E-Verify

Presented by:

UND Payroll Office

Background

- Immigration Reform and Control Act of 1986 (IRCA) prohibits:
  - Knowingly hiring a foreign national who is not authorized to work in the U.S.
  - Failing to comply with the employment verification system (Form I-9) requirements

"Knowingly hiring"

- Employers cannot hire or continue to employ a person that they know is not authorized to work in the U.S.

- This includes "constructive knowledge":
    - "Knowledge of fishy circumstances that would move a reasonable person to inquire further"
    - Cannot turn a blind eye or engage in willful ignorance of relevant facts

Duty to Investigate

- Employer acquires a duty to inquire further into employment authorization of its employee when it is put on notice that an employee's document may be faulty, defective or otherwise suspect

- This ties to the Social Security no match rule.

Social Security No-Match

- Each quarter the North Dakota University System submits a secure file to the Social Security Administration to verify employee names, Social Security Numbers, birthdates and sex of its employees
- UND is required to follow-up with employees that come back as a "no-match"

Discrimination is Prohibited

- **IRCA also prohibits:**
  - Discriminating against any individual with respect to hiring or discharging an individual from employment because of:
    - National origin; or
    - Citizenship status
  - But an employer may prefer to hire a U.S. citizen over another individual who is a foreign national if the two individuals are equally qualified

The Beginning of E-Verify

- In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which required Social Security Administration (SSA) and U.S. Citizenship and Immigration Service (USCICS) to initiate an employment verification program

Overview of E-Verify

- E-Verify is an Internet-based system operated by USCIS in partnership with SSA.
- The system is free to all employers and available in all 50 states
- E-Verify is currently:
  - Recommended by the Federal Government
  - Mandatory in several states (Not ND yet)
  - Will soon be required of all Federal contractors – UND is a Federal contractor

What E-Verify Does

- E-Verify electronically compares information from new employee I-9 forms with records contained in SSA and Department of Homeland Security (DHS) to verify identity and employment eligibility of new employees
- Currently, E-Verify can only be used on new employees
    - Federal Government is reviewing the possibility of requiring all employees that work on federal contracts to be processed through E-Verify

UND will start using E-Verify

- UND will use E-Verify for all new employees employed on or after

November 1, 2008

Who will Perform E-Verify Analysis?

- Payroll Staff
- Remote E-Verify Sites-Select Human Resource employees at:
    - Human Resources
    - EERC
    - Facilities
    - JDOSAS
    - Housing
    - Dining
    - School of Medicine
    - Others may be added as program is implemented

Implementation-Applicants Notified

- Notice that UND uses E-Verify and Identification required will be added to:
  - UND Ads for Job Openings
  - Letter sent to New Employees by Human Resources and/or departments
  - Financial Aid Job-X Website
  - Mandatory posters at each worksite location

Department Role in E-Verify

- Employing department will:
  - Provide new employees, prior to starting work, with a blank I-9 form and show/tell them the identification they need to complete the form is listed on the back of the I-9 (Original documents only)
  - Let new employees know which E-Verify site they need to take the completed form and identification as requested on the back of the I-9 form (Notify Payroll if an agent will be required for an off-site employee to complete the employer section of the I-9 form)
  - Employing department will not allow employee to start work without a completed (employer/employee) I-9

E-Verify Site Role

- Complete employer section of I-9 form, when presented with original identification documents, as required, by the new employee
- Provide new employee with a New Employee packet with instructions to complete and return to the E-Verify site (Depts will no longer have New Employee packets)
- Payroll Office will give a green slip to the employee to take back to their department, with the date the I-9 was completed – employee may be employed no earlier than that date
- If employee is not a U.S. Citizen, the employee is requested to complete the Foreign National Information form and the E-Verify site will make copies of all international paperwork and attach to completed form.

E-Verify Site Role (cont'd)

- Within 3 days of employment, the E-Verify site will access the E-Verify website and enter identification data from the new employee I-9 form.
- The information will be electronically compared to SSA and DHS information
- If all information matches, the website will provide a confirmation number that will be written on the I-9 form in the upper right hand corner
- If information does not match, the E-Verify site is responsible for notifying employee and following up with employee to correct their information on their form or with SSA or DHS-must be completed within a limited time-employee may continue to work until resolution

New Employee Paperwork

- **Employing department will:**
  - ☐ Complete Job Data Hire form and Position Funding Form (if necessary)-Hire date may not be prior to the I-9 completion date
  - ☐ Route Job Data Hire (and Position Funding form) for signatures and then forward to the Payroll Office
- **E-Verify Site will:**
  - ☐ Send completed and E-Verified I-9 form and New Employee packet directly to Payroll- for protection of personal information

E-Verify Access

- Access will be very limited
- Listed E-Verify Sites should immediately email to Payroll, a very limited list of employees that need access and specify access/training needed:
  - ☐ E-Verify
  - ☐ I-9
- If any other department would like to be an E-Verify site – contact the Payroll Office.

Questions?

Thank you for coming!