

#### **E-Verify for Federal Contractors**



www.E-Verify.gov

### Agenda

✓ Section I: E-Verify & FAR – The Big Picture

✓ Section II: E-Verify & FAR – Nuts & Bolts

✓ Section III: Additional Information



### E-Verify & FAR – The Big Picture

✓ What is E-Verify?

✓ How Does E-Verify Work?

✓ E-Verify & the FAR E-Verify Clause Affected Contracts



#### What is E-Verify?

- Free web-based service that's fast and easy to use
- Electronically verifies the employment eligibility of
  - Newly hired employees
  - Existing employees
     assigned to work on a
     qualifying federal contract
- Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)





#### What is E-Verify? (con't)

#### E-Verify is not...

- ...a system that provides immigration status
- ...used for prescreening
- ...a safe harbor from worksite enforcement



### **How does E-Verify Work?**

### **How does E-Verify Work?**











### **E-Verify & the FAR E-Verify Clause**

Federal Acquisition Regulation (FAR) final rule requires that as of **September 8, 2009** federal contractors with contracts containing the **FAR E-Verify clause** must use E-Verify as a condition of their contract.

FAR E-Verify Clause: <u>48 C.F.R. 52.222-54</u>



# **Affected Contracts Prime Contracts**

Awarded or modified on or after September 8, 2009, to include the FAR E-Verify clause

- Above the simplified acquisition threshold;
- Period of performance of 120 days or more;
- At least some of the contract work is performed in the United States; and,
- Does not include contracts for commercially available off-the-shelf (COTS) items and related services



# Affected Contracts Subcontracts

Prime contract contains the FAR E-Verify clause (prime contractor is responsible for ensuring that the FAR E-Verify clause is included in qualifying subcontracts)

- Value of more than \$3,500
- Contract is for commercial or noncommercial services or construction
- At least some of the contract work is performed in the United States
- Does not include contracts for commercially available off-theshelf (COTS) items and related services

**Note:** The **FAR E-Verify clause** flows down to all tiers of subcontracts



# Affected Contracts Indefinite Delivery / Indefinite Quantity

- Existing contract
- Period of performance extends at least six months after September 8, 2009
- Substantial amount of work or number of orders expected during remaining performance period
- Contract may be bi-laterally modified to include the FAR E-Verify clause



#### **POLL**

Please respond to the poll question that will pop up on your screen.



## **E-Verify & FAR - Nuts & Bolts**

- Updating/Enrolling Company Profile
  - When
  - How
- Determining Who to Verify
- When to Verify
- Form I-9 and Existing Employees



# **Update or Enroll Company Profile**

Within

30 calendar days

of

Contract Award Date or

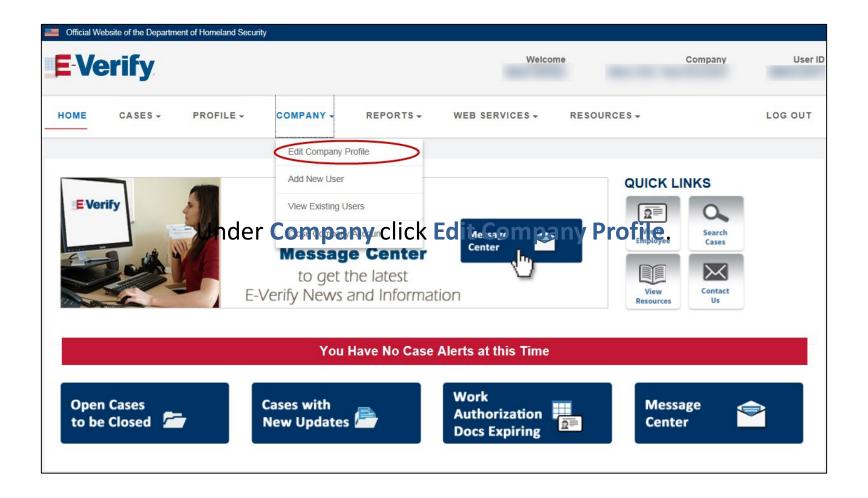
**Contract Modification Date** 

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
(	Contract award da	(0)	3	4	5	6
	8	9	10	11	12	13
4	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Deadline to Enroll	.)		



