

Temporary E-Verify Policies Announced for Delays Due to COVID-19

By Michael H. Neifach & Amy L. Peck

March 24, 2020

Meet the Authors



Michael H. Neifach

Office Managing Principal
(703) 483-8300
Michael.Neifach@jacksonlewis.com



Amy L. Peck

Principal
402-391-1991
Amy.Peck@jacksonlewis.com

Related Services

COVID-19
Disability, Leave and Health
Management
Immigration

E-Verify has modified its policies temporarily due to coronavirus (COVID-19) pandemic to ease the burden on employers and employees.

E-Verify is an internet-based system that allows employers to determine the work eligibility of employees by verifying employees' information against federal databases.

The temporary policies are as follows:

- Employers must still create cases in E-Verify within three business days from the date of hire.
- Employers should use the hire date from the employee's Form I-9 Employment Eligibility Verification.
- Delays in E-Verify case creations are documented in the usual way by selecting "Other" from the drop-down list. If the reason for the delay is COVID-19, then employers should enter "COVID-19" as the specific reason for the delay.

In addition, E-Verify will extend the timeframe for resolving Social Security Administration (SSA) Tentative Nonconfirmations (TNCs) because of SSA Office closures. E-Verify will do the same for Department of Homeland Security (DHS) TNCs, but only when the employee is unable to resolve the issue because of public or private office closures.

Employers are still required to:

- Notify the employee about the TNC as soon as possible
- Notify E-Verify of the employee's decision once the employee has acknowledged their decision as to whether to take action to resolve the issue on the Further Action Notice

Despite E-Verify's action, there is much else to be resolved, such as:

- How long will the extensions last?
- When and how will employees and employers be notified about re-opening of SSA Offices?
- Will the eight-day rule apply if the DHS call center remains open?

Given the uncertainty, employers should consider not taking any adverse action against an employee while the employee's E-Verify case is in any sort of interim case status.

Jackson Lewis attorneys will provide updates on new guidance as they become available. Please contact a Jackson Lewis attorney if you have any questions.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.