FINDINGS OF THE
E-VERIFY USER SURVEY

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CONTENTS

EXECUTIVE SUMMARY

1. BACKGROUND

1.1. Purpose of the Study

This document summarizes the major findings and recommendations from the report, *Findings of the E-Verify User Survey.* This report builds on previous evaluations of the E-Verify Program, a program that participating employers use to electronically verify the employment-authorization status of their new hires.[1] The Basic Pilot Program, now referred to as E-Verify, was originally authorized under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Its authorization has been extended several times since then and the Program has been expanded in scope and modified considerably based, in part, on earlier evaluation report findings which are available on the U.S. Citizenship and Immigration Services (USCIS) website.

This report presents the results of a survey of E-Verify users conducted in 2010 that collected data on employers' opinions and experiences with using E-Verify for their company. When possible, this report compares the findings of the 2010 user survey to the results of Westat's prior E-Verify user survey conducted in 2008 and assesses possible causes of change. This report also focuses on findings related to new topics included in the 2010 user survey.

The report's primary goals are to address the following research questions:

- How has use of the system changed between 2008 and 2010, and what changes in use might have been affected by system or program changes?

- What is the rationale for employers deciding whether to use E-Verify?

- What are the changes in perceived employer satisfaction with E-Verify between 2008 and 2010, and what are the plausible reasons for any change in satisfaction?

- How are the financial and nonfinancial burdens and/or implications for employers participating in E-Verify different from those in 2008? What factors might have affected these changes?

- How has employer compliance with E-Verify (e.g., not prescreening, adhering to the three-day rule, not taking adverse actions, terminating the employment of workers who do not contest, using Photo Matching,[2] etc.) changed since 2008? What impact have programmatic or legislative changes had on any changes to employer compliance since 2008?

- What future program changes are desirable from employers' perspectives? What are Westat's recommendations based on the survey findings?

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[1] See Westat, *Findings of The E-Verify® Program Evaluation,* December 2009, for the most recent comprehensive evaluation (http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3a351e56d3856210VgnVCM100000082ca60aRCRD&vgnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD).

[2] The name of the E-Verify Photo Tool was changed to Photo Matching in June 2010.

- What is the impact of legislative changes related to E-Verify becoming mandatory for some employers?

- What is the impact of the Federal Acquisition Regulation (FAR) rule for Federal contractors participating in E-Verify?[3]

- How do employers perceive their experiences with the E-Verify Help Desk and Customer Service?

The information collected by addressing these questions should be helpful in shaping future program improvements and legislation related to electronic employment verification programs.

1.2.   Programmatic Changes

USCIS implemented several major changes to the E-Verify Program between the June 2008 and June 2010 administrations of the user survey. Among the improvements implemented during this time, the following changes directly affected how employers and workers interact with the E-Verify Program:

- **Usability Release 3.0** (June 2010). USCIS launched a redesigned user interface for the E-Verify Program that made changes to every screen. Redesign efforts focused on creating a "user-centered design" by enabling easy and intuitive navigation, using clear and simple language, and displaying a clean and modern design.

- **Revisions to online tutorial and mastery test** (June 2010). Revisions to the online tutorial were launched with Usability Release 3.0 and included efforts to streamline the content presented in the tutorial and use more conversational language.

- **Updates to user manuals and other published materials** (December 2009). Existing E-Verify publications, such as the user manuals, were updated to present information in a more user-friendly format, and new publications were developed.

- **Multimedia approach** (March 2010). USCIS launched a multimedia approach to educating potential E-Verify users, as well as current E-Verify users, about the E-Verify Program through webinars (beginning in 2009) and online videos.

- **Worker rights initiatives** (March 2010). USCIS created several vehicles for educating employers and workers about worker rights as they relate to E-Verify, including two informational videos and a new E-Verify worker hotline to provide workers with general E-Verify information, including completing the USCIS Form I-9, contesting a Tentative Nonconfirmation (TNC) finding, and filing a complaint regarding discrimination for employer misuse of the E-Verify Program.

