

Technical Assistance on Executive Order 11-116 and the E-Verify System

This technical assistance paper is designed to assist 21st CCLC subrecipients in the state of Florida to implement federal and state requirements regarding the E-Verify System and Executive Order 11-116. Below is a series of frequently asked questions to help support the implementation of equitable services provisions in 21st CCLC programs.

What is E-Verify?

E-Verify is an internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

About the Program

E-Verify is an electronic program through which employers verify the employment eligibility of employees after they are hired. The program was authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). In short, employers submit information taken from a new hire's Form I-9 (Employment Eligibility Verification Form) through E-Verify to the Social Security Administration and U.S. Citizenship and Immigration Services (USCIS) to determine whether the information matches government records and whether the new hire is authorized to work in the United States.

E-Verify is administered by the U.S. Department of Homeland Security, the USCIS Verification Division, and the Social Security Administration. The USCIS Verification Division facilitates federal agency and employer compliance with U.S. immigration law.

Why am I required to use E-Verify?

The employment of unauthorized aliens by any contractor is considered a violation of section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the contract. In addition, pursuant to Executive Order 11-116, for all contracts providing goods or services to the state in excess of nominal value; (a) the Contractor will utilize the E-verify system established by the U.S. Department of Homeland Security to verify the employment eligibility of all new employees hired by the contractor during the Contract term, (b) require that Contractors include in such subcontracts the requirement that subcontractors performing work or providing services pursuant to the state contract utilize the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Where do I go to use E-Verify?

The E-verify system can be found on the U.S Citizenship and Immigration Services' website at <https://www.uscis.gov/e-verify>.

Where can I read the Executive Order 11-116?

Executive Order 11-116 may be viewed at <http://www.flgov.com/wpcontent/uploads/orders/2011/11-116-suspend.pdf>.

Are all 21st Century Community Learning Center (21st CCLC) subrecipients required to use E-Verify?

Yes, if your agency has a 21st CCLC award through the Florida Department of Education, your agency must utilize the E-Verify system.

Who should go through the E-Verify system?

All employees who are paid with 21st CCLC funds must be processed through the E-Verify system.

What type of documentation will the 21st CCLC monitoring team ask for regarding compliance with Executive Order 11-116?

- The subrecipient's own written policies and procedures, which must indicate that the subrecipient utilizes the E-Verify system to verify the employment eligibility of all new employees paid with 21st CCLC funds during the contract term of the awarded project.
- Upon request, the subrecipient must be able to provide documentation showing that each employee paid from 21st CCLC funds has been processed through the E-Verify system.
 - Subrecipients that are on draw-down may submit certified letters from their HR department indicating that HR staff has viewed the E-Verify system documentation for a given employee.

Are there any additional requirements?

In addition to the requirements already addressed, please remember that subrecipients are obligated to comply with the requirements made in their original awarded application.

Please note that this document is to assist subrecipients in becoming/remaining compliant with the 21st CCLC requirements. This document is an aid and is in no way meant to lessen the requirements imposed by applicable federal and state laws and regulations or the specific requirements in your original awarded application or applicable RFA/RFP. If you have any questions, please contact your assigned 21st CCLC Program Development Specialist.