

# COMPLETING AN ELECTRONIC I-9 FOR A NEW HIRE HR MANAGER INSTRUCTIONS

## Overview

- Process for verifying a new hire's employment eligibility has changed.
- Effective immediately, your location will use **I-9 eXpress**—a Web-based employment eligibility service—to enter, verify, document, and ensure employment eligibility for new hires.
- As a result of this new process, you no longer need to complete paper I-9 forms included in the *New Hire Packet*.
- The new employment verification process consists of four main steps:
  - Step 1:** Have the new hire enter their information in I-9 eXpress.
  - Step 2:** Login to I-9 eXpress and complete the new hire's I-9.
  - Step 3:** Determine if the employee is legally eligible to work in the U.S.
  - Step 4:** Terminate the employees if not legal to work according to the Basic Pilot Program.

## Step 1: Have the new hire complete their information in Section 1 of the I-9

See QRG – eVerify Employee Instructions document.

## Step 2: Login to I-9 eXpress and complete and verify the new hire's I-9

Access the HRM Resource site from My Lowe's Life>Employment and Staffing>eVerify>eVerify-HRM to complete Section 2 of the I-9

1. On the **I-9 eXpress Welcome** page, enter **11116** in the **Employee Name or Code** field and click **Go**.
2. On the **Login** page, complete the **Empl ID** and **Password** fields, and then click **Continue**.
  - Empl ID = 9 digit sales ID (Ex: Sales ID is 12345. Empl ID is 000012345)
  - Password = XXXXMMYY
    - i. XXXX=last 4 of SSN
    - ii. MM=birth month
    - iii. YY = birth year

**Note:** First time logon, click on Enroll, chose a question to answer from the drop down menu, type an answer, click on Continue, enter your store email address, click Submit.

A thank you page will be email confirming your successful access.

**Note:** If you forgot your Password, click the **Forgot your Password?** Link beside the Password field.

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Get **online access** to your employee's I-9 forms!

**Login to I-9 eXpress**  
Enter your employer's name or code number below to access your employee account:  
 Employer Name or Code:  
 Remember my ID on this Computer  
GO  
[Find employer name](#)

**Attention Employees!**  
Want to fill out Section 1 of your I-9 form online?  
Want more information about electronic I-9s?  
[Go to newI9.com](#)

**New to I-9 eXpress?**  
It's simple and fast to manage your employee's I-9 forms online. [Learn More](#)

**Demos and Tutorials**  
View step-by-step tutorials on how to use I-9 eXpress.

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I-9 eXpress™ Home Privacy Policy

**Login Instructions**  
Please enter your User ID and PIN. This information is only used to identify your account and is protected by industry standard SSL encryption.  
[More About Security](#)

**Login**

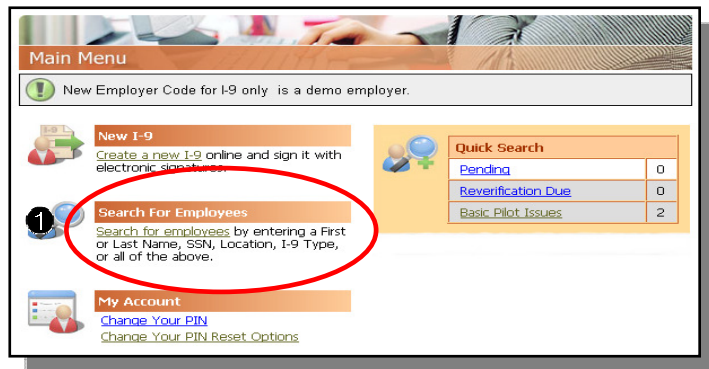
**Construct Corps**

**User ID:**   
**PIN:**  [Forgot your PIN?](#)  
Continue

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## Open the new hire's I-9.

1. On the **Main Menu** page, click **Search for Employees**.



2. On the **Search for Employees** page, enter the employee's Social Security number in the **SSN** field and click **Search**.
3. Make sure the employment date is blank.

**Search For Employees**

Select one or more search criteria below to search for employees.

