Three-Day Rule

An E-Verify case is considered late if you create it later than the third business day after the employee first started work for pay. If the case you create is late, E-Verify will ask why, and you can either select one of the reasons provided or enter you own. The reasons provided are:

- Awaiting Social Security Number
- Technical Problems
- Audit Revealed that New Hire Was Not Run
- Federal Contractor with FAR E-Verify Clause verifying an existing employee *(see note)*
- Other

Note: This reason is displayed only to an organization enrolled in E-Verify as a “Federal Contractor with FAR E-Verify Clause.”

If you select “Other,” you must enter a reason. The reason you enter must be 200 or fewer characters and should not include any personally identifiable or sensitive information (such as Social Security numbers).

For information on what date you should select as the hire date, read What’s the Hire Date.

What if a case is created late?

The E-Verify Memorandum of Understanding (MOU) (PDF, 149 KB) specifies the acceptable reasons for creating a case late, which are:

- E-Verify was temporarily unavailable because of a technical outage and after subtracting the time period of the outage, the case wouldn’t have been considered late.

- The employee applied for, but did not yet have a Social Security number, and the case was created as soon as the employee was issued the Social Security number.

We realize there are other reasons why an employer might create a case late, but the above reasons are the only reasons considered acceptable in the MOU. While we are committed to identifying and taking action against employers that *consistently don't* follow the rules, our primary goal here is to educate employers so that they *do* follow the rules.

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