

E-Verify Suspended Due to the Government Shutdown

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The holiday season may already feel like a distant memory and five-day workweeks may once again be the norm, but not everything is back to business as usual for U.S. employers this January. E-Verify, the electronic system used by more than 750,000 companies to confirm employment eligibility for new hires, has been temporarily suspended due to a lapse in government funding. As [the partial government shutdown](#) nears the three-week mark, many employers are left wondering how the suspension of E-Verify could affect their businesses.

Participants in the E-Verify program are required to initiate an inquiry for each new hire within three days of the employee's commencing work for pay. But since the start of the shutdown, employers have not been able to access their accounts to initiate cases or take action on existing cases. Employees have also been locked out of the system and are not able to resolve tentative nonconfirmations (TNCs) while operations are down.

To help address the challenges posed by the temporary suspension of E-Verify, the U.S. Department of Homeland Security (DHS), which manages the program, issued the following guidelines that are effective until E-Verify becomes operational again:

- The three-day rule for creating E-Verify cases for new employees has been suspended for cases impacted by the shutdown.
- Extensions will be given to employees working on TNCs. The number of days that E-Verify is unavailable due to the shutdown will not be counted against the employee when working to resolve his or her TNC.
- DHS will issue further guidance about updated timelines for filing new cases and resolving TNCs when the system is operational again.

Employers that choose to bypass E-Verify and hire new employees during the partial government shutdown [must still comply with all Form I-9 requirements](#). Specifically, a Form I-9 must be completed for all employees within three business days from the date that they begin working for pay.

With no end to the shutdown in sight, federal contractors may want to reach out to their contracting officers to request extensions of their enrollment and processing deadlines. Without access to E-Verify, it may be difficult to meet these deadlines.

Ogletree Deakins' Immigration Practice Group will continue to monitor developments with respect to the partial government shutdown and will post updates on the [Immigration blog](#) as additional information becomes available.

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