First Name:  Last Name:  SSN:  Type of I-9:

Group:  Location:

Employment Date:  (mm/dd/yyyy)

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**Search Results: (All)**

Type:  
E=E-Verify, C=Complete, P=Pending, R=Reverification, S=SSN Applied For, M=Missing, I=Invalid (Red=Problem, Bold=Urgent)

Type	Name	Location	SSN	Employment
C	<b>Wubzy, Wow W</b>	Troutman, NC	5555	10/08/2009

Showing 1-1 of 1

4. Under **Search Results**, click the employee's name.

Note: You may also search for a pending I-9 by clicking on the **Pending** link.

## Complete Section 2 of the employee's I-9.

1. From the **Section 2 – Employer Review and Verification** page, complete the **Employment Date** field using today's date or actual hire date (no more than 3 days from employee's hire date.) Location will default to your home store.
2. Ask the employee to present their employment eligibility documents.
3. Under **Select the set of document(s) presented by the employee**, select documents from the drop-down fields that correspond to the documents the employee presented to you.
4. Click **Continue**.

**Section 2 - Employer Review and Verification**

Please enter the employment information and the document(s) presented by the employee.

**1** Employment Date: Location:

**2** Select the set of document(s) presented by the employee:  
The employee must prove their identity and authorization to work in the United States by presenting to the employer either 1 List A -OR- 1 List B and 1 List C document.

List A  
List A proves identity AND work authorization:

List B and C  
List B proves identity:

List C proves work authorization:

**4** Back Cancel Continue

5. Enter the required information for each document you selected in Step 3 above, and click **Continue**.

### Note:

- Please be aware that a picture ID document is required for list B.
- To see examples of each type of document listed, click **Help**.
- For Permanent resident card that does not have an expiration date, please check the checkbox indicating the document does not have an expiration date.
- State is the issuing authority for Driver's License.

**List B document - Driver's license or ID card issued by a state**

Issuing Authority:

Document #:

Expiration Date (mm/dd/yyyy):

**List C document - U.S. Social Security card issued by SSA (not stating not valid for employment)**

Issuing Authority: SSA

Social Security Number: 505-88-8888

The number on the document is the same

Back Cancel Continue

### Note:

If an employee is terminated before the I-9 is completed, select **Employee terminated before completing I-9** and click Continue.

Employee terminated before completing I-9

Back Cancel Continue

## Review Your Information

1. On the **Employer Review** page, carefully review the information you entered. If any information is incorrect, click the **Change Information** link. If a social security number is provided, validate that the name and Social security number entered matches the info on the employee social security card.
2. Click on Spanish for Spanish language if needed.
3. Select the **I have read and agree with the certification statement above** check box and enter 8 digit PIN in the **PIN** field.
  - PIN = XXXXMMYY
    - i. XXXX=last 4 of SSN
    - ii. MM=birth month
    - iii. YY = birth year
4. Click **Continue**.
5. The Employee Detail page will display (see below).

When the **Employee Detail** page displays you'll know you have successfully completed the employee's electronic I-9. **Click on the History link under the e-Verify Section.**

**Print the page displaying the Case Number, file in the Employee's personnel file.**

**Employer Review**

Please review the following information as it was entered. You can make changes to the information by clicking on the link below the information.

After verifying that the information is correct, complete the signature block at the bottom of the page.

**[C]** Corrected field

**Name:** John A Smith 1

**Maiden Name:**

**Social Security #:** 123-45-6789

**Birth Date:** 09/14/1969

**Address:** 147 Main St.  
Lapeer, MI 48446

**Employment Date:** 08/24/2006 **[C]**

**Work Status:** A Citizen or national of the United States

**Alien #:**

**I-94 #:**

**Work Expiration Date:**

[Change Information](#)

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**Employer Electronic Signature** [\(English or Español\)](#) 2

I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on 08/24/2006 and that to the best of my knowledge the employee is eligible to work in the United States. My electronic signature is my authorization for any change indicated by **[C]** in Section 1.

**I have read and agree with the certification statement above.** 3

PIN:

**Employee Detail**

New Employer Code for I-9 Basic Pilot is a demo employer.

**Name:** Sam Aaron

**Maiden Name:**

**Social Security #:** XXX-XX-0002

**Birth Date:** 04/01/1970

**Address:** 123 Main  
St. Louis, MO 63147

**Employment Date:** 06/21/2007

**Work Status:** A Citizen or national of the United States

**Alien #:**

**I-94 #:**

**Alien Work Until Date:**

**Location:** Default Location for 12191

**Previous Locations:**

**Audit Report:** [View/Download](#)

You can view the employee's employment eligibility in the **Status** field. If the status indicates *Employment Authorized*, the employee is eligible to work.