### **Existing Users:**

#### **Update your Company Profile**





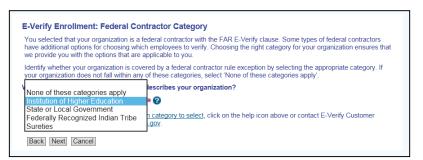
## **Updating Your Company Profile**

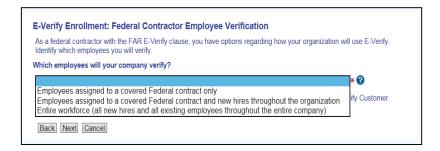
1. Update your organization designation

2. Choose your Federal contractor category

3. Choose which employees you are going to verify



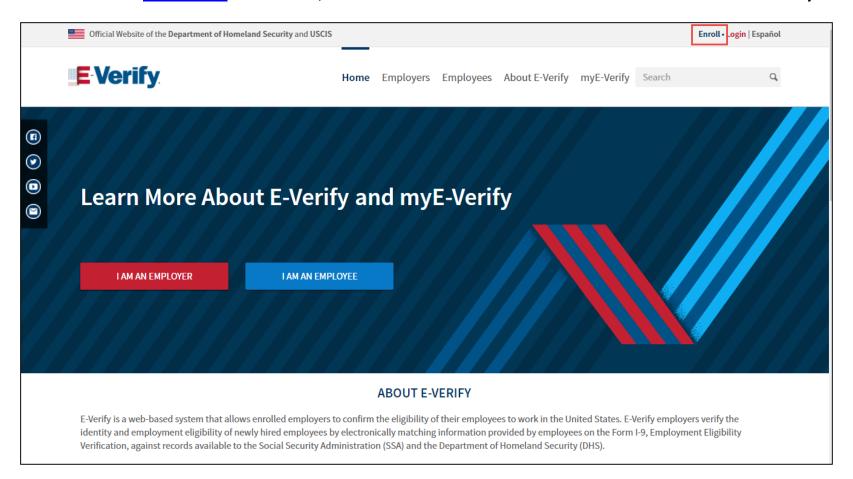






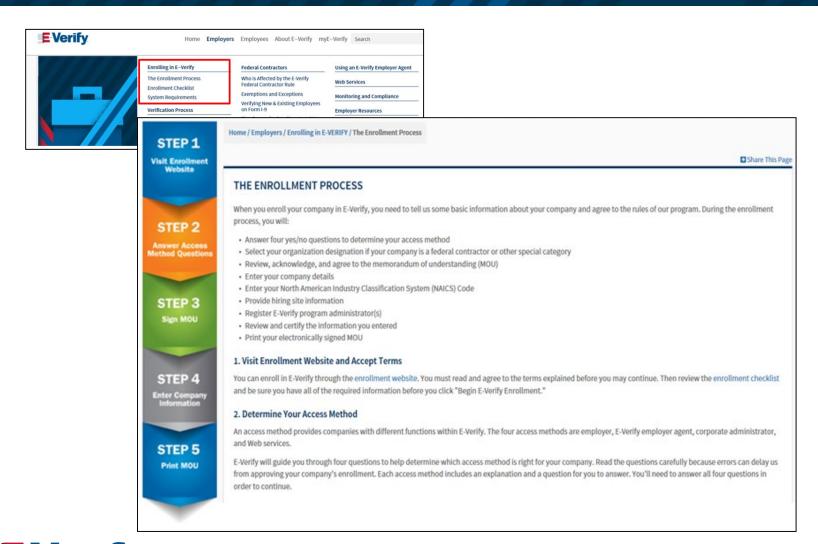
#### **New Users: How to Enroll**

Visit the E-Verify website, and under 'Start Here' click 'Enroll in E-Verify'





#### **Enrollment Page**





#### **New E-Verify Users**

#### Take the E-Verify Overview webinar





## **Determining Who to Verify**

**Step 1: The Workforce** 

Am I going to verify...

