

Government Reopens

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Practices: Immigration

As of yesterday morning, Thursday, October 17, 2013, the federal government has reopened its doors after fifteen days of a general shutdown. Congress was able to finally pass legislation funding the government and President Obama signed the bill allowing the federal agencies that had been closed to reopen.

E-verify and all of its features are now operational. As our earlier IPG update indicated when the government began all employers continued to be responsible for preparing Forms I-9, Employment Eligibility Verification throughout the government shutdown. Employers that utilize the E-verify program are instructed to do the following:

1. Tentative Non-confirmation (TNC) – employees who were not able to resolve a TNC received between September 17, 2013 and September 30, 2013 should add 12 federal business days to the date indicated on the Referral Letter or the Referral Date Confirmation. This will be the new date by which an employee must contact the Social Security Administration (SSA) or the Department of Homeland Security (DHS) to contest the TNC. Employers who were unable to initiate a referral process in E-verify for employees who wanted to contest their TNCs can now initiate the referral process.
2. Employers who received a Final Non-confirmation (FNC) or No Show should close the case and when prompted, select "the employee continues to work for the employer after receiving a Final Non-confirmation result" or "the employee continues to work for the employer after receiving a No Show result." Afterward, employers should submit a new case in the E-verify system for the employee.
3. Employers are given until November 5, 2013 to create a case in E-verify for all employees hired during the federal government shutdown. If employers are prompted to indicate a reason for the delay in creation of an employee case, they are instructed to select "other" from a dropdown field and then select "federal government shutdown".
4. Federal Contractor missed deadlines. The federal contractor rule requires federal contractors to enroll and use E-verify, however, organizations may have missed certain deadlines because of the federal government shutdown. If this is the case, employers are instructed to follow the indications listed above and to notify their contracting officer.
5. Customer Support. E-verify customer support anticipates additional wait times due to an increase in assistance requests. Employers and other stakeholders are asked to email E-verify@dhs.gov or call 888-464-4218. Employers who have questions regarding the employment eligibility verification Form I-9 are instructed to email I-9Central@dhs.gov or to visit I-9 Central at www.uscis.gov/I-9Central.

