

E-Verify Enrollment Timelines

Question:

Are there any deadlines my organization needs to be aware of once we are enrolled in E-Verify?

Answer:

Yes, and the requirements are different for those employers who are subject to the FAR mandatory E-Verify clause and those who are not.

Discussion:

E-Verify is an electronic program administered by United States Citizenship and Immigration Services (USCIS) that allows employers to confirm the eligibility of their employees to work in the United States.

Many times, such participation is optional. However, participation can be mandated by either, or both, the federal government (through the FAR E-Verify Clause) and states (through legislation mandating participation).

Once the enrollment process is completed (meaning that your E-Verify account has been created, the required Memoranda of Understanding have been signed, and your organization can access the E-Verify portal) certain timelines apply, as discussed below.

Employers not subject to any mandatory E-Verify participation

If your organization is not subject to mandatory E-Verify participation under federal or state law, then you must begin creating E-Verify cases for all new hires starting on the date of

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enrollment. You may not create cases for employees who were already employed at the time of enrollment and you may not create cases upon reverification.

For example, if your enrollment date is January 1, you must create a case for each new hire onboarded after January 1, but cannot create a case for anyone hired prior to January 1.

Employers subject to the FAR E-Verify Clause

If you are a Federal Contractor who is new to E-Verify¹, you must enroll as a Federal Contractor in E-Verify within 30 days of the award date of a contract that contains the FAR E-Verify clause.² After enrollment, the following timelines apply:

- Create an E-Verify case for each existing employee assigned to the contract within 90 days of enrolling in E-Verify, or within 30 days of assignment to the contract, whichever date is later;
- Create an E-Verify case for each newly hired employee working within the United States within 90 days of the enrollment date;
- If opting to verify the entire workforce (note: you may only do this if you are enrolling in E-Verify because participation is mandated under the FAR E-Verify clause), cases must be created within 180 days of enrollment or upon notifying E-Verify of the decision to exercise this option.

¹ The information contained on this bulletin only pertains to organizations who are recently enrolled in E-Verify. For those who are existing E-Verify participants who are the beneficiaries of a new federal contract (thus requiring creation of cases for those who will be working on the contract), the operative guidance can be found [here](#).

² Historically, DHS has not penalized companies for delayed case creation due to the E-Verify system being inoperable. If E-Verify is down – enrollment, case creation, or case processing – a best practice is to document the dates E-Verify is down and the impacted employees. If E-Verify is down and you cannot enroll within 30 days of the award date, a best practice is to contact your procurement officer or contracting official and inform them of the E-Verify issue.

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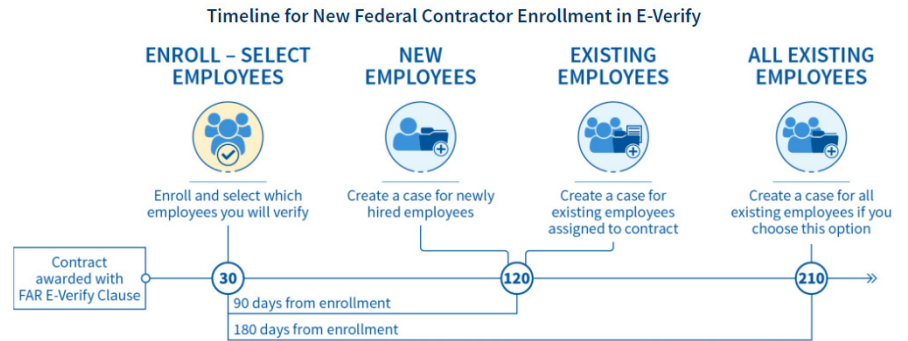


Figure 1: Timeline for New Federal Contractor Enrollment in E-Verify

Employers not subject to the FAR E-Verify Clause but whose participation is mandated by a state entity

Employers in this situation are those not required by federal law to participate in the E-Verify program *but* whose participation is mandated by state law. Some of these requirements are triggered by the number of individuals employed while others are mandatory for all employers, or just those in certain industries. Employers are reminded that under E-Verify rules, cases can only be created for previously-hired employees in limited circumstances.

In the event of an E-Verify outage delaying enrollment, case creation or resolution, employers are encouraged to document any and all E-Verify outages and also identify which individuals are impacted. Employers should document these outages for audit purposes and create and process cases immediately after E-Verify service resumes. ■

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