

Due to Social Security Administration office closures to the public, E-Verify has updated a few policies. Please see [What's New \(/about-e-verify/whats-new/e-verify-extends-timeframe-for-taking-action-to-resolve-tentative\)](/about-e-verify/whats-new/e-verify-extends-timeframe-for-taking-action-to-resolve-tentative) for more information.

SSA AND DHS TNCs

An SSA or DHS Tentative Nonconfirmation (TNC) results when the information entered in E-Verify does not match SSA records or data available to DHS. A TNC does not necessarily mean that the employee is not authorized to work in the United States.

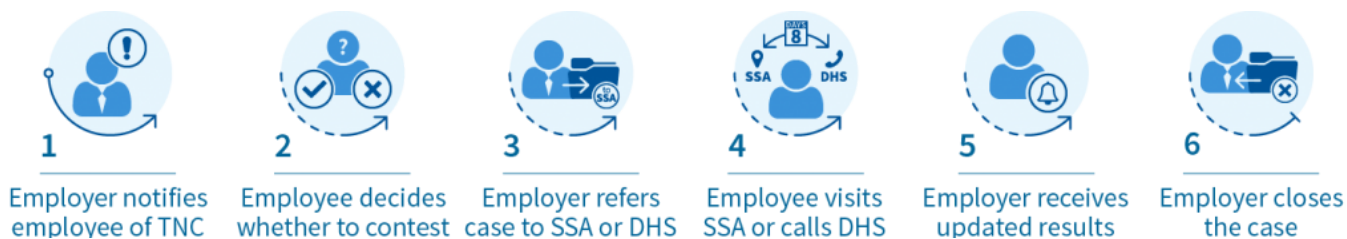
An SSA TNC may be issued because the employee's:

- Citizenship or immigration status was not updated with SSA
- Name change was not reported to SSA
- Name, Social Security number or date of birth is incorrect in SSA records
- SSA record contains another type of mismatch
- Information was not entered correctly by the employer

A DHS TNC may be issued because the employee's

- Name, A-number, I-94 number and/or foreign passport number were recorded incorrectly in DHS records
- U.S. Passport, Passport Card, driver's license or state ID card information could not be verified
- Information was not updated in the employee's DHS records
- Citizenship or immigration status changed
- Record contains another type of error
- Information was not entered correctly by the employer

Both the employer and employee have responsibilities when E-Verify returns a TNC result:



1. Employer notifies the employee of the TNC.

When E-Verify displays a TNC case result, the employer must first notify the employee of the TNC. To notify the employee, the employer must print the Further Action Notice and provide to it to the employee. The Further Action Notice is a critical document that lets the employee know:

- Whether the TNC is an SSA or DHS TNC. This is important because the employee must know which one of these agencies to visit or contact to take action.
- Why the employee received a TNC.
- What the employee's options after having received a TNC.
- What the employee must do to take action to resolve the TNC.

The Further Action Notice also provides instructions to the employer for notifying an employee of a TNC. Specifically, the employer must:

- Print the Further Action Notice and review it privately with the employee.
- Read the Further Action Notice to the employee if the employee cannot read.
- Provide the employee with the English version and a foreign language version of the Further Action Notice if the employee does not fully understand English.
- Sign the employer section on the first page of the Further Action Notice.
- Instruct the employee to complete and sign the employee section on page two of the Further Action Notice.
- Provide the employee a copy of the signed Further Action Notice and keep the original with the employer's records.

2. Employee decides whether to contest the TNC

Employees also have certain rights and responsibilities after having received a TNC. After receiving a TNC, the employee must decide whether to contest it and indicate so on the Further Action Notice.

An employee who chooses to contest an SSA TNC must visit an SSA field office within eight federal government working days to begin resolving the TNC. An employee who chooses to contest a DHS TNC must call DHS within eight federal government working days to begin resolving the TNC.

If the employee chooses not to contest a TNC, the case then results in Final Nonconfirmation, and the employer may terminate the employee based on E-Verify. At this point, the employer must close the case in E-Verify and indicate whether the employee was terminated.

3. Employer refers the employee's case to SSA or DHS.

An employee who chooses to contest a TNC must visit an SSA field office in person if a SSA TNC is received or call DHS within 8 federal government working days for a DHS TNC. When the employer refers the case, E-Verify will generate a Referral Date Confirmation which the employer must print and give to the employee. The Referral Date Confirmation provides the employee the date by which he or she must visit an SSA field office or call DHS to resolve the TNC.

