

## E-Verify Update and Improvements

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E-Verify has been operational since 1997 as part of a Basic Pilot Program to assist employers to verify electronically that a newly hired employee is authorized to work in the US. A number of states have made use of E-Verify mandatory, including North Carolina which requires that employers with 25 employees to have been enrolled in E-Verify by July 1, 2013.

### Update

Currently there are over 530,000 employers nationwide enrolled in **E-Verify**. Statistically, the program has grown rapidly as has its accuracy, having verified close to 24 million cases. Of those, 98.81% have been confirmed as employment authorized. The US Citizenship and Immigration Services (USCIS) graphic below provides E-Verify's latest statistics:

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The Monitoring and Compliance Branch (M&C Branch) was created by the USCIS in 2009 to ensure E-Verify is being used properly. Its main function is to monitor and guide E-Verify participants by phone, email, desk reviews and site visits. This unit does not fine employers, but does refer cases of suspected misuse, abuse or fraud to Immigration Customs and Enforcement (ICE) and the Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC). There has been an uptick in complaints to the OSC resulting in some sizeable settlements. All settlement agreements described on the OSC website have one thing in common: all employers participated in E-Verify and the OSC became involved, for the most part, by the USCIS referring the employer to OSC. Thus, it is noteworthy that participation in E-Verify alone does not protect an employer from enforcement action and penalties.

## **Recent Improvements to E-Verify System**

E-Verify has announced some needed improvements to its system to assist employers who, in doing so, will hopefully not attract M&C Branch attention:

- Duplicate Case alert now notifies the employer if a social security number matches any other social security number entered for an existing case with the past 30 days.
- The user's name no longer auto-fills: it must now be completed each time to ensure accuracy, providing a prompt to validate or update email and phone number whenever the user's password expires, which is every 90 days.
- An employee whose information is entered in E-Verify resulting in a tentative nonconfirmation will receive email notification if they provide their email address on the Form I-9.
- There is a new photo tool that will display any photo on record with E-Verify, enabling the user to compare it to the photo ID being presented.
- E-Verify now verifies a driver's license as to authenticity by matching the data entered by the user against participating state motor vehicle department records. Currently, North Carolina does not participate in this so-called RIDE system.
- If E-Verify detects fraudulent use of a social security number, it prevents that number from being used more than once.
- Notices generated by E-Verify are now available in 18 languages.
- There are monthly webinars in Spanish for employers.
- E-Verify screens for typographical errors and requires employers to correct them.
- The Further Action Notice that is generated after a Tentative Nonconfirmation from the Department of Homeland Security includes instructions on how to correct immigration records after resolving the Tentative Nonconfirmation on E-Verify.
- Updated Further Action Notices are also no longer pre-populated, but are easy to complete.
- Customer support has been improved and includes an "E-Verify Listens" link that can be accessed by the E-Verify user while in the E-Verify system to assist with E-Verify completion.

While the system is not perfect, it is increasingly pervasive and increasingly “user friendly.” Further, employers have a strong incentive to use E-Verify properly to avoid settlements generated by enforcement actions that appear to be directly linked to E-Verify misuse, abuse and fraud.

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National Law Review, Volume IV, Number 222

Source URL: <https://natlawreview.com/article/e-verify-update-and-improvements>