

## Summary of Advancements for Testimony

### **INTRODUCTION**

Chairman Gowdy, Ranking Member Lofgren, and Members of the Subcommittee, I appreciate the opportunity to discuss our shared goal of providing effective mechanisms for verifying employment eligibility. My name is Soraya Correa, and, as the Associate Director for the Enterprise Services Directorate of U.S. Citizenship and Immigration Services (USCIS), I am responsible for overseeing the E-Verify program. I appreciate this opportunity to share information on USCIS's continuing efforts to increase E-Verify's accuracy and efficiency, maintain its integrity, and expand its use. I also want to use this opportunity to update the Subcommittee on progress that has been made with the E-Verify program since the previous Associate Director appeared before this Subcommittee on February 10, 2011. The work that we have completed to improve the program and the additional steps that we plan to take will ensure that we have an accurate and accessible System that meets the needs of employers and workers.

#### ***Continued Program Growth***

I am pleased to report that the E-Verify program continues to grow. The number of employers registered to use the E-Verify Program has grown rapidly to more than 432,000 as of February 2013 compared to only 24,000 in fiscal year (FY) 2007, with the number of new employer registrations averaging between 1-2,000 per week in FY 2012. More than 50,000 federal contractors are enrolled in E-Verify.

We have seen a steady increase in the volume of queries. Last fiscal year, E-Verify processed 21.1 million queries, a more than five-fold increase from the 4.0 million queries processed in FY 2007. In FY 2012, almost 92 percent of those queries were on U.S. citizen workers. In FY 2013 to date, employers have run over 7.1 million queries. Also, USCIS has continued to expand the number of databases queried and has deployed other enhancements to help minimize employer data entry errors to reduce E-Verify initial mismatches.

#### ***Customer Satisfaction Increases as the Program Grows***

E-Verify continues to score high marks in employer customer satisfaction. E-Verify was given a customer satisfaction score of 86 out of 100 on the American Customer Satisfaction Index (ACSI) survey performed in 2012. This is a one point improvement over the prior year score of 85, and our score has remained exceptionally high compared to the average score for a government program, which is 67.

ACSI surveyed E-Verify users and evaluated key aspects of the program such as registration, the online tutorial, ease of use, technical assistance and customer service. Key findings of the survey revealed that the vast majority of users were likely to recommend E-Verify to other employers (score of 86), were confident in E-Verify's accuracy (score of 87), and were likely to continue using the program (score of 94).

One of the aspects of E-Verify that respondents liked the most was customer service. Of those surveyed, 13 percent had contacted E-Verify customer service representatives within the past six months. The index found that the majority of these respondents (score of 94) were satisfied with the customer service support they received from E-Verify.

## **INCREASING E-VERIFY ACCURACY AND EFFICIENCY**

### ***Improvements in Accuracy for Authorized Employees***

A common misperception of E-Verify's accuracy rate is that the underlying government data is wrong whenever a mismatch—or tentative nonconfirmation (TNC)—is returned. However, a TNC only indicates that there is a discrepancy between the information provided to E-Verify and the information in one of the checked databases. This discrepancy can occur for several reasons: 1) an employee did not to update his or her information with the Social Security Administration (SSA) or the Department of Homeland Security (DHS), or made an error when completing the Form I-9; 2) the employer made an error when entering information into E-Verify; 3) there was a data error in the employee's government record; or 4) an unauthorized worker provided fraudulent information. In the latter situation, the TNC is not based on error but from E-Verify doing exactly what it is designed to do: detect and prevent unauthorized employment in the United States.

In all cases, E-Verify provides the employee with the option to contest the TNC and instructs employers to continue the employee's employment while he or she works to resolve the issue as appropriate. *Thus, the accuracy of E-Verify requires the action of three parties: the employer, the employee, and the U.S. government.* For example, the employee needs to keep his or her records updated with the appropriate government agency, such as with a name change update at SSA following marriage. The employer needs to ensure that it enters the data as it appears on the Form I-9, gives prompt notice of the TNC to the employee, and allows the employee to work if the employee contests the TNC; and the U.S. government needs to update its records in a timely fashion when an employee adjusts status or updates information.

USCIS continues to improve E-Verify's accuracy by increasing the number of databases checked by the system and making enhancements to reduce the likelihood of employer typos and other data entry errors. The addition of naturalization and U.S. passport data has reduced mismatches for naturalized and derivative citizens by 30 percent on average. In October 2012, access to DHS's Arrival and Departure Information System (ADIS) database was added to E-Verify, which helps to improve match rates for recent arrivals.