...all new hires organization-wide and existing employees assigned to the Federal contract

OR

...my entire workforce (all new hires and all existing employees throughout the company)



# Determining Who to Verify — Step 2 Do Not Create E-Verify Cases for Employees:

- Hired on or before November 6, 1986 who are continuing in employment
- Already confirmed as
   Employment Authorized who are continuing in employment



### Determining Who to Verify - Step 3

**Employees You May Choose not to Verify** 

- New & existing employees with an active confidential, secret, or top secret security clearance OR HSPD-12 compliant credentials
- Existing employees who perform support work (administrative, overhead, indirect)



### **Determining Who to Verify**

**Special Category Employers** 

Employers in these categories may limit their cases to only those employees assigned to the federal contract which contains the FAR E-Verify clause:

of
Higher
Learning

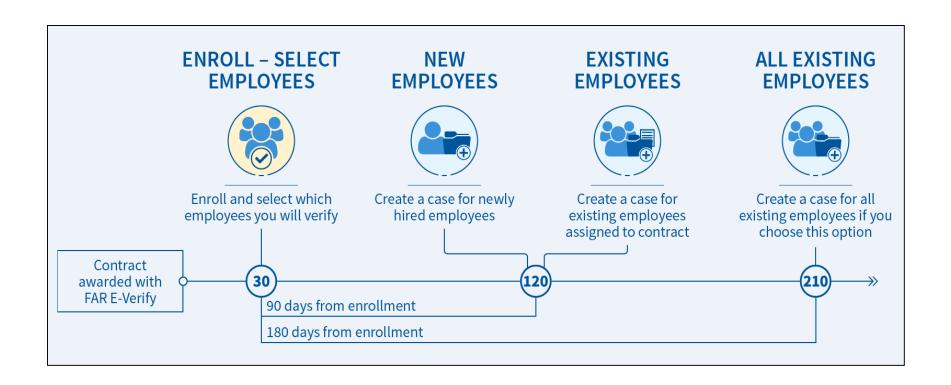
State & Local Governments Federally Recognized Indian Tribes

#### **Sureties**

Performing under a takeover agreement entered into with a federal agency under a performance bond

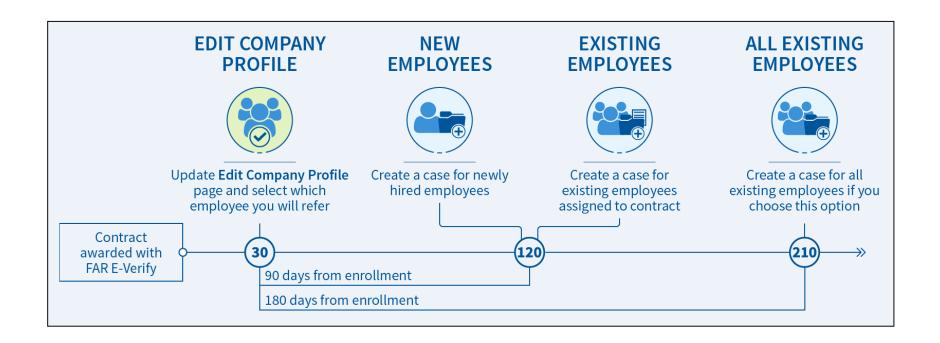


#### When to Verify: New Hires





# When to Verify: Existing Employees Assigned to the Contract





# When to Verify: All Employees if you have chosen Entire Workforce

You must enter Form I-9 information for all employees within 180 calendar days of enrolling or updating your organization designation to Federal Contractor with FAR E-Verify clause and electing Entire Workforce



#### Form I-9 Requirements

# All U.S. employers must have a Form I-9 on file for all current employees.

- The revised form has a revision date of July 17, 2017 N. All employers should now be using this revised form.
  - <u>Exception</u>: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.
- You may delegate the authority to complete Form I-9 to a responsible agent, however, you will retain liability for any errors.



