

## **SUPPORTING STATEMENT**

### **E-Verify Program**

*(No Agency Form Number; File OMB-18)*

**OMB No. 1615-0092**

#### **A. Justification.**

1. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); Public Law. 104-208, dated September 30, 1996, provided for the establishment of a Basic Pilot Program to last 4 years. Congress passed Public Laws 107-128, and 108-156 which extended the Basic Pilot Program until November 30, 2008. On October 28, 2009, Congress passed Public Law 111-83 which provides funding to the Basic Pilot Program for two additional years until September 30, 2011.

The Basic Pilot Program allows employers to electronically verify the employment eligibility status of newly hired employees by matching information provided by employees on the Form I-9, Employment Eligibility Verification, against existing information contained in the Verification Information System (VIS), a database that hits against both Social Security Administration (SSA) and the Department of Homeland Security data.

2. Employers participating in the E-Verify Program must first read and agree to the Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS) and the SSA. The E-Verify Program has two different methods by which employers can sign up to use the system: as users who intend to run queries themselves and as Designated Agents who intend to run queries on behalf of other employers who choose not to run the queries themselves. For this supporting statement USCIS included both groups under the heading "Implementation." Each method requires completion of a separate MOU which provides the specific terms and conditions governing the rights and responsibilities of all parties involved, as well as specific information on the employer user.

- The regular E-Verify user registration process begins with an employer agreeing to the terms of the MOU, and once agreed to, the employer completes the process by providing company and relevant information into the system. (see attached screen shots).
3. The MOU is a signed agreement between the Department of Homeland Security, SSA, and the employer, and provides the most efficient means for collecting and processing the required data. The Department of Homeland Security allows for:  
Automated access to its MOU at:  
[http://www.uscis.gov/USCIS/EVerify/Customer%20Support/Employer%20MOU%20\(September%202009\).pdf](http://www.uscis.gov/USCIS/EVerify/Customer%20Support/Employer%20MOU%20(September%202009).pdf)  
Electronic registration through its website at:  
<https://everify.uscis.gov/enroll/StartPage.aspx?JS=YES>
  4. A review of USCIS' Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
  5. This collection of information does not appear to have a significant impact on small businesses or other small entities. This is a voluntary program for those employers wishing to participate and a requirement for certain contractors and subcontractors that choose to do work for the Federal government. This program is intended to benefit these small entities by allowing them to quickly verify whether an alien is legally eligible to work, and therefore comply with 8 CFR part 274A.
  6. If this information collection is not conducted or is conducted less frequently, the Department of Homeland Security and the SSA will not be able to comply with IIRIRA. In addition, without this information collection, Executive Order 13465 would not be able to be implemented. Without approval for the collection of necessary data from employers, the program cannot proceed.
  7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection for the MOU. However, once the employer participates in the E-Verify Program, the employer will generally be conducting queries

each time a new employee is hired. Certain Federal contractors and subcontractors will also be required to perform queries on existing employees assigned to the contract.

8. USCIS will address any comments it receives prior to publishing the 30-day notice in the Federal Register.
9. The USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The system used to support the E-Verify Program is operated and maintained according to Department of Homeland Security and privacy requirements. The system of records notice associated with this information collection is the E-Verify Program System of Records. Published in the Federal Register on May 19, 2010 at 75 FR 28035. The associated privacy impact assessment is the E-Verify Program: Use of Commercial Data for Employer Verification.
11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden.**

	<b>Implementation</b>	<b>Training</b>	<b>ID/IQ</b>	<b>Initial Query</b>	<b>Secondary Queries</b>
Average Annual # of Respondents (employers)	125,015	521,134	3,333	4,094,955	195,329
# of Responses	17	1	1	1	1
Average Annual # of Responses	2,125,255	521,134	3,333	4,094,955	195,329
Hours per Resonse	0.86	2.26	2.00	0.12	1.94
Total Average Annual Reporting Burden	1,827,719	1,177,763	6,667	491,395	378,938

The total number of respondents for this information collection is as follows:

• Implementation	125,015
• Training	521,134
• ID/IQ	3,333
• Initial Query	4,094,955
• Secondary Query	<u>195,329</u>
	<u>4,939,766</u>

The projected hours per response for this collection of information were derived as follows:

• Implementation	52 minutes
• Training	2 hours 15 minutes
• ID/IQ	2 hours
• Initial Query	7 minutes
• Secondary Query	1 hour 56 minutes

