



## U.S. Citizenship and Immigration Services

# Employment Eligibility Verification Listening Session

Executive Summary

June 1, 2010

Listening Session – Employment Eligibility Verification

### **Background**

The USCIS Verification Division is responsible for administering both the Form I-9 (Employment Eligibility Verification) and E-Verify. Employers are required to complete Forms I-9 on each newly hired individual to verify his or her identity and employment authorization. Employers can also confirm employment eligibility by participating in E-Verify. On May 3, 2010, the Verification Division and the Office of Public Engagement hosted a listening session to gather feedback and input from stakeholders on E-Verify and Form I-9 programs.

The Verification Division provided the following updates:

- USCIS has surpassed 200,000 registrants for E-Verify, which encompasses over 700,000 worksites nationwide.
- A strong employee rights initiative has been created and a partnership with the Department of Justice, Civil Rights Division, Office of Special Counsel has been formed, resulting in the introduction of an employee hotline and the release of videos, both for employees and employers, to guide them through the Tentative Nonconfirmation (TNC) process. These videos can be viewed on the USCIS website and YouTube and are also available on DVD.
- The E-Verify public web pages have been redesigned and feature an expanded employee support section.
- The E-Verify Federal Contractor List – a list of contractors who currently use E-Verify under the Federal Acquisition Regulation (FAR) clause – and a revised “Frequently Asked Questions” document have been posted on our website at [www.uscis.gov/everify](http://www.uscis.gov/everify). There have been approximately 28,000 enrollees since September.
- A Self-Check Initiative will be introduced in December. This initiative will enable anyone to go to the website and run a verification query on him/herself and determine the accuracy his/her government record.

### **Principal Themes**

- **Identification Fraud**

There were a number of concerns raised by stakeholders about identity theft and the need for authentication of identity. Stakeholders commented that the current Form I-9 system does not address the identity theft problem and allows job-related ID theft to flourish but suggested that E-Verify ends job-related child ID theft since adults cannot use the birth dates of children. Stakeholders also noted that E-Verify is progress, but it is possible that it could fuel ID fraud and suggested biometrics as one mechanism to utilize instead of driver's license or passport photograph comparisons.

USCIS acknowledged this as a major concern for stakeholders and additional measures have been added to mitigate identity theft such as making photographs available to assist employers. The identity authentication measures built into self check will be instructive for the E-Verify program as it examines ways to incorporate identity assurance measures into the E-Verify process.

#### • **Federal Acquisition Regulation**

Stakeholders questioned whether the Federal Contractor List posted on the website includes each facility that is using E-Verify. The Verification Division clarified that this depends on how the employer/Federal Contractor chooses to implement E-Verify and set up their account. For example, an employer may have multiple locations, but may have its headquarters listed as the address for all facilities which means that the information would not be broken down per facility.

There was stakeholder concern about potential employer misuse, in particular those without the FAR E-Verify clause using E-Verify to check existing employees, and the order in which employers who choose to verify their entire workforce check their employees. The Verification Division informed stakeholders that it runs monthly reports to see if companies are running checks outside 3 business days of an employee's hire date. An employee can also report employer misuse by contacting the E-Verify Employee Hotline at 888-897-7781. To report employment discrimination based upon citizenship, immigration status, or national origin, or other misuse of E-Verify, an employee can contact the Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices at 800-255-7688 (TDD: 800-237-2515). The Verification Division also stated that when an employer decides to verify its entire workforce, the employer chooses the order it will verify its employees as this is a business process decision.

Stakeholders discussed a "Frequently Asked Questions" (FAQs) document on the E-Verify federal contractor webpage that was released in April which states that TNC and referral letters can be given to the employee in person, by fax, or by email, but not by mail. They noted that some employers feel that mail is more secure and that they do not feel comfortable using faxes. USCIS has reviewed this FAQ and made changes. Please see the [Frequently Asked Questions: Federal Contractors and E-Verify](#) for the revised guidance.

#### • **Self-Check Initiative**

Stakeholders asked about the process of Self-Check, in particular the redress process for inaccurate records. The Verification Division explained that the procedures to follow would generally mirror the current E-Verify mismatch resolution process. For example, an individual may need to go to their local Social Security Administration office and have his/her record updated. The individual can then run another self-check to confirm the record has been changed. The Verification Division is also working with the National Customer Service Center to be able to assist individuals when they need to correct a

USCIS record.

Concerns were also raised by stakeholders about the need to monitor abuse of Self-Check while ensuring that community-based organizations and public libraries are not prevented from using it. USCIS stated that the system will stop the same IP address from running too many queries, and features will also be added to prevent phishing. USCIS recognizes the potential problem this could pose at libraries or for community-based organizations and may consider this during the second phase of the initiative.

[Plug-ins](#)