#### Form I-9 & Existing Employees

Option I	Option II
Complete new Forms I-9 for all employees who will be run in E-Verify	Complete new Forms I-9 when required and update existing Forms I-9 when allowed

#### When completing new Forms I-9:

- Current rules for Form I-9 apply (e.g. no expired documents)
- Use Form I-9 with Rev. 07/17/17N expiration date is 08/31/2019



# Form I-9 & Existing Employees Option II: When to complete a new Form I-9

- The employee presented an expired document on a previous Form I-9 that allowed for such documents
- The employee presented an unexpired Form I-551 or U.S. passport on a previous Form I-9 and that document has since expired, and his or her employment authorization is still current, but you do not have a photocopy of the document.
- Employment authorization as stated in Section 1 has expired
- The List B document previously submitted did not have a photo or you are unable to determine if it had a photo



# Form I-9 & Existing Employees (cont.) Option II: When to complete a new Form I-9

- The employee is a Noncitizen National and was unable to separately attest to that status on a previous Form I-9
- The employee presented a document such as a Certificate of Naturalization or Form I-688 that was acceptable at the time of completion of the previous Form I-9, but is no longer acceptable
- The employee's name or immigration status has changed
- The previous Form I-9 did not comply with Form I-9 requirements at time of completion



### Section III: Additional Information

- Employer Responsibilities
- Features
- Enhancements
- Engagement
- Resources



#### Immigrant and Employee Rights Section (IER)

The anti-discrimination provisions of the INA are enforced by:

- Department of Justice
- Civil Rights Division
- Immigrant and Employee Rights Section

Employees may contact the <u>Immigrant and Employee Rights Section</u> (IER) to obtain additional information regarding employment discrimination and employee rights and responsibilities\*

• 1-800-255-7688 (TDD: 1-800-616-5525)

Employers may also contact IER\*

• 1-800-255-8155 (TDD: 1-800-362-2735)

\*callers may remain anonymous

IER's "Employer Dos and Don'ts."



— U.S DEPARTMENT OF JUSTICE —

IMMIGRANT & EMPLOYEE RIGHTS SECTION

— CIVIL RIGHTS DIVISION —



#### **Educational Videos**

#### View the videos at:

- www.e-verify.gov or
- www.youtube.com/ushomelandsecurity

Civil Rights (Request copies by emailing E-Verify@dhs.gov):

Video: E-Verify Employee Rights and Responsibilities

Video: E-Verify for Business Leaders

I-9 Webinar on Demand & Vignettes



#### **Stay Up to Date**

Subscribe to e-newsletter

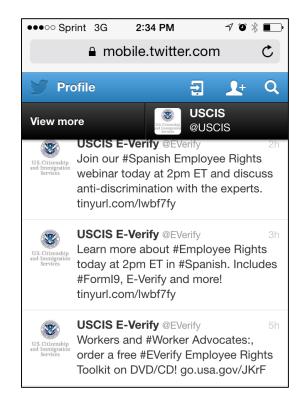
**E-Verify Connection** 

Visit our websites:

- I-9Central
- E-Verify
- Office of Citizenship
- E-Verify What's New

Submit an idea <u>E-Verify</u> <u>Listens</u>

Like <u>USCIS on Facebook</u>





Follow www.Twitter.com/EVerify for Form I-9, E-Verify, myE-Verify, Self Check, employee rights and more.



#### **E-Verify Outreach**

Free Customized Webinars

**E-Verify** 



- Content for your newsletters
- Authorization to use the E-Verify<sup>®</sup> Logo and Name and I E-Verify Seal
- Add E-Verify to your job announcements
  - Example: "Our company uses E-Verify to confirm the employment eligibility of all newly hired employees. To learn more about E-Verify, including your rights and responsibilities, please visit www.E-Verify.gov."



#### **Customer Service**

E-Verify received one of the highest customer service ratings among federal agencies according to the 2017 American Customer Satisfaction Survey.

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: <u>I-9Central@dhs.gov</u>
- E-Verify E-Mail: <u>E-VerifyOutreachSupport@uscis.dhs.gov</u>
- Form I-9 Website: www.uscis.gov/I-9Central
- E-Verify Website: www.e-verify.gov



#### Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our Web site: <a href="www.e-verify.gov">www.e-verify.gov</a>



#### **Feedback**

#### **COMMENTS ON OUR WEBINAR?**

Send to:

E-VerifyOutreachSupport@uscis.dhs.gov

\*Include date, time and topic of the webinar

**THANK YOU!** 

www.e-verify.gov

