

Following receipt of a Final Nonconfirmation through the online I-9/E-Verify system, the department I-9 Creator should notify the direct supervisor of the final determination and proceed with the below guidelines/recommendations:

## For Direct Supervisor:

The direct supervisor should inform the employee of the Final Nonconfirmation result in private and provide the following information.

*“Hello,*

*The Tentative Nonconfirmation process has resulted in a determination of Final Nonconfirmation. This determination is a result of the Department of Homeland Security not being able to confirm employment eligibility based on the documentation you provided during the Tentative Nonconfirmation Referral process. Therefore, we are not able to continue employment without adequate employment authorization documents at this time.”*

## For I-9 Creator - Case Closure Instructions:

The E-Verify case will need to be closed upon receiving a Final Nonconfirmation.

1. The I-9 creator should open the orange “E-Verify-Close Case” tab on the Employee Profile page in the Tracker I-9 Complete system.
2. The Tracker I-9 Complete system will require the I-9 creator to choose whether the employee is still employed or not. Select the “NO, employee is no longer employed” option and provide the termination date.
3. The case will now be closed and the record will not be visible on the dashboard.

Below is the section from the [USCIS E-Verify Quick Reference Guide for Employers](#) regarding the Final Nonconfirmation result

-5.1 SSA FINAL NONCONFIRMATION AND DHS FINAL NONCONFIRMATION An ‘SSA or DHS Final Nonconfirmation’ case result is received when E-Verify cannot verify an employee’s employment eligibility after an employee has visited an SSA field office or contacted DHS during the TNC referral process. Once an ‘SSA or DHS Final Nonconfirmation’ has been provided, you must close the case. The employer may terminate employment based on a case result of ‘SSA or DHS Final Nonconfirmation’ with no civil or criminal liability as noted in Article II, Section C, paragraph 6 – Responsibilities of the Employer in MOU.