

The E-Verify Federal Contractor Rule

Background

The Federal Acquisition Regulation rule requires federal contractors to use E-Verify to electronically verify the employment eligibility of employees working under federal contracts. These rules reinforce federal government policy that the federal government does business only with organizations that have a legal workforce.

E-Verify is a free, internet-based system operated by the U.S. Department of Homeland Security in partnership with the U.S. Social Security Administration. E-Verify allows participating employers to electronically verify their employees' employment authorization with results returned online within seconds.

Prime Contractor and Subcontractor Obligations

Not only are prime contractors responsible for E-Verifying their own workforce, they are expected to provide general oversight to subcontractors to ensure that these subcontractors meet the E-Verify requirement. Prime contractors may be subject to fines and penalties if they knowingly continue to work with a subcontractor that is in violation of the E-Verify requirement. Prime contractors are not responsible for verifying the subcontractors' individual employees, only that the subcontractor has enrolled in E-Verify. As proof of enrollment, the subcontractor should provide the prime contractor with a copy of its Employment Eligibility Verification page which can be printed directly from E-Verify and is proof of enrollment.

To learn more about the E-Verify process, contractors may visit www.uscis.gov/e-verify.