**Print the completed I9 by selecting the Original I9 link at the bottom of the Employee Detail page. Place in the I9 file.**

**I-9 eXpress™**
A service of **TALX Corporation** **TALX**

**Carole Roselyne Clausen**

Sephora USA, Inc.

Home | Privacy Policy | Help | Logout

**Main Menu**

New I-9

Search For Employees

My Account

Reports

Administration

Help

**Basic Pilot History - Case Number: 070327101409488**

**Initial Verification (03/27/2007)**

**Name:** Karen L Jones

**Social security #:** XXX-XX-0003

**Birth date:** 05/01/1977

**Employment date:** 03/27/2007

**Work Status:** A Citizen or national of the United States

**Alien #:**

**I-94 #:**

**Document Type:** List B, C Documents

**Document Expiration Date:**

**Initiated By:** Basic Pilot Windows Service

**Return Name:** Karen Jones

**Status:** Employment Authorized.

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**Resolution (03/27/2007)**

**Resolve Option:** Case Resolved, Employment Authorized.

**Resolved By:** Basic Pilot Windows Service

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### Step 3: Determine if the employee is legally eligible to work in the US

If the status **does not** indicate *Employment Authorized*, and indicates **SSA or DHS Tentative Nonconfirmation**.

E-Verify  
Origination Date: 02/01/2008  
Current Status Date: 02/01/2008  
**Current Status: SSA Tentative Nonconfirmation.**  
[View SSA Tentative Nonconfirmation Notice](#)  
[View SSA Tentative Nonconfirmation Notice \(Español\)](#)  
History... Contest Not Contest Resolve Case

1. Use the following language to explain to the employee why they are ineligible to work:

#### **SSA Tentative Nonconfirmation**

"When your information was compared electronically to government records, the Social Security Administration (SSA) could not confirm that you are eligible to work in the United States. As a result, you must contact SSA to resolve the situation within 12 calendar days if you wish to continue pursuing an opportunity with us."

#### **DHS Tentative Nonconfirmation**

"When your information was compared electronically to government records, the Department of Homeland Security (DHS) could not confirm that you are eligible to work in the United States. As a result, you must contact DHS to resolve the situation within 12 calendar days if you wish to continue pursuing an opportunity with us."

2. Ask employee if they wish to contest or not contest. Click appropriate button.
3. If Employee chooses to Not Contest the E-Verify results,
  - Click the Not Contest button
  - Follow steps 1, 2, 3, and 4.
  - Be certain you provide the printed SSA or DHS Tentative Nonconfirmation Notice and SSA or DHS Referral Letter to the employee. By using the links in the I9 Express system, the forms will generate pre-populated. For examples of the documents, see pages 8-16.
  - Click the correct Resolution and then the Resolve button.

[View SSA Tentative Nonconfirmation Notice](#)

[View SSA Tentative Nonconfirmation Notice \(Español\)](#)

#### **IMPORTANT! Follow the instructions below to remain compliant and complete the verification for this employee.**

1. Print the SSA Tentative Nonconfirmation Notice and give it to the employee.
2.  Click this checkbox to indicate that the employee has received copies of the SSA Tentative Nonconfirmation Notice.
3. Select the resolution below.
4. Click the Resolve button below to continue.

#### **Select Case Resolution**

- Invalid Query (incorrect data or duplicate request)
- Self Terminated (employee quit or was terminated unrelated to employment authorization)
- Unauthorized Employee Terminated (employment unauthorized so employee terminated)
- Unauthorized Employee Not Terminated (employment unauthorized, but employee was not terminated)

Back Resolve

4. If Employee chooses to Contest the E-Verify results.
  - Click the Contest button
  - Follow steps 1, 2, 3, and 4 outlined below.
  - Be certain you provide the printed SSA or DHS Tentative Nonconfirmation Notice and SSA or DHS Referral Letter to the employee. By using the links in the I9 Express system, the forms will generate pre-populated. For examples of the documents, see pages 8-16.
  - Click the SSA Referral button.

