<u>E-Verify / South Carolina Illegal Immigration Reform Act</u>

Background Information

E-Verify (formerly known as the Basic Pilot/Employment Eligibility Verification Program) is a federal work authorization program that is an internet-based system, operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), that allows participating employers to electronically verify the employment eligibility of their newly hired employees.

Based on the Illegal Immigration Reform Act, all public employers in South Carolina must register and participate in the federal work authorization program, currently known as E-Verify.

"Public employer" means every department, agency or instrumentality of the state or a political subdivision of the state.

The E-Verify program has been mandated in addition to and not in lieu of compliance with other current federal and state mandated hiring processes, including the completion of the federal form I-9.

Memorandum of Understanding E-Verify Registration and Training

To register with E-Verify and to complete the MOU, agencies need to log on to the E-Verify website. There are a few short questions to answer to set up an account.

Nearly all E-Verify users will need to have "employer" access. This access enables users to conduct verification queries in the system. To add additional E-Verify users and manage existing user accounts, agencies will also need to select "Yes" for the "Program Administrator" role on the MOU signatory page. During registration, agencies will also need to add the "South Carolina State Office of Human Resources" as the "Corporate/Parent Company." Once the MOU has been signed and the login and password have been received, from that point forward, agencies are required to verify all new hires through the E-Verify system.

Once the MOU has been executed, depending on the type of user account that has been selected, your username and password will be emailed to you. Once the account information is received, Program Administrators and General Users are required to complete an online tutorial to perform verification queries. There is also an E-Verify users handbook that is available for download on the www.uscis.gov website.

Agency Responsibilities

Employers participating in E-Verify MUST:

- Follow E-Verify procedures for each newly hired employee while enrolled and participating in E-Verify.
- Notify each job applicant of E-Verify participation.
- Clearly display the "Notice of E-Verify Participation" and the "Right to Work" posters in English and Spanish and may also display the posters in other languages provided by DHS.
- Complete Form I-9 for each newly hired employee before creating a case in E-Verify.
- Obtain a Social Security number (SSN) from each newly hired employee on Form I-9.
- Ensure that Form I-9 "List B" identity documents have a photo.
- Create a case for each newly hired employee no later than the third business day after he or she starts work for pay.
- Provide each employee the opportunity to contest a Tentative Nonconfirmation (TNC).
- Ensure that all personally identifiable information is safeguarded.

Agencies will need to ensure all new employees, regardless of citizenship status, are consistently queried through the system. Agencies are prohibited from selectively verifying new employees.

User Roles

DSHR will serve as the E-Verify program Corporate Administrator for South Carolina State Government. In this role, DSHR will provide the state's leadership with reports about compliance and with the HR implications of the Illegal Immigration Reform Act.

Agency Program Administrators can create accounts for other Program Administrators and General Users, view reports, perform verification queries, unlock user accounts, reset passwords, view users, maintain hiring sites, and request account termination. Each agency will need to designate at least one Program Administrator to manage and maintain the agency users' accounts.

General Users can perform verification queries, view reports, update reports and update their personal user profile. General Users are only able to view queries they have initiated. General users are also not able to reset passwords or create additional user accounts.

For additional information please refer to the resources below:

- [S. C. Illegal Immigration Reform Act](#)
- [E-Verify Website](#)
- [E-Verify Presentation](#)
- [E-Verify Quick Reference Guide for Employers](#)