- **TNC notices and referral letters are available in seven new languages** (Summer 2010).

- **New closure codes are available to help employers accurately close cases** (June 2010).

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[3] Executive Order 12989, as amended by President George W. Bush on June 6, 2008, directs Federal agencies to require that Federal contractors and their subcontractors electronically verify the employment eligibility of their employees. The amended Executive Order reinforces the policy, first announced in 1996, that the Federal government does business with employers that have a legal workforce. The rule only affects Federal contractors who were awarded a new contract on or after September 8, 2009, that includes the FAR E-Verify clause (73 FR 67704).

1.3. Legislative Changes

Congress has demonstrated interest in expanding the current E-Verify Program and possibly instituting mandatory electronic employment verification for all, or a substantial percentage, of the nation's employers. A recent initiative to implement such a program includes Executive Order 12989, as amended by President George W. Bush on June 6, 2008, which directs Federal agencies to require that Federal contractors and their subcontractors electronically verify the employment eligibility of their employees. The rule only affects Federal contractors who are awarded a new contract on or after September 8, 2009, that includes the FAR E-Verify clause (73 FR 67704).[4]

Federal contractors participating in E-Verify under the FAR clause must follow most of the same E-Verify rules and procedures as general employers. Unlike general employers, however, Federal contractors are permitted, and in fact required, to use E-Verify to check work-authorization statuses for existing employees that will be working on Federal contracts that include the FAR clause. Federal contractors are also permitted to use E-Verify to verify work authorization for all existing employees at this time, if they choose.

Because the FAR rule went into effect with all contracts awarded on or after September 8, 2009, Federal contractors using E-Verify under the FAR clause were included in the 2010 survey of E-Verify users.

New legal action requiring E-Verify use has also taken place at the state level. Since the administration of the 2008 E-Verify user survey, Missouri, Nebraska, and Virginia have enacted new legislation requiring some, but not all, employers to use E-Verify based on USCIS updates as of October 31, 2010.

2. METHODOLOGY

The 2010 E-Verify Users Web Survey sample consisted of 3,727 employers. The survey required recent involvement with E-Verify so that respondents would be informed about the Program's current features. The Web survey sample was stratified by participation status in E-Verify, industry type, the number of E-Verify TNCs, and the number of workers. Within the strata, all employers were selected with equal probability.

Many of the questions asked in the 2010 Web survey were adapted directly from the Web survey used in the 2008 evaluation. Pretesting was conducted with five small groups of employers (i.e., Federal contractors, employment agencies, medium/large employers, small employers, and inactive employers) to ensure that the new questions were clear, that the survey did not take an excessive amount of time to complete, and to test modules that were tailored for these particular types of employers.[5] The team then modified the survey based on input from these focus groups. Additionally, Westat's usability testing group reviewed and revised the survey instructions for clarity, accuracy, and succinctness.

Data collection occurred during a five-month period starting in August 2010 and ending in November 2010. Of the 3,727 employers in the survey sample, 218 were found to be out of scope because they were no longer in business, were duplicate listings of a company, or were E-Verify Employer Agents (EEAs) or clients of EEAs. Of the remaining 3,509 eligible employers, 2,928 (83 percent) completed the

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[4] See USCIS website:
http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=534bbd181e09d110VgnVCM1000004718190aRCRD&vgnextchannel=534bbd181e09d110VgnVCM1000004718190aRCRD.

[5] Each focus group included four to six participants selected using the same criteria by which the Web Survey sample was chosen. Participation in the focus groups did not preclude employers from being selected for the Web Survey sample.

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survey. Both the unweighted and the weighted response rates were 83 percent. A minimum of 70 percent of all eligible data items had to be completed in order for the questionnaire to be considered completed.

3. FINDINGS

This section highlights key findings from the user survey in the following four areas: E-Verify usage, E-Verify from the employer perspective, cost, and employer compliance.