It is also important for the employer to provide a copy of the Further Action Notice to the employee so they can refer to it for instructions to resolve the mismatch and show a copy of it to the representative if they visit an SSA field office.

If the employee contests a DHS TNC issued because of a photo mismatch (meaning the employer indicated that the photo displayed by E-Verify did not match the photo on the employee's document), the employer must also make a copy of the document the employee provided and submit it to DHS for review. The employer may either scan and upload an image of the document or send a copy of the document via express mail at the employer's expense.

The employee must be allowed to continue working while he or she resolves the mismatch. In addition, an employer may not take any adverse actions, such as delaying training or reducing work hours, against an employee because of a TNC while the case status is an Employee referred to SSA or DHS.

4. Employee takes action to resolve the mismatch.

Once the employer refers the case in E-Verify, the employee has 8 Federal Government working days to visit an SSA field office or call DHS. When visiting SSA or contacting DHS, the employee should have the Further Action Notice along with any required documents. The Further Action Notice explains what documents are required to resolve the different types of possible mismatches.

If the employee does not take the required action to resolve the TNC within 10 Federal Government working days after the case is referred, E-Verify will automatically change the employee's case status to SSA or DHS Final Nonconfirmation. Only after an employee receives an SSA or DHS Final Nonconfirmation may the employer terminate the employee based on E-Verify.

5. Case updates in E-Verify.

If the employee is successful in resolving the mismatch, SSA or DHS will update its records and the case in E-Verify. It may take up to two Federal Government working days after a mismatch is resolved for the employer to see the updated case status in E-Verify.

E-Verify features a case status alert that will notify the employer of an update in a case when the employer logs in to E-Verify.

In most SSA TNC cases, SSA will update the case with a final case result, which can be either Employment Authorized or SSA Final Nonconfirmation. Occasionally, SSA may require the employer, employee or DHS to take additional action before a final case result can be issued. In these cases, SSA will update the case to reflect one of the following results:

- **Case in Continuance:** In rare cases, SSA may need more than 10 Federal Government working days to confirm an employee's employment eligibility. This can happen when an employee has lost and has applied for a replacement document, such as a birth certificate. The employee must first visit SSA and attempt to resolve the TNC before SSA will put a case in continuance. Employers should check E-Verify regularly for status updates.
- **DHS Verification in Process:** The employee may have resolved the discrepancy with SSA, but E-Verify cannot instantly confirm employment authorization because it needs to manually review the records in government databases. For cases requiring manual review, E-Verify will return a DHS Verification in Process response and in most cases provide a verification result within 24 to 48 hours. No action is required by the employer or employee during this time. Employers should check E-Verify regularly for status updates.
- **Review and Update Employee Data:** In some cases, SSA will prompt an employer to review and correct the information that was entered into E-Verify and update the case. This occurs when an employee who has received an SSA TNC visits SSA and SSA determines there are no errors in the employee's record. This discrepancy may result from either of the following situations:
 - An employer typing error in E-Verify.

- The employee provided incorrect information on the Form I-9, Employment Eligibility Verification form.

The above three case statuses are considered temporary. While a case is in continuance, the employer cannot terminate, suspend, delay training, withhold or lower pay, or take any other adverse action against the employee because the employee received a TNC.

In most DHS TNC cases, DHS will update the employee's case with a final case result, which can be Employment Authorized, DHS No Show or DHS Final Nonconfirmation. Occasionally, DHS may require the employee to take additional action before issuing a final case result. In these situations, DHS will update the employee's case to Case in Continuance.

In rare cases, DHS may need more than 10 Federal Government working days to confirm employment eligibility. This can happen for a number of reasons, including if an employee has lost the document that was presented for I-9 completion and has applied for a replacement document. The employee must contact DHS and attempt to resolve the TNC before DHS can put a case in continuance.

Case in Continuance is considered a temporary case status. While a case is in continuance, the employer cannot terminate, suspend, delay training, withhold or lower pay, or take any other adverse action against the employee because the employee received a TNC.

6. Employer closes employee's case in E-Verify.

Once the employee has received a final case status, such as Employment Authorized or SSA or DHS Final Nonconfirmation, the employer must close the case in E-Verify. If the employee received an SSA or DHS Final Nonconfirmation, the employer must also indicate whether the employee was terminated.

For more information, including specific instructions for following TNC procedures in E-Verify, review the E-Verify User Manual (</e-verify-user-manual>).

Last Updated Date: 02/27/2018