MEMORANDUM

TO: Deans, Vice Presidents and Community College Presidents
THROUGH: Dorothy Anderson, Interim Asst Vice President, Human Resource Services
FROM: Dr. Vimal Chaitanya, Vice President for Research
RE: Form I-9 Employment Eligibility Verification and E-Verify Requirement
DATE: March 28, 2011

Under Executive Order 13465 effective June 6, 2008 (extended with final effective date September 8, 2009), all institutions of higher education entering into covered federal government contracts are required to use the E-Verify system, in addition to the Form I-9 Employment Eligibility Verification to establish the employment eligibility of designated employees. Although these could be applicable to any college, in most instances these requirements will apply to employees on grants/contracts within PSL and Engineering.

E-Verify is required by the federal government for employers awarded federal contracts that meet the following criteria:

- Contracts governed by FAR (Federal Acquisition Regulation) 52.222-54 E-Verify Clause
- Performance period longer than 120 days
- Value above $100,000
- Performed in the United States
- Subcontracts covered under the federal contract valued over $3,000

E-Verify is an internet-based system operated by the Department of Homeland Security (DHS) in which the employment eligibility of employees hired on federally funded contracts meeting the criteria listed above is confirmed. This process uses the Form I-9 Employment Eligibility Verification. E-Verify is an additional step in the process, required under the criteria stated above, and does not replace the Form I-9 nor is it a separate process. E-Verify is a federal electronic verification, which conducts two additional verification processes; validating employee information electronically against records contained in Department of Homeland Security (DHS) and Social Security Administration (SSA) databases.

Attached you will find a flow chart, detailed procedures and Frequently Asked Questions. The most significant change to the Form I-9 process is the requirement to submit the Form I-9 within 48 hours rather than 72 hours. This change in requirement is only for those employed on federally funded contracts meeting the criteria listed above. This change in process has been established to comply with the E-Verify requirements, allowing sufficient time for electronic submission. These requirements apply to all regular, temporary and student employees hired on or transferred to a federally funded contract meeting the criteria listed above. Retro-active appointments or funding changes of employees to federal contracts will not be allowed.

Failure to comply with the legally mandated Immigration Reform and Control Act (IRCA) requirement to verify employment eligibility status will subject NMSU to the liability of financial penalties, poor publicity and the possible loss of federally funded contracts.

Questions regarding the Form I-9 and E-Verify process should be directed to the HR Service Center at hrhelp@nmsu.edu or 575-646-8000.