As a result of these efforts, a review of FY 2012 data found that approximately 98.7 percent of all employees were confirmed as work authorized either automatically, or within 24 hours. The remaining 1.3 percent contained a mix of TNCs based on errors (whether employer, employee or government error) and TNCs where the person was not authorized to work in the United States.

In 2011, we reported that another independent evaluation of E-Verify was underway. Although the report is currently under review, the Westat Corporation reports that the TNC rate for

authorized employees—those employees who had to resolve a TNC based on a data discrepancy as explained above—continues to decrease. Using model-based estimates, the report concluded that the rate of authorized employees who need to follow up with SSA or DHS has declined from 0.7 percent to 0.3 percent when comparing data from similar time periods in 2005 and 2010. This report will be released later this year.

## **MAINTAINING THE ACCURACY AND INTEGRITY OF E-VERIFY**

### ***Strengthening E-Verify and Combating Identity Fraud***

Detecting identity fraud in employment verification requires a multilevel approach. First, the employer is required to verify identity of the new employee when inspecting his or her documents by ensuring that they reasonably appear to be genuine and to relate to that employee. However, if an unauthorized employee provides the employer with biographic data such as a name, date of birth, or Social Security number of an authorized individual backed up with documentation that appears valid—either by borrowing employment eligibility documents or presenting fake documents with valid biographic information—then E-Verify very well may indicate the employee is work authorized. In such cases, E-Verify is authorizing the person whose biographic data is submitted, and not the unauthorized worker who is fraudulently providing that data.

USCIS takes extremely seriously the threat posed by identity fraud in this context and has taken a number of significant steps to enhance program safeguards.

In November 2010, USCIS expanded E-Verify's photographic matching tool to include U.S. passports and U.S. passport cards. The addition of U.S. passport photos allows the employer to match the photo displayed in E-Verify to the photo on the employee's U.S. passport or U.S. passport card to determine whether the card was fraudulently produced. In FY 2012, approximately 15 percent of all E-Verify cases used the photo tool.

E-Verify users rate the photo tool very highly as a method for reducing fraud. The 2012 ACSI rating of E-Verify found that the photo tool scored 95 points on a scale of 1 to 100. Employers found the photo tool to be easy to use (score of 95) and thought it was helpful in preventing fraud (score of 94). The photo tool was the highest rated feature of E-Verify in the ACSI survey.

Since our last testimony in February 2011, we further strengthened E-Verify's anti-fraud capabilities by launching a pilot program in June 2011 that allows E-Verify to match the information on a driver's license presented by an employee with a participating states' Departments of Motor Vehicles database. USCIS is piloting this effort with the states of Mississippi and Florida.

These fraud-prevention efforts are proving successful. The recent Westat evaluation found that 94 percent of Final Nonconfirmations (FNCs) were issued correctly to employees not authorized for work. USCIS is developing other methods for reducing fraud in E-Verify, such as monitoring Social Security numbers (SSNs) that are used repeatedly, evaluating other identity

assurance techniques like those used in E-Verify's Self Check, and developing an enhancement to allow employees to lock their SSNs in E-Verify so they cannot be used by others.

### ***USCIS Continues to Improve Monitoring of E-Verify for Misuse***

E-Verify's Monitoring and Compliance Branch (M&C) continues to increase monitoring of E-Verify to identify potential instances of repeated and egregious misuse by employers. M&C uses and is updating and expanding behavioral algorithms to detect patterns of potential program misuse in E-Verify transactional data. M&C also uses different compliance assistance tools to assist employers with the proper use of E-Verify, such as emails, telephone calls, desk reviews, and site visits. In FY 2012, M&C issued more than 65,000 compliance assistance actions (telephone calls, letters, and emails) and completed 35 site visits to provide assistance to employers and gain a better understanding of their use of the E-Verify program. Another example of M&C's compliance assistance efforts is the *E-Verify Self Assessment Guide*, a publication launched in FY 2012 that employers can use to help detect and deter noncompliant activities and resolve them quickly.

M&C also refers instances of suspected egregious noncompliance to U.S. Immigration and Customs Enforcement (ICE) or the Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (DOJ/OSC). In FY 2012, USCIS referred three cases to ICE for suspected egregious noncompliance, 21 cases to ICE for fraudulent documents, and 51 cases to OSC for suspected unfair immigration-related employment practices.

