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## **E-VERIFY UPDATE: EMAIL COMMUNICATIONS AND EMPLOYER OBLIGATIONS**

USCIS recently announced that E-Verify will begin communicating directly with employees who receive a Tentative Nonconfirmation of employment eligibility. Also announced were related employer obligations.

A Tentative Nonconfirmation (TNC) occurs when identity information provided through the E-Verify system does not match the information in U.S. Department of Homeland Security or Social Security Administration records. Under the new enhancement feature, E-Verify will send an employee a TNC email at the same time as the employer, with a second email going to the employee for follow up if needed and instructions, and a third email sent once the case is adjudicated as cleared or as a Final Nonconfirmation.

That the employee receives a TNC email directly from E-Verify does not relieve the employer from the obligation to notify the employee immediately of the TNC. Additionally, if an employee records his optional email address when completing Section 1 on the new Form I-9, the employer must input that email address into the E-Verify system effective immediately.

To assist employers, E-Verify has added a Help Box next to the new email address field for employers to click on for instructions. Employers may also review the updated E-Verify User Manual. For more information, contact your FosterQuan attorney.

As always, FosterQuan will continue to monitor regulations and procedures and will provide additional information in future Immigration Updates®, and on our firm's website at [www.fosterquan.com](http://www.fosterquan.com).