3.1. E-Verify Usage

3.1.1. General Findings

Overall, the number of cases transmitted to the E-Verify Program grew substantially between the 2008 and 2010 user survey administrations. The number of cases submitted to E-Verify on a quarterly basis significantly increased from 1.7 million cases submitted in April through June 2008 to nearly 4.6 million cases submitted in April through June 2010. In addition, the number of employers using E-Verify more than doubled between the 2008 and 2010 user survey administrations, to nearly 64,000 employers in April through June 2010.

The E-Verify user population varied slightly between the 2008 and 2010 user survey administrations.

- E-Verify users were less likely to be small employers in 2010 than in 2008. Although the number of small employers transmitting cases to E-Verify grew between 2008 and 2010, this segment of E-Verify users did not grow as quickly as larger employers.

- The number of temporary/employment agencies transmitting cases to E-Verify decreased between 2008 and 2010.

- Employers in industries with typically high numbers of undocumented workers,[6] which have had large representation in E-Verify in the past, also had decreased representation in 2010. The number of these employers transmitting cases to E-Verify grew between 2008 and 2010, but this segment of E-Verify users did not grow as quickly as employers in other industries.

- Respondents to the 2010 E-Verify user survey reported fewer foreign-born workers than respondents to the 2008 survey.

Employers first learned about E-Verify through a variety of sources. The most commonly reported ways that employers first learned about E-Verify was through information from a state or local government office (16 percent), information from a business or professional association (16 percent), or a request from a client to participate (14 percent).[7]

When asked about their motivation to participate in E-Verify, the majority of employers (68 percent) reported that they were motivated to use E-Verify to improve their ability to verify

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[6] These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings and Dwellings; Accommodations; and Food Services and Drinking Places. The definition of this category is based on the following report: Jeffrey S. Passel, Pew Hispanic Center, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, 3.7.2006.

[7] Employers reporting that they first learned about E-Verify through client requests to participate included temporary/employment agencies as well as companies reporting that they had Federal contracts.

work authorization. In addition, nearly half of employers reported they were motivated to enroll in E-Verify because the state/local government (49 percent) or the Federal government (48 percent) required participation.[8]

The population of employers mandated to use E-Verify increased significantly between 2008 and 2010. More than half of employers surveyed in 2010 (59 percent) reported that they were required to use E-Verify: 17 percent held a Federal contract requiring participation, 30 percent performed business in a state or locality that requires participation, and 12 percent were affected by both Federal and state/local mandates. In 2008, only 16 percent of employers reported that a Federal or state/local government mandate was their primary reason for participating in E-Verify.[9]

The majority of employers in 2010 that were required to participate in E-Verify under a Federal or state mandate (75 percent) reported that the mandate was only one of many reasons they chose to participate in E-Verify. The one-quarter of E-Verify users reporting that a mandate was the *only* reason they were participating in the Program reported fewer new hires and lower percentages of foreign-born workers among their current employees than users that reported other reasons for their participation.

3.1.2. Sources of Change in Program Use

Permission for Federal contractors to use E-Verify for some or all existing employees under the FAR rule contributed to the increase in transmitted cases. Federal contractors are *required* to use E-Verify for existing employees who will be working on a contract containing the FAR clause and are *permitted* to use E-Verify for all existing employees if they so choose. Therefore, it is reasonable to assume that the increase in E-Verify cases transmitted for existing employees by Federal contractors contributed to the increase in overall cases transmitted since 2008.[10]

3.2. E-Verify From the Employer Perspective

3.2.1. General Findings

Employers continued to express high levels of satisfaction with E-Verify in 2010. The large majority of employers continued to report that E-Verify is a highly accurate (94 percent) and effective (94 percent) tool for employment verification. These results are similar to the findings of the 2008 survey. In addition, the majority of mandated employers (62 percent) reported that they would likely continue using E-Verify even if no longer required to do so.