### ***Protecting Employee's Rights***

USCIS works closely with DOJ/OSC to educate employers, prevent discrimination, and refer possible misuse that adversely affects employees. We provide E-Verify data to DOJ/ OSC in response to law enforcement requests. DOJ/OSC also refers to USCIS those instances of employer E-Verify misuse brought to DOJ/OSC's attention through charges filed with DOJ or through DOJ's hotline that fall outside of DOJ/OSC's jurisdiction. USCIS also has co-produced with DHS's Office for Civil Rights and Civil Liberties (CRCL) two videos in English and Spanish on employee rights and employer responsibilities that are posted to the USCIS YouTube web page and the USCIS and CRCL websites, and regularly conducts joint webinars with USCIS/OSC on these subjects. Employees also can report complaints about E-Verify system misuse by calling the E-Verify Hotline and/or the DOJ/OSC Hotline. In our commitment to provide multilingual materials for employees, all TNC and referral letters, which instruct employees on how to resolve a TNC, are currently available in 17 foreign languages.

To further protect employee rights, in March 2011 USCIS launched Self Check, a service of E-Verify, in five states and Washington, D.C. Self Check is an innovative service that empowers individuals to check online whether government databases used by E-Verify correctly match the information they enter into the systems and to proactively resolve records mismatches before formally seeking employment. Since 2011, we have expanded Self Check nationwide (including to U.S. territories) in both English and Spanish. Over 180,000 individuals nationwide have availed themselves of the Self Check service. The number of individuals using Self Check continues to grow due to outreach materials on Self Check available online in a new Employee

Rights Toolkit. Self-Check also uses identity assurance techniques to prevent an individual from checking the work authorization of another person and to prevent unfettered access to E-Verify from other entities, such as employers who would use Self Check to prescreen for other purposes.

USCIS is continuing to develop initiatives that protect employee rights. Another major effort under development is the ability for employees to receive an email alerting them that they have received a TNC and to check with their employer. This initiative is contingent upon the employee providing an email address during the Form I-9 employment verification process for the employer to enter into E-Verify. This feature will provide the added benefit to employees of a secondary notification of the TNC. USCIS, in collaboration with SSA and DOJ/OSC is also developing a formal process for employees to request a review of FNCs that they believe were received in error.

### **INCREASING THE USE OF E-VERIFY**

USCIS has developed a robust outreach program to increase public awareness of E-Verify's significant benefits. USCIS informed millions of people about E-Verify in FY 2012 through radio, print, and online ads in English and Spanish, and thousands more through 186 public events, 355 live webinars, and distribution of informational materials. In FY 2012, USCIS handled more than 217,000 calls from E-Verify employers through its toll-free customer line and more than 116,000 calls from employees through its employee hotline.

E-Verify users can get the latest information on E-Verify from the *E-Verify Connection* newsletter. The newsletter has an estimated 1 million readers. *E-Verify Connection* provides employers and employees with information and updates about employment eligibility, verification Form I-9, E-Verify and Self Check, plus a schedule of upcoming events, such as webinars and local presentations.

Other public education accomplishments include the release of *E-Verify User Guides* for both the employee and the employer, in English and Spanish, and an updated and redesigned E-Verify *Questions and Answers* web site. The Employee Rights Toolkit is available online, also in English and Spanish, with multimedia materials to help assist employees with the employment-eligibility verification process and other important topics (e.g., upcoming releases).

To help the public learn about the employers enrolled in E-Verify, USCIS updated the E-Verify website in FY 2012 by adding a brand new online search tool. The E-Verify Employer Search Tool gives the public the ability to search and view E-Verify employers. Individuals can now search, filter, sort, and view employer information by name, state, city, zip code, and workforce size.

Future outreach communications will be aimed at emphasizing the exceptional customer satisfaction level of E-Verify employers and the program's continued and successful attempts to improve year after year based on customer feedback.

## **CONCLUSION**

USCIS is committed to continue the expansion of the E-Verify program while ensuring the accuracy, efficiency, and integrity of the system and simultaneously increasing compliance, knowledge, and understanding of the program and how it benefits the American workforce.

On behalf of all of our colleagues at USCIS, we appreciate Congress's continued strong support of the E-Verify program.