[View SSA Tentative Nonconfirmation Notice](#)

[View SSA Referral Letter](#)

[View SSA Tentative Nonconfirmation Notice \(Español\)](#)

[View SSA Referral Letter \(Español\)](#)

**IMPORTANT! Follow the instructions below to remain compliant and complete the verification for this employee.**

1. Print the SSA Tentative Nonconfirmation Notice and give it to the employee.
2. Print the SSA Referral Letter and give it to the employee. Instruct the employee to follow the instructions in the letter.
3.  Click this checkbox to indicate that the employee has received copies of the SSA Tentative Nonconfirmation Notice and the SSA Referral Letter.
4. Click the SSA Referral button below to continue.



5. Reinforce with the employee they have **12 calendar days** to resolve the issue displayed in the **Reason** filed with the SSA. If the employee cannot resolve the issue within this timeframe, inform them we cannot proceed with the employment at this time.

### What happens next?

Once the data has been updated in the SSA database, the case will be released. This usually occurs within 10 government working days. The I-9 eXpress system will automatically search the SSA database for any updated information every day. The status of any I-9s that are found in this search will be updated in I-9 eXpress.

It is your responsibility to monitor the status of I-9s that are not Employment Authorized. E-verify may require that the I-9 be resubmitted if it is found that incorrect information had been submitted.

### What do I enter in I-9 eXpress if E-verify requires the I-9 be resubmitted?

You must **Resubmit** the verification by completing the following steps:

1. On the **Main Menu** page, click **Search for Employees**.
2. On the **Search for Employees** page, enter the employee's Social Security number in the **SSN** field, and click **Search**.
3. Click the employee record.
4. On the **Employee Detail** page, click **History**
5. Click the **Resubmit Verification** button.
6. On the **Updating and Reverification** page, correct the information that was originally submitted, and then click **Resubmit**.

**Note:** If status is anything other than employment authorized, contact your AHRM immediately.

**What do I do if an employee never returns the corrected information within the 12 day timeframe?**

- I-9 eXpress will automatically resubmit the employee's information to be verified.
- If the employee's information at SSA has not been updated, a **Final Non-confirmation** or **Employee No-Show** status will be returned from E-verify. You will have the option to resolve the case as employee terminated as follows:
  - In I-9 eXpress, search for the employee in question, click the **Resolve Case** button. Under Select Case Resolution, select the **Self Terminated** option, and click **Resolve**.

**Step 4: Terminate the employee if not legal to work according to E-verify**

**You may terminate an employee immediately if the employee elects not to contest the E-verify finding, or if the employee does not present the documentation for section 2 of the I-9 upon hiring process. Search for the employee under Quick Search/E-verify issues, open the I-9 and click on resolve case.**

Please email the [everify@lowes.com](mailto:everify@lowes.com) mailbox if you have questions.

# Sample Tentative Nonconfirmation and Referral Letters

**Note: The following letters are for sample purposes only. In the event you must present a new hire with a tentative nonconfirmation and referral letter, follow the instructions in Step 3 outlined in this document.**



**SAMPLE Social Security Administration (SSA) Tentative Nonconfirmation Letter (2 pages)**



**NOTICE TO EMPLOYEE OF TENTATIVE NONCONFIRMATION**

Employee Name: \_\_\_\_\_

SSN: \_\_\_\_\_

Date of Tentative Nonconfirmation: \_\_\_\_\_

Agency Providing Tentative Nonconfirmation: \_\_\_\_\_

Case Verification Number: \_\_\_\_\_

This employer is participating in a pilot project with the Social Security Administration (SSA) and the Department of Homeland Security to verify employment eligibility information you provided when you completed the Form I-9. **When your information was compared electronically to government records, SSA could not confirm that you are eligible to work in the United States. This tentative nonconfirmation does not mean that you are not work authorized, or that the information you provided is incorrect. There are many reasons why a work authorized employee could be the subject of a tentative nonconfirmation. The tentative nonconfirmation means, however, that you must contact the SSA to resolve the situation if you wish to continue your employment.**

You have a voluntary choice. You may **Contest** the tentative nonconfirmation, or you may choose to **Not Contest** the tentative nonconfirmation.

If you **Contest** this tentative nonconfirmation, you must contact the SSA. By contesting, your employer will refer your case through E-Verify, and provide you with a referral notice that will tell you how to contact the SSA. You will be provided 8 Federal government work days from the date of that referral notice to resolve your situation with SSA. At the SSA office, you may have to provide additional information or documents that will permit the SSA to notify your employer that you are work authorized. During the 8 Federal government work days your employer may not terminate your employment or take adverse action against you based upon your employment eligibility status or because you have chosen to contest the tentative nonconfirmation.