Fewer employers reported that E-Verify was burdensome to the employer in 2010 than in 2008. Most employers in 2010 (86 percent) disagreed with the statement that it is impossible to fulfill all company obligations required by the E-Verify verification process (compared to 80 percent in 2008). However, some employers (20 percent of all surveyed employers) continued to report in 2010 that assisting workers who contest TNC findings is burdensome to their staff.

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[8] Not all employers that reported being mandated to participate in E-Verify reported that the mandate was their motivation for enrolling.

[9] Although the FAR rule did not go into effect until September 8, 2009, some employers may have enrolled in E-Verify in anticipation of the Federal requirement, and thus reported on the 2008 user survey that the Federal requirement was a reason for their enrollment in E-Verify.

[10] Employers that are not Federal contractors required to use E-Verify under the FAR rule are not permitted to use E-Verify to verify work authorization of existing employees. Prior to September 8, 2009, when the FAR rule went into effect, no employers were permitted to use E-Verify to verify work authorization of existing employees. However, as detailed in Section 3.4.1, a small percentage of employers did report using E-Verify for existing employees in 2008.

Employers generally expressed satisfaction with the registration process, yet one-third of employers still thought it was too time-consuming. As in 2008, almost all E-Verify users in the 2010 survey (92 percent) agreed or strongly agreed that the online registration process was easy to complete.

Similarly, employers continued to report high levels of satisfaction with the content of the online tutorial, yet a larger percentage of employers in 2010 as compared to 2008 perceived the tutorial as a burden. When asked about the online tutorial, most employers reported that it answered all of their questions about using E-Verify (91 percent), that it adequately prepared them to use E-Verify (96 percent), and that the content was easy to understand (96 percent). These all represent slight increases in satisfaction from 2008. However, half of employers in 2010 (49 percent) agreed that the tutorial takes too long to complete compared to 41 percent in 2008.

Almost all employers (more than 90 percent) continued to hold positive views of program resources provided to E-Verify users, including the online tutorial, the online E-Verify user's manual, and mouse-over features on data entry fields. Most employers (87 percent) also continued to report that USCIS provides adequate training when introducing new program features.

Fewer employers reported needing frequent assistance from the Help Desk or Customer Service in 2010 than in 2008. Only a few employers (4 percent) reported needing frequent assistance from the Help Desk or Customer Service in 2010 compared to 6 percent in 2008. The majority of employers in 2010 (65 percent) reported not needing to contact the E-Verify Help Desk or Customer Service at all for E-Verify assistance.

The large majority of employers that had obtained assistance from the Help Desk and/or Customer Service were satisfied with their experiences. Almost all employers that requested assistance reported satisfaction with contacting the Help Desk (95 percent), Customer Service (94 percent), or either the Help Desk or Customer Service (93 percent).

Almost all employers (98 percent) continued to be satisfied with the E-Verify system's user-friendliness of system navigation and data entry. However, employers were more likely to report E-Verify to be somewhat user-friendly rather than very user-friendly in 2010 than in 2008.

Fewer employers reported in 2010 that it was easy to make errors when entering worker information (17 percent in 2010 compared to 28 percent in 2008). However, some employers (40 percent) reported in 2010 that they experienced difficulty with entering certain types of worker names.

Employers expressed greater satisfaction with system availability in 2010 than in 2008. Only 8 percent of employers reported availability problems in 2010 compared to 17 percent in 2008. Employers in 2010 also experienced fewer problems with system timeouts requiring data reentry (15 percent in 2010 compared to 27 percent in 2008).

Although most employers found the three-day deadline for entering worker information into E-Verify to be a reasonable timeframe, one-fifth of employers found it difficult. Some employers agreed that the number of hires was so great that it was impossible to submit the information required by the specified deadline (19 percent in 2010 compared to 20 percent in 2008). Some also reported that the requirement to take tutorial updates interferes with meeting the three-day deadline.

The majority of employers expressed satisfaction with Photo Matching. Many employers agreed that Photo Matching helped them identify cases of potential fraud (61 percent) and also reported that they would like Photo Matching to include more types of documents (67 percent).

