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## **E-VERIFY ACCESS RESUMES AFTER U.S. GOVERNMENT SHUTDOWN ENDS**

As the Federal Government shutdown ended, various non-essential Government functions resumed. U.S. Citizenship & Immigration Services (CIS) has advised that E-Verify, the Government's electronic system for verification of employment eligibility, has resumed operation. The CIS has also provided [information](#) to both employers and employees concerning the creation of new cases in E-Verify and the resolution of Tentative Nonconfirmations (TNCs) received immediately prior to and during the U.S. Government shutdown.

### **Deadline Extended for Pre-Shutdown TNCs**

Employees who received a TNC between September 17th and September 30th are permitted to add 12 federal business days to the deadline on the "Referral Letter" or "Referral Date Confirmation" for resolution of the TNC. Employees will have the 12 additional business days to contact the Department of Homeland Security (DHS) and/or the Social Security Administration (SSA).

### **Referral Process for Contesting TNC**

If an employee decided to contest a TNC during the U.S. Government shutdown, employers should initiate that referral process in E-Verify at this time. Employers are reminded not to take any adverse action against an employee because of a TNC.

### **Addressing Final Nonconfirmations (FNCs)**

Employees who received a Final Nonconfirmation (FNC) or "No Show" due to the U.S. Government shutdown will be given the opportunity to resolve the TNC that led to the FNC. Employers must close the case in E-Verify for an employee who received an FNC and must open a new case and select the option indicating that the employee continues to work for the employer after having received an FNC. The employer should enter a new case in E-Verify for that employee in order to ensure that the employee has the opportunity to timely contest and resolve the TNC.

### **New Hires during the U.S. Government Shutdown**

Employers must open an E-Verify case for each employee hired during the U.S. Government shutdown. The deadline is November 5th. When prompted to enter a reason for opening the E-Verify case late, the employer should select "other" and enter "federal government shutdown" in the field.

## **Federal Contractors Subject to E-Verify**

Federal contractors who missed an E-Verify deadline due to the Government shutdown should follow the general instructions provided to all employers. Additionally, they must notify their E-Verify contracting officers of these instructions.

## **Information for Employees**

Employees are advised to contact the SSA and/or the DHS to resolve TNCs within the extended deadline of 12 federal business days beyond the original deadline in the “Referral Letter” or “Referral Date Confirmation.” The CIS advises employees who have received an FNC to contact their employer to request that a new case be entered in E-Verify.

## **Longer Wait Times for Customer Assistance**

Due to an expected increase in inquiries, the CIS has advised that E-Verify customer support services may be slightly delayed. Employers may experience longer than normal response times for inquiries.

As further information becomes available regarding the resumption of immigration-related Government services, we will provide additional updates via [our firm's website](#) and in future Immigration Update<sup>®</sup> email bulletins.