If you do **Not Contest** the tentative nonconfirmation, you are making a choice voluntarily to give up your opportunity to correct the tentative nonconfirmation. If you do not contest the tentative nonconfirmation, it automatically becomes a final nonconfirmation. That means that your employer may terminate you immediately as an unauthorized employee. If you do not contest the tentative nonconfirmation, a legal presumption is created that your employer is in violation of the law if it continues your employment.

If you have questions or concerns about immigration-related unfair employment practices, you may call the Office of Special Counsel for Immigration-Related Unfair Employment Practices toll free at 1-800-255-7688 or 1-800-237-2515 (TDD) for the hearing impaired.

**I choose to (check one):**

**Contest** the tentative nonconfirmation. I understand that I must contact the Social Security Administration within 8 Federal Government work days from the date shown on the referral notice which is to be provided by my employer.

**Not Contest** the tentative nonconfirmation. I choose voluntarily to give up my opportunity to correct the tentative nonconfirmation. I understand that my voluntary choice not to contest the tentative nonconfirmation authorizes my employer to terminate my employment immediately.

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Contact your employer with any questions regarding this document.



**NOTICE TO EMPLOYEE OF TENTATIVE NONCONFIRMATION**

**Employer's Certification:**

I certify that this employer has received a tentative nonconfirmation relating to the employee whose name and signature appear above and that the employee has made the choice indicated. I also certify that the employee has executed and signed this document, that the employee's choice to the best of my knowledge was a knowing and voluntary choice, and that the employee has not been coerced or pressured in any way by this employer regarding his or her choice whether to contest the tentative nonconfirmation.

Name of Employer: \_\_\_\_\_

Signature of Employer Representative: \_\_\_\_\_

Date: \_\_\_\_\_

**SAMPLE Social Security Administration (SSA) Referral Letter (3 pages)**



**Notice to the Employee: Referral to the Social Security Administration (SSA)  
SSA Field Office—See POMS RM 00206.305ff**

Name of Employee: \_\_\_\_\_ Date Referred to SSA: \_\_\_\_\_

Social Security Number (SSN): \_\_\_\_\_ Month/Year of Birth: \_\_\_\_\_

Case Verification Number: \_\_\_\_\_

Reason for this Referral Notice:

- SSN does not match**      The SSN input is a valid number but the name and/or date of birth entered for the employee do not match SSA records.
- SSN is invalid**      The SSN input is not a valid number.
- SSA unable to confirm U.S. Citizenship**      The SSA automated system cannot confirm the employee is eligible to work because SSA records do not show the SSN holder is a U.S. citizen. **IMPORTANT:** If you are a naturalized U.S. citizen, see the special message in the "What You Must Do" section of this letter.
- SSN record does not verify, Other Reason**
- SSA unable to process data**

**TO THE EMPLOYER:**

Verify with the employee the Social Security Number, and month/year of birth shown at the top of this letter. Take corrective action if this information is incorrect.

Please enter the information below that is not pre-filled by the E-Verify system.

Name of Employer: \_\_\_\_\_

Name of Employer Representative: \_\_\_\_\_ Phone #: \_\_\_\_\_

Employer Official's Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

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## **TO THE EMPLOYEE:**

### **Why You Have This Letter:**

Your employer uses the E-Verify program with the Social Security Administration (SSA) and the U.S. Citizenship and Immigration Services (USCIS). Under this program, your employer checks your name, Social Security number, date of birth, and immigration or citizenship status with the Government to make sure you may work in the United States.

The reason for this Referral Notice is indicated near the top of this page. This Referral notice does not mean that you gave wrong information to your employer.

This Referral Notice is produced when your information provided by your employer does not match the information in SSA's records. This is called an "SSA Tentative Nonconfirmation." An "SSA Tentative Nonconfirmation" can happen for several different reasons, such as

- Your SSN, name or date of birth may have been recorded incorrectly at SSA,
- You may not have reported a name change to SSA,
- Your citizenship or immigration status may have changed since you first got your SSN card; or
- Your record may contain another type of error.