Employers responding to the 2010 survey were more likely than 2008 employers to report that E-Verify is accurate in identifying workers who are not employment authorized. In 2010, more employers reported instances of workers leaving the company in response to TNC findings (12 percent in 2010 compared to 6 percent in 2008). Also, more than a quarter of employers reported that the number of unauthorized workers who applied for jobs decreased as a result of using E-Verify.

3.2.2. Potential Causes of Change in Satisfaction Between 2008 and 2010

Improvements in the ways in which employers are trained about E-Verify processes and procedures appear to have had a slightly positive impact on employer satisfaction. Although the increases were not statistically significant, there was a pattern of increased satisfaction with the online tutorial; as indicated in the previous section, more employers reported that the tutorial answered all their questions, adequately prepared them to use the system, and was easy to understand. In addition, fewer employers reported requiring frequent assistance from the E-Verify Help Desk and Customer Service.

Decreases in employer satisfaction with some E-Verify resources can be partially linked to the increase in E-Verify users participating due to Federal or state/local mandates. Employers that reported a mandate as the only reason for their participation in E-Verify were significantly more likely than other employers to report that the tutorial takes too long to complete (61 percent compared to 46 percent of voluntary users) and that it is a burden to pass the mastery test before being allowed to use E-Verify (52 percent compared to 34 percent of voluntary users).[11]

Improvements in system navigation made through Usability Release 3.0 contributed to continued high satisfaction with navigation and increased satisfaction with data entry. Almost all employers (98 percent) continued to report in 2010 that they were satisfied with system navigation, and employers were less likely to report that it was easy to make errors when entering worker information in 2010 (17 percent) than in 2008 (28 percent).

If the percentage of employers mandated to use E-Verify in 2010 had not increased between 2008 and 2010, it is likely that greater increases in employer satisfaction would have occurred. Employers that reported in 2010 that a mandate was the only reason for their participation in E-Verify reported lower levels of satisfaction than other users. It is reasonable to assume that the percentage of all employers agreeing with statements of satisfaction would have been higher than the observed percents had the percentage of employers mandated to use E-Verify been lower.

3.2.3. Variation in Satisfaction by Employer Type

The 2010 survey revealed some variation in satisfaction by employer type:

- **Large employers were less likely to report that it is impossible to fulfill E-Verify obligations than small employers, and more likely to report that E-Verify is an effective tool for employment verification than small employers.**

- **Employers with large percentages of foreign-born workers were less satisfied with E-Verify than other employers.**

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[11] The designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

- **Employers reported a similar degree of satisfaction regardless of industry type.**

3.2.4. Employer Recommendations

Employers were asked for their opinions about changes to E-Verify that have been discussed by policymakers as potential changes in the scope of the Program:

- **The majority of employers (73 percent) would like to use E-Verify for job applicants and existing employees.**

- **Most employers (82 percent) supported requiring all companies in the United States to use E-Verify.**

- **There was limited interest in adding to E-Verify the ability to verify fingerprints (35 percent supported this recommendation).**

3.3. Cost

3.3.1. General Findings

In 2010, the majority of employers (79 percent) continued to report no direct costs in setting up E-Verify. The most frequently reported cost was for training employer staff to use E-Verify. Significantly more employers reported training costs in 2010 than in 2008 (22 percent compared to 17 percent).

Employer cost to set up E-Verify has remained fairly stable. The median cost among employers reporting costs to set up E-Verify was $100 in both 2010 and 2008.[12]

In 2010, the majority of employers (83 percent) continued to report no direct annual costs to maintain E-Verify. The most frequently reported costs were training of replacement staff (11 percent) and wages for the employer's verification staff (11 percent). There were no significant changes between 2010 and 2008 in the costs reported by employers.

The annual cost for employers to maintain E-Verify decreased since 2008. Employers that reported direct maintenance costs spent a median of $200 annually to maintain E-Verify, which is much lower than the median direct maintenance cost of $350 reported in 2008.[13]

As in 2008, approximately one-quarter of employers (28 percent) in 2010 reported that indirect set-up costs were a slight, moderate, or an extreme burden, and 19 percent of employers reported that indirect maintenance costs were a slight, moderate, or an extreme burden.

