

A: For purposes of E-Verify, you are only required to maintain a copy of an Employment Authorization Document (I-766) or Permanent Resident Card (I-551). There are no other document retention requirements for E-Verify.

Q: Do you need to complete e-verify each time an employee is terminated?

A: E-Verify does not distinguish between a rehire and a new hire. If you are a participating employer and you hire OR rehire an employee, you must verify that employee through E-Verify.

If you rehire a former employee within 3 years of his or her previous hire date, you may rely on the information on his or her previous Form I-9 if it shows continuing employment authorization and you update it to reflect the date of rehire. If the employee's previous employment authorization has expired, you may reverify employment authorization in Section 3 of the Form I-9 or complete a new Form I-9.¹

Whichever method you use, you must use that Form I-9 to verify the employment authorization of the rehired individual in E-Verify. Note that this new hire situation is different from reverification of existing employees whose employment authorization has expired. You may not reverify existing employees through E-Verify.

Q: If we verify all employees and include employees with security clearances will that cause any issues?

A: Employees holding active security clearances of Confidential, Secret or Top Secret in accordance with the National Industrial Security Program Operating Manual or credentials awarded in accord with Homeland Security Presidential Directive -12 (HSPD-12) are exempt from E-Verify requirements.

Because these employees are exempt, you do not need to query them in E-Verify. If however, you include this category of employees in your verifications, there are two issues to keep in mind:

- 1) Once you have made the election to verify this category of employees, you cannot selectively verify the employees within the category. If you verify one employee with a clearance, you must verify them all. Similarly, if you exclude a single employee, you must exclude them all.*
- 2) You cannot initiate a verification query on an otherwise exempt employee, and later declare the employee is exempt. Once the verification process is begun for the employee, it must be completed. This will include resolution of tentative non-confirmations and taking action on final non-confirmations.*

¹ See 8 CFR 274a.2(c)