**IMPORTANT: This Referral Notice does not mean that you intentionally gave wrong information to your employer or that you are not allowed to work in the United States.**

You told your employer you wanted to contest the "SSA Tentative Nonconfirmation" by visiting an SSA office to correct the problem.

### **What You Must Do:**

1. Look at your name, Social Security Number, and month/year of birth shown at the top of this letter. Tell your employer right away if any of this information is incorrect.
2. You must visit SSA within 8 Federal Government workdays from \_\_\_\_\_ to resolve your case. (See the exception in number 3 below for certain naturalized U.S. citizens.)
3. **SPECIAL MESSAGE** if the reason for referral is "SSA is unable to confirm U.S. citizenship:" If you are a naturalized U.S. citizen, you do not need to visit your local Social Security field office to resolve your case. Instead, you may resolve it by contacting USCIS at 1- 888-897-7781 to confirm your status as a U.S. citizen. You must give USCIS the following information:
  - The Case Verification Number near the top of this referral letter; **AND**
  - Your Naturalization Certificate number or your Alien Number.
  - If you do not have your Naturalization Certificate number or your Alien Number, you should visit your local Social Security office with your proof of U.S. citizenship (See number 5 below for the list of documents proving U.S. Citizenship).
4. Bring this notice with you when you visit SSA.
5. If you have them, please bring the following original documents with you when you visit the SSA office. SSA will need to see:
  - Proof of your age.
  - Proof of your identity, such as a U.S. State-issued driver's license.
  - Proof of a legal name change, such as a marriage certificate, if you changed your name since you first got your Social Security number card.
  - If you are a U.S. citizen, proof of your U.S. citizenship, such as a Naturalization Certificate, U.S. public birth certificate, or U.S. passport.

- If you are not a U.S. citizen, proof of your work-authorized legal alien status such as a Permanent Resident card (“green card,” INS or USCIS Form I-551), an Employment Authorization Document (USCIS Form I-688B or I-766), or a DHS Form I-94 Arrival Departure Document showing work authorization status.

6. This letter is an important document. Keep a copy of pages 1 and 2 of this letter for your records.
7. If any of the information you gave your employer changes because you visited SSA, tell your employer about the change right away so your employer's records can be updated.

### **Your Rights:**

Your employer may not fire you, suspend you, delay training or withhold or lower your pay or take any other adverse action against you because you chose to contest a Tentative Nonconfirmation and were referred to SSA.

If you believe that your employer has taken adverse action against you based on a Tentative Nonconfirmation or your decision to protest the Tentative Nonconfirmation, you may call the Office of Special Counsel for Immigration-Related Unfair Employment Practice, Civil Rights Division, U.S. Department of Justice, for assistance at **1-800-255-7688** or **1-800-237-2515** (TDD).

### **Where to Find More Information:**

- Call SSA at **1-800-772-1213** or **1-800-325-0778** (TDD) for the hearing impaired, if you have any questions or to find the address of the SSA office nearest you.
- You can also find more information on the Internet at <http://www.socialsecurity.gov/>, including the location of the SSA office nearest you.

**SAMPLE Department of Homeland Security (DHS) Tentative Nonconfirmation Letter (2 pages)**



**NOTICE TO EMPLOYEE OF TENTATIVE NONCONFIRMATION**

Employee Name: \_\_\_\_\_

SSN: \_\_\_\_\_

Employee's A Number: \_\_\_\_\_

Employee's I-94 Number: \_\_\_\_\_

Date of Tentative Nonconfirmation: \_\_\_\_\_

Agency Providing Tentative Nonconfirmation: \_\_\_\_\_

Case Number: \_\_\_\_\_

This employer is participating in a pilot project with the Social Security Administration (SSA) and the Department of Homeland Security to verify employment eligibility information you provided when you completed the Form I-9. **When your information was compared electronically to government records, the Department of Homeland Security could not confirm that you are eligible to work in the United States. This tentative nonconfirmation does not mean that you are not work authorized, or that the information you provided is incorrect. There are many reasons why a work authorized employee could be the subject of a tentative nonconfirmation. The tentative nonconfirmation means, however, that you must contact the Department of Homeland Security to resolve the situation if you wish to continue your employment.**

You have a voluntary choice. You may **Contest** the tentative nonconfirmation, or you may choose to **Not Contest** the tentative nonconfirmation.