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[12] Because of the high costs reported by a small number of employers, the median (rather than mean) costs have been used for both the 2008 and 2010 surveys.

[13] Because of the high costs reported by a small number of employers, the median (rather than mean) costs have been used for both the 2008 and 2010 surveys.

3.3.2. Variation in Cost by Employer Type

There was some variation in costs reported by 2010 employers by employer type:

- **Large employers spend more in total setup and maintenance costs than smaller employers.**

- **Temporary/employment agencies reported higher total setup and maintenance costs than employers in other industries.**

- **Federal contractors reported higher setup and maintenance costs than other employers.**

3.4. Employer Compliance

3.4.1. General Findings

Almost all employers (97 percent) reported that they use E-Verify to verify work authorization for all newly hired employees; however, there was an increase in the percentage of employers that are prescreening. When asked when E-Verify is typically used to verify work authorization, 9 percent of 2010 employers reported practices that constitute prescreening: 5 percent of employers reported using E-Verify before a job offer was made, and 4 percent reported using E-Verify after a job offer was made but before the offer was accepted. This is a significant increase since 2008 when only 4 percent of employers reported using E-Verify prior to the job offer being accepted.

Despite the overall increase in prescreening, reports of prescreening at temporary/employment agencies decreased from 41 percent in 2008 to 26 percent in 2010.

There was an increase in the percentage of non-Federal contractor employers using E-Verify to verify work authorization of existing employees. The percentage of employers that do not have Federal contracts allowing them to use E-Verify for work authorization of existing employees that reported using E-Verify for existing employees increased from 4 percent in 2008 to 13 percent in 2010.

Employers showed increased compliance with E-Verify procedural requirements regarding how to notify workers about TNCs.

- The percentage of employers notifying workers of TNC findings within a day or less increased from 73 percent in 2008 to 80 percent in 2010;

- The percentage of employers that reported always notifying workers about TNC findings in private increased from 91 percent in 2008 to 96 percent in 2010; and

- The percentage of employers that reported always providing workers with written notification of TNC findings increased from 86 percent in 2008 to 91 percent in 2010.

In 2010, employers reported fewer adverse actions against workers with TNC findings than they did in 2008. The percentage of employers that reported restricting work assignments until employment authorization was confirmed decreased from 17 percent in 2008 to 11 percent in 2010.

Almost all employers who had used Photo Matching reported comparing the picture provided by the Photo Matching response to the documents provided by the worker (95 percent). This was a

significant increase from the 71 percent of 2008 employers that had used Photo Matching and reported properly performing this same comparison. However, there was also a significant increase in the percentage of employers that compare the picture provided by the Photo Matching response to the actual person (from 60 percent in 2008 to 76 percent in 2010). This is not the proper use of Photo Matching.

Some employers continue to ask noncitizen workers to submit documents that would trigger Photo Matching. As in 2008, nearly 20 percent of employers reported that, with the advent of Photo Matching, they are more likely to ask noncitizens for immigration documents during the verification process. Employers are prohibited by statute from asking workers for specific documents in the Form I-9 process.

Employers reported that they received TNC findings due to data entry mistakes less frequently in 2010 than in 2008. Since 2008, USCIS made an effort to reduce the chances of making data entry errors by streamlining the data entry process in Usability Release 3.0. Indeed, the percentage of employers reporting that their company had received TNC findings as a result of a data entry mistake when entering Form I-9 information into E-Verify decreased significantly from 77 percent in 2008 to 25 percent in 2010.

Employers reported increased compliance with the E-Verify procedural requirements regarding closing TNC findings that resulted from data entry mistakes. When asked what they do when a data entry error is found, more employers in 2010 (79 percent) correctly reported closing the original case as an invalid query and entering the corrected information as a new case (compared to 72 percent in 2008).