#### **Annual Reporting Burden.**

**Total annual reporting burden hours are 3,882,482.** This figure was derived by multiplying:

- Multiplying the number of implementation respondents (125,015) x number of responses (17) x .86 (52 Minutes) per response (Implementation includes signing of the MOU (57 min.), Registration (10 min.) , Employee Tracking (1 hour 36 min.), Flow Down with subcontractors (1 hour), an Initial I-9 verification (20 min.) as well as a secondary I-9 verification for 10% of employees (20 min.) and Misc. Costs (1 hour 39 min.). A weighted average of the MOU, Registration, Employee Tracking, Flow Down, I-9 Verification & other Misc. Implementation Costs was calculated in order to arrive at the 52 minutes per response estimate.) ; plus
- Multiplying the number of respondents being trained (521,134) x number of responses (1) x 2.26 (2 hours 15 minutes) per response; plus
- Multiplying the number of respondents requiring ID/IQ modifications (3,333) x number of responses (1) x 2 hrs per response; plus

- Multiplying the number of initial queries (4,094,955) x number of responses (1) x .12 (7 minutes) per response (please note that the response time is the weighted average of the time required for the initial query and the time required to obtain a Photo ID. The weighted average was calculated as follows:  $((4,094,955 \text{ (# of queries)} * .08 \text{ (time to run each query)}) + (4,094,955 \text{ (# of queries)} * .5\% \text{ (percent of people who don't have a photo ID)} * 8 \text{ hrs. (estimated time to obtain a photo ID)}) / 4,094,955 \text{ (# of queries)} = .12 \text{ (7.2 minutes)}$ ); plus
- Multiplying the number of secondary queries (195,329) x number of responses (1) x 1.94 (1 hour and 56 minutes).

### 13. **Capital or Start-Up Costs**

**The Estimated Average Annual Capital Cost is \$1,887,000.** A computer, printer and internet access are required to use the E-Verify system. While we believe that employers will already have a computer, printer and an internet connection since they are federal contractors, there may be a very small number of companies that do not have a computer, printer, or internet connection at their hiring site. Many companies have hiring sites or multiple hiring sites that are not co-located with the company headquarters or the location where the employees perform work for the government. Each firm requiring a computer would need internet access as well.

- Multiplying the average annual estimated number of firms 2,550 x \$740 (\$400 estimated cost of a computer + \$100 estimated cost of a printer/copy/scanner/fax machine + \$240 estimated cost of internet for a year).

### 14. **Government Cost**

**The estimated cost to the Government is \$1,839,679.** This figure is calculated by:

- Multiplying the total estimated number responses 4,094,955 x \$.26 (estimated average cost per query); plus
- Multiplying the number of people that either went to SSA to resolve their issue or called DHS to resolve their issue (note: not all employees who receive a tentative non confirmation take steps to resolve the issue) 45,454 x \$17.05 (average DHS and SSA cost per tentative non-confirmation resolution); plus

**The estimated burden hour cost to the public is \$241,215,128.** This figure is calculated by:

- Multiplying the number of Implementation respondents (125,015) x 17 (number of responses) x .86 hours (weighted average of MOU (57 min.), Registration (10 min.), Employee Tracking (1 hour 36 min.), Flow Down (1 hour), an Initial I-9 verification (20 min.), secondary I-9 verification (20 min.) and Misc. Costs (1 hour 39 min.)) per response x \$59.21 (weighted average hourly rate for General Manager, Legal Counsel, HR Manager and HR Specialist) ; plus
- Multiplying the number of respondents being Trained (521,134) x number of responses (1) x 2.26 (2 hours 15 hrs) per response x \$59.94 (weighted average hourly rate for Corporate Administrators, Program Administrators, and General Users); plus
- Multiplying the number of companies that have ID/IQ contracts (3,333) x 2 hours x \$60.93 (wage rate of a General Manager); plus
- Multiplying the number of queries (4,290,284) x \$14.45 (note: the average cost per query includes the cost of time to run a query, meet with an employee to discuss a tentative non confirmation, costs incurred to resolve a tentative non confirmation, the cost of termination of authorized employees and costs to obtain a photo ID).

15. There has been no increase or decrease in the burden hours previously reported for this information collection. There is no change in the information being collected.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of data.
17. USCIS will display the expiration date of OMB approval for this information collection.
18. USCIS does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods.**

Not applicable.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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**Sunday Aigbe,**

Chief,

Regulatory Management Division,

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U.S. Citizenship and Immigration Services,

Department of Homeland Security.

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**Date**