E-Verify Compliance Is Getting More Complicated: What Employers Should Review Now

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For employers that participate in E-Verify, compliance does not end once a case is created. As government scrutiny of employment eligibility practices increases, E-Verify is becoming a more active compliance touchpoint, one that requires ongoing monitoring and consistent processes.

Recent developments reinforce that E-Verify should not be treated as a simple onboarding step. Employers may face E-Verify compliance reviews, desk audits, account validation requests, and new reporting obligations tied to changes in employee work authorization. At the same time, employers must continue to follow Form I-9 rules and anti-discrimination requirements when responding to E-Verify information.

One key area employers should understand is the E-Verify Status Change Report, including its use for identifying certain Employment Authorization Documents (EADs) that were previously presented by the employee to complete their I-9 and then submitted to E-Verify but have since been invalidated by the Department of Homeland Security (DHS).

Most recently, in the last few weeks, we have seen E-Verify issue email notifications to certain federal contractors raising questions about their company's compliance with the E-Verify requirements under the federal contracting regulations. Those notices require the employers to respond within seven days and appear to be triggered by potential information discrepancies between the employer's E-Verify registration information and the information the federal government has regarding federal contractors, such as the SAM.gov database.

Why E-Verify Compliance Reviews Matter

E-Verify participating employers are responsible for more than simply enrolling in the program. They must use E-Verify correctly, consistently, and in accordance with program rules

In the past 8-12 months we have seen unprecedented levels of activity from E-Verify's employer compliance unit. Increased E-Verify compliance review activity means employers should be prepared to demonstrate that their processes are not only documented but actually followed in practice. A compliant Form I-9 process does not automatically mean the employer's E-Verify process is compliant. The two obligations are related, but distinct.

Common E-Verify compliance risks include:

Creating E-Verify cases late or inconsistently

Failing to create cases for all required employees

Failing to close all open E-Verify cases

Creating E-Verify cases before an offer has been accepted

Mishandling TNCs or taking adverse action too early

Failing to promptly provide the TNC notice to the employee

Failing to maintain accurate hiring site and account information

Using E-Verify selectively based on citizenship, immigration status, national origin, or other protected characteristics

Failing to monitor E-Verify reports that require employer action

Failing to post the required notices for employees and job applicants regarding the company's enrollment in E-Verify

For employers operating across multiple locations or using multiple HR systems, these risks can grow quickly if processes are not centralized, monitored, and periodically audited.

The E-Verify Status Change Report and EAD Revocations

The E-Verify Status Change Report is designed to help employers identify certain E-Verify cases connected to EADs that DHS has later invalidated. Initially, the report focused on certain parole-based EAD revocations. E-Verify has since expanded the report to include additional EAD categories, including certain TPS, asylum-related, adjustment of status, and parole-based EADs. Recently we have seen DHS begin to revoke EADs based on underlying applications such as an application to adjust status even where the application has been approved.

This is an important compliance development because an employee may still possess an EAD that appears unexpired on its face even though DHS has invalidated the underlying employment

authorization. DHS does not necessarily collect previously issued EADs after invalidation, so employers may need to rely on the Status Change Report to identify affected cases.

E-Verify has stated that employers may use the report to identify E-Verify cases related to certain invalidated EADs and that report data is updated as new information becomes available. Employer agents must also notify their clients of any cases involving invalidated EADs, and they can generate Status Change Reports for each client.

What Employers Should Do

Employers enrolled in E-Verify should build a process to regularly review the Status Change Report and respond appropriately when a current employee appears on the report.

If an employee's EAD appears on the Status Change Report, employers should compare the document information in the report with the EAD used for the employee's Form I-9 and E-Verify case. If the revoked or invalidated document matches, the employer must reverify the employee's employment authorization using Supplement B of Form I-9.

During reverification, the employee must be allowed to choose which acceptable documentation to present from List A or List C. Employers should not reverify List B identity documents and should not create a new E-Verify case.

Employers should also document their review process, maintain consistent procedures, and ensure HR teams understand how to respond when a report identifies a potentially affected employee.

Preparing for Increased Scrutiny

The growth of E-Verify compliance reviews is part of a broader enforcement environment in which employers are expected to be able to prove their employment eligibility processes are accurate, consistent, and defensible. Employers should use this moment to evaluate whether their E-Verify program is truly audit-ready.

A practical review should include:

Testing whether E-Verify cases are created within required timeframes

Reviewing TNC procedures and employee notices

Confirming that hiring sites and account details are accurate

Reviewing user permissions and account access

Validating Status Change Report monitoring procedures

Confirming vendor or employer-agent responsibilities

Reviewing reverification workflows

Ensuring consistent documentation and recordkeeping

For many organizations, E-Verify compliance risk is not caused by a single mistake. It often results from gaps between policy and practice—especially when different locations, teams, or systems follow different workflows.

Employer Takeaway

E-Verify is no longer just a point-in-time hiring check. Participating employers should treat it as an ongoing compliance responsibility that requires active monitoring and documented follow-through.

With increased E-Verify compliance review activity and expanded use of the Status Change Report, employers should take a fresh look at their procedures now. The goal is not just to respond when an issue appears—it is to build a consistent, auditable process before the government asks for one.

Employers that participate in E-Verify should review their current practices, train the teams responsible for onboarding and reverification, and confirm that their systems and vendor relationships support timely, compliant action.