If you **Contest** the tentative nonconfirmation, you must contact the Department of Homeland Security (DHS). By contesting, your employer will refer your case through E-Verify, and provide you with a referral notice that will tell you how to contact the DHS. You will be provided 8 Federal government work days from the date of that referral notice to resolve your situation with DHS. Upon contacting the DHS, you may have to provide additional information or documents that will permit the DHS to notify your employer that you are work authorized. During the 8 Federal government work days your employer may not terminate your employment or take adverse action against you based upon your employment eligibility status or because you have chosen to contest the tentative nonconfirmation.

If you do **Not Contest** the tentative nonconfirmation, you are making a choice voluntarily to give up your opportunity to correct the tentative nonconfirmation. If you do not contest the tentative nonconfirmation, it automatically becomes a final nonconfirmation. That means that your employer may terminate you immediately as an unauthorized employee. If you do not contest the tentative nonconfirmation, a legal presumption is created that your employer is in violation of the law if it continues your employment.

If you have questions or concerns about immigration-related unfair employment practices, you may call the Office of Special Counsel for Immigration-Related Unfair Employment Practices toll free at 1-800-255-7688 or 1-800-237-2515 (TDD) for the hearing impaired.

**I choose to (check one):**

\_\_\_\_\_ **Contest** the tentative nonconfirmation. I understand that I must contact the Department of Homeland Security within 8 Federal Government work days from the date shown on the referral notice which is to be provided by my employer.

\_\_\_\_\_ **Not Contest** the tentative nonconfirmation. I choose voluntarily to give up my opportunity to correct the tentative nonconfirmation. I understand that my voluntary choice not to contest the tentative nonconfirmation authorizes my employer to terminate my employment immediately.

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Contact your employer with any questions regarding this document.





**NOTICE TO EMPLOYEE OF TENTATIVE NONCONFIRMATION**

**Employer's Certification:**

I certify that this employer has received a tentative nonconfirmation relating to the employee whose name and signature appear above and that the employee has made the choice indicated. I also certify that the employee has executed and signed this document, that the employee's choice to the best of my knowledge was a knowing and voluntary choice, and that the employee has not been coerced or pressured in any way by this employer regarding his or her choice whether to contest the tentative nonconfirmation.

Name of Employer: \_\_\_\_\_

Signature of Employer Representative: \_\_\_\_\_

Date: \_\_\_\_\_

# SAMPLE Department of Homeland Security (DHS) Referral Letter

## E-VERIFY

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### NOTIFICATION TO THE EMPLOYEE REFERRAL TO THE DEPARTMENT OF HOMELAND SECURITY

Name of Employee: \_\_\_\_\_

Employee's A Number: \_\_\_\_\_

Employee's I-94 Number: \_\_\_\_\_

Employee's Case Verification Number: \_\_\_\_\_

This employer is participating in a pilot project to verify the employment eligibility documentation you provided when you completed the Form I-9. The information you provided was compared by computer to the Department of Homeland Security's records. The Department of Homeland Security has been unable to verify your employment eligibility. You have chosen to contest the Department of Homeland Security's tentative nonconfirmation. The tentative nonconfirmation does not mean that the information you provided is incorrect, but it means that if you are work authorized, you must contact the Department of Homeland Security to resolve your case. Please call a Department of Homeland Security Immigration Status Verifier at **1-888-897-7781** who will assist you in resolving your case.

It is your responsibility to contact the Department of Homeland Security within 8 Federal Government work days from today to clarify your employment eligibility. When you call the Department of Homeland Security you will be asked to provide additional information or documents to verify your eligibility to work. If you fail to contact the Department of Homeland Security within the 8-day period, your employer will be notified and may be subject to fines for continuing to employ you.

Your employer may not terminate your employment or take adverse action against you within the next 10 Federal Government work days based upon your employment eligibility status, unless the Department of Homeland Security determines within that time that you are not work authorized.

If you have questions or concerns about this process or about immigration-related unfair employment practices, you may also call the Office of Special Counsel for Immigration-Related Unfair Employment Practices toll free at **1-800-255-7688** or **1-800-237-2515 (TDD)** for the hearing impaired.

Date referred to Department of Homeland Security: \_\_\_\_\_

Name of Employer: \_\_\_\_\_

Name of Employer Official: \_\_\_\_\_

\_\_\_\_\_  
Employer Official's Signature

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date signed