

Answers to Your Pressing Questions about E-Verify TNCs

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*This material is not intended to substitute as legal advice.

Answers to Your Pressing Questions about E-Verify TNCs

What does a TNC mean? What should you do next? Can you still hire the employee? Do you have to terminate him or her? It can be confusing to even seasoned HR personnel! So, we put together this FAQs list to help you clear up the matter.

1. What is a TNC?

A TNC means that the info entered in E-Verify didn't match SSA records or DHS data. It does NOT necessarily mean that the individual isn't work authorized.

Often, a TNC result is generated because there is an error.

2. How can SSA TNC result?

There are many reasons you may get an SSA TNC result, such as:

- The employee didn't update their citizenship or immigration status with SSA.
- The employee neglected to report a name change to SSA.
- An incorrect name, Social Security number, or birthdate is listed in SSA records.
- The employer entered the employee's information incorrectly in E-Verify.

3. How can a DHS TNC result?

Here are some reasons you may get a DHS TNC result:

- The employee name, Alien Number, Form I-94 number, and/or foreign passport number is incorrect in DHS records.
- DHS is unable to verify a driver's license, foreign passport information, passport card, state ID, or US passport.
- Some information in the employee DHS records has not been updated.
- There have been changes to citizenship or immigration status.
- The employer entered employee's information incorrectly in E-Verify

4. What should an employer do after an employee receives a TNC?

The employer must notify the employee following these specific steps provided by E-Verify.

- "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."

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5. Can the employee continue to work?

Yes. In fact, employers are *required* to allow the employee to continue working while he or she resolves the issue.

6. What should an employer NOT do based on a TNC?

Unless and until the TNC become a Final Nonconfirmation, the employer may NOT:

- terminate,
- suspend,
- delay training,
- withhold or lower pay,
- or take any other adverse action against an employee because of the TNC.

Employers should be aware that it is possible that a final result may not be given immediately after a contesting employee visits SSA or DHS.

7. What are employer responsibilities if the employee decides to contest the TNC?

- **The employer must refer the case to SSA or DHS.** When this happens, E-Verify creates a Referral Date Confirmation.
- **The employer is required to print the Referral Date Confirmation and give it to the employee.** The document includes the date by which the employee must visit an SSA office or call DHS to resolve the TNC.
- **The employers should give employees a copy of the Further Action Notice.** The employee can refer to this notice for further instructions on resolving the mismatch. If they visit an SSA field office, they should bring a copy to show it to the representative.
- **The employer *must* allow the employee to keep working.** The employer should not take any adverse action against them while the case is ongoing.
- **The employer must close the case in E-Verify after the case status has been updated with a final result – win or lose.** If the employee loses their case, the employer must indicate whether the employee was terminated or not.

8. What if the employee chooses NOT to take action on the TNC?

Then the case should be treated as a Final Nonconfirmation. The employer should close the case in E-Verify and indicate whether the employee was terminated or not.

9. Help! I need more information.

You can read the full more guidance from E-Verify on their website here: [SSA and DHS TNCs](#). We also encourage you to reach out the Marks Gray immigration team with any questions or concerns you may have: (904) 398 – 0900.

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