Most employers reported promptly terminating the employment of workers with Final Nonconfirmation (FNC) findings. On average, in 2010, employers reported they terminated the employment of workers 0.7 work days after receiving an FNC finding.

3.4.2. Potential Causes of Changes in Compliance Between 2008 and 2010

Improvements in E-Verify user training likely led to increases in employer compliance with several E-Verify requirements. The evaluation team hypothesized that the addition of new vehicles for training, including webinars and videos, and improvements to the E-Verify user's manual, Quick Reference Guides, and online tutorial, would lead to increased compliance with E-Verify requirements. Survey results supported these expectations. As indicated in the previous section, compliance increased between 2008 and 2010 with regards to:

- Notifying workers of TNC findings in private, in writing, and in person;

- Not restricting work assignments, delaying training, or reducing pay for workers with TNC findings; and

- Correctly following procedures for closing invalid cases and for using Photo Matching.

General increases in compliance might be linked to an increase in mandated employers that showed higher levels of compliance with several aspects of E-Verify than voluntary employers.[14] Overall, employers that reported participating in E-Verify *only because* they were mandated to do so were more compliant with E-Verify rules than voluntary users.

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[14] The designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

- Mandated users were more likely than voluntary users to always notify workers in private of their TNCs (99 percent compared to 97 percent for voluntary users), and to always provide written notification of the TNC (96 percent compared to 91 percent for voluntary users).

- Mandated users were less likely than voluntary users to report that they discourage workers from contesting a TNC (1 percent compared to 5 percent for voluntary users).

- Mandated users were less likely than voluntary users to restrict assignments or delay training for workers who received a TNC finding (5 percent compared to 12 percent for voluntary users).

Prescreening increased despite improvements to training materials. The evaluation team hypothesized that USCIS's efforts to improve training materials would lead to increased compliance with respect to who has their work authorization verified using E-Verify and when the employer uses E-Verify for them. The increase in the larger population of mandated users, particularly Federal contractors at risk of losing Federal support if they do not follow E-Verify procedures, also supported the hypothesis that instances of prescreening would decrease in 2010. However, survey findings showed that the overall percentage of employers prescreening job applicants increased from 4 percent in 2008 to 9 percent in 2010. Mandated users were just as likely as voluntary employers to prescreen job applicants in 2010.

As a whole, Federal contractors under the FAR rule did not show higher compliance than other employers. There were no significant differences in compliance with E-Verify procedures between Federally mandated employers, state/locally mandated employers, and non-mandated employers.

3.4.3. Variation in Compliance by Employer Type

3.4.3.1. Federal Contractors

Approximately half of Federal contractors took advantage of the option under FAR to use E-Verify for their entire workforce, including existing employees. One-quarter chose to use E-Verify for all existing employees, including employees who were not required to have their work authorization checked under FAR (e.g., because they do not work on Federal contracts), and one-quarter chose to use E-Verify for only those existing employees who work on Federal contracts.

When using E-Verify for existing employees, approximately one-third of Federal contractors did not ask workers to either complete a new Form I-9 or update their old forms. Despite guidance from USCIS that Federal contractors choosing to use E-Verify for existing employees may either complete new Forms I-9 for their existing employees or update their employees' existing Forms I-9, one-third of employers did not ask workers to either complete a new Form I-9 or update their old Form I-9.

3.4.3.2. Other Employer Characteristics

The 2010 survey revealed some variation in compliance by employer characteristics:

- **Small employers were more likely to report practices constituting prescreening, to report that the TNC process was a burden on staff, and to restrict work assignments or delay training for workers contesting TNC findings.**

- **Most temporary/employment agencies require that at least some job candidates be found work authorized by E-Verify before referral to clients.**

- **Employers in industries with high percentages of undocumented workers were more likely than other employers to report that the E-Verify process is burdensome to their staff and that contesting TNCs is not encouraged.**

- **Employers reporting 20 percent or more workers as foreign-born discriminated less against workers with TNC findings, but also reported less stringent practices for terminating the employment of workers with FNCs.**

4.   SUMMARY OF RECOMMENDATIONS

The following summary of recommendations addresses three broad and somewhat overlapping categories: E-Verify outreach and training, employer satisfaction and burden, and employer compliance and data entry accuracy.

