final
Case Resolved: Employee terminated after choosing not to contest a Tentative Nonconfirmation.	Resolved: Terminated/No Contest	Final
Case Resolved: Case is invalid because another case with the same data already exists.	Resolved: Duplicate	Final
Case Resolved: Case is invalid because the data entered is incorrect.*	Resolved: Invalid Data	Final

*See FAQ section regarding possible action required by you.

E-Verify Closure Status Table (Employed/Not Employed)

Status	Employed	Not Employed
An error has occurred.	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
SSA Tentative Nonconfirmation.	The employee continues to work for the employer after choosing not to contest a Tentative Nonconfirmation.	The employee was terminated by the employer for choosing not to contest a Tentative Nonconfirmation.
	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
Employment Authorized with additional verification that can be requested by the employer.	The employee continues to work for the employer after receiving an Employment Authorized result.	The employee voluntarily quit working for the employer.
	The case is invalid because the data entered is incorrect.	The employee was terminated by the employer for reasons other than E-Verify.
	The case is invalid because another case with the same data already exists.	The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.

Employment Authorized.	The employee continues to work for the employer after receiving an Employment Authorized result.	The employee voluntarily quit working for the employer.
	The case is invalid because the data entered is incorrect.	The employee was terminated by the employer for reasons other than E-Verify.
	The case is invalid because another case with the same data already exists.	The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
DHS Verification in Process.	N/A - case can't be closed	N/A - case can't be closed
Employee referred to SSA.	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
SSA Final Nonconfirmation.	The employee continues to work for the employer after receiving a Final Nonconfirmation result..	The employee was terminated by the employer for receiving a Final Nonconfirmation result.
	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.

DHS Tentative Nonconfirmation.	The employee continues to work for the employer after choosing not to contest a Tentative Nonconfirmation.	The employee was terminated by the employer for choosing not to contest a Tentative Nonconfirmation.
	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
This case is currently in DHS continuance.	N/A - case can't be closed	N/A - case can't be closed
Employee referred to DHS.	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
Employee was a No Show at DHS.	The employee continues to work for the employer after receiving a No Show result. Employer retains employee	The employee was terminated by the employer for receiving a No Show result.
	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.

DHS Final Nonconfirmation.	The employee continues to work for the employer after receiving a Final Nonconfirmation result..	The employee was terminated by the employer for receiving a Final Nonconfirmation result.
	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
SSA Case Incomplete	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
DHS Case Incomplete	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.
Photo Matching	N/A - case can't be closed	N/A - case can't be closed
This case is currently in SSA continuance.	N/A - case can't be closed	N/A - case can't be closed

Review and update employee data and resubmit.	N/A - case can't be closed	N/A - case can't be closed
DHS has referred case to SSA.	The case is invalid because the data entered is incorrect.	The employee voluntarily quit working for the employer.
	The case is invalid because another case with the same data already exists.	The employee was terminated by the employer for reasons other than E-Verify.
		The case is invalid because the data entered is incorrect.
		The case is invalid because another case with the same data already exists.

Manual E-Verify vs. Automated E-Verify

The table below provides a comparison of the manual E-Verify web site and the Equifax Workforce Soulutions electronic I-9 service with E-Verify

Description	Manual E-Verify Web Site	Automated E-Verify with I-9 Service
Employee fills out a paper I-9.	Yes	No Employee completes an electronic I-9.
Manually access the E-Verify Web site.	Yes	No When the employer completes Section 2 of the I-9, the information is automatically submitted to E-Verify.
Manually key in information on the employee's paper I-9 on the E-Verify Web site.	Yes	No Information on the I-9 is automatically submitted to E-Verify.
Employee and employer manually sign the referral documents.	Yes	No Referral documents are automatically filled in and electronic signatures applied.
When tentative results are received, print and attach the original Notice of Tentative Results and, if necessary, the Referral document to the I-9.	Yes	No Notices are maintained and stored electronically with the I-9.
Once an employee with SSA tentative results is properly referred to the SSA, an automated response from E-Verify will be received when the SSA resolves the case.	Yes	Yes
Photo Verification Tool	Yes	Yes The Photo Tool was added in December 2010 with the installation of E-Verify Webservices Version 21.
Manually close all cases, including **Employment Authorized** cases.	Yes	Yes In August 2010 a change in the government's stance resulted in all cases requiring manual closure.