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Employers Given Until November 5 to Create E-Verify Cases for Employees Hired During Government Shutdown

USCIS has issued guidance for E-Verify cases now that the federal government has reopened. The following Q&As provide relevant information for employers that utilize E-Verify.

Q. *Were the Form I-9 requirements affected during the government shutdown?*

A. No, the Form I-9 requirements were not affected during the government shutdown. All employers were required to complete and retain a Form I-9 for each employee during the shutdown.

Q. *Will I be required to create an E-Verify case for each employee hired during the government shutdown?*

A. Yes, employers will be required to create an E-Verify case for each employee hired or otherwise affected by the government shutdown. Employers will have until November 5, 2013 to create these cases. If prompted to explain the reason that the case does not conform to the three-day rule, employers should select "Other" from the dropdown list of reasons and indicate that the case does not conform because of the government shutdown.

Q. *How do I handle my pending Tentative Nonconfirmations ("TNC") now that E-Verify service has been restored?*

A. For each employee who has an unresolved TNC that was referred between September 17, 2013 and September 30, 2013, employers have an additional 12 federal business days from the date printed on the referral letter or referral date confirmation to contact the Department of Homeland Security or the Social Security Administration to resolve their cases. If the employee contested the TNC while E-Verify was unavailable, employers should immediately initiate the referral process in E-Verify.

Q. *How do I handle employees that received Final Nonconfirmations or DHS No Show results prior to the government shutdown?*

A. Employers will be required to close these cases and enter new cases in E-Verify for these employees so that employees are given an adequate opportunity to timely



contest and resolve the TNC that led to the results. The employer should close these cases by selecting either “The employee continues to work for the employer after receiving a Final Nonconfirmation result” or “The employee continues to work for the employer after received a No Show result.”

Q. *I have an impending deadline for complying with the federal contractor rule, how should I handle?*

A. Employers should immediately enroll and use E-Verify. Employers should also contact their contracting officer.

Questions or Assistance?

If you have questions about this alert, please contact Brenda A. Eckert at (860) 251-5712 or beckert@goodwin.com or Sonia M. Pedraza at (860) 251-5060 or spedraza@goodwin.com.

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