Recommendations regarding E-Verify outreach and growth:

- USCIS should strengthen and/or establish formal relationships with professional employer organizations (e.g., U.S. Chamber of Commerce, National Association of Small Businesses, National Federal Contractors Association, National Association of Small Business Contractors, American Hotel and Lodging Association) and with state and local governments that mandate use of E-Verify to enhance communication with these entities, increase awareness of E-Verify, and make USCIS aware of the unique needs of different types of employers (e.g., small employers, industries with a large percentage of undocumented workers).

Recommendations regarding employer burden and satisfaction:

- Test and evaluate a pilot program requiring E-Verify users to verify that workers are employment authorized prior to allowing them to start work;[15]

- Expand the three-day requirement to five days;[16]

- Continue efforts to improve the accuracy of E-Verify findings for employment-authorized workers;

- Continue to work on increasing the types of documents that can be used with Photo Matching;

- Consider adding a formal appeal process that employers or their workers could use if they disagree with the final E-Verify finding;

- Continue to identify the specialized needs of different subgroups;

- Create materials targeted to subgroups of employers (e.g., small employers, employers in industries with high percentages of undocumented workers, and mandated employers) by assessing and incorporating their needs into the development and revision of E-Verify procedures;

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[15] Implementing this recommendation would require additional legislation by Congress.

[16] See footnote 12.

- Provide advance notification when refresher tutorials or tutorial updates on new features are required; and

- Develop software that allows employers to complete the Form I-9 electronically without completing a paper Form I-9.

Recommendations regarding employer compliance and accuracy:

- Adapt and/or supplement current training materials, tutorials, webinars, and on-screen help to further emphasize instructing employers about procedures known to lead to violations of E-Verify and Form I-9 requirements (e.g., 3-day rule, prescreening);

- Provide just-in-time help, such as pop-up notifications or help text providing instructions or referring users to the appropriate videos or documents, for employers receiving a TNC for the first time and those who receive them infrequently (every three months);

- Provide additional guidance and instruction to employers for entering workers' names (e.g., expanded help to employers for workers with single names, compound or hyphenated last names, or very long names, and discrepancies between compound names listed on documents from SSA and the Department of Homeland Security);

- Evaluate the impact of the new E-Verify self-check feature on prescreening to determine what, if any, effect this new initiative has on reducing the practice of prescreening;

- Explore the feasibility of developing software, and making it available without charge to employers, to produce electronic Forms I-9 and encourage employers to use this service; and

- Enforce a strong monitoring and compliance program to identify and act upon serious program violations that occur for reasons other than employer lack of knowledge or understanding of E-Verify procedures and policies.

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CHAPTER I. INTRODUCTION

1.   PURPOSE OF THE STUDY

The Illegal Immigration Reform and Responsibility Act (IIRIRA), enacted in September 1996, established the Basic Pilot Program to test the feasibility and desirability of electronically verifying the work-authorization status of all newly hired employees. The Basic Pilot Program was expanded in scope and extended several times. In June 2004, a Web version of the Basic Pilot Program—later renamed the E-Verify Program—was implemented. The Web version incorporated many improvements growing out of experiences with the original Basic Pilot Program and evaluations of the Basic Pilot Program as well as two additional pilot programs that were terminated. In October 2009, E-Verify's authorization was extended until September 30, 2012.

This report is part of a multiyear evaluation of the E-Verify Program. It presents the results of a survey of E-Verify users conducted in 2010 that collected data on E-Verify employers' opinions and experiences with using E-Verify for their company. When possible, this report compares the findings of the 2010 user survey to the results of Westat's prior E-Verify user survey conducted in 2008 and assesses possible causes of change. This report also focuses on findings related to new topics included in the 2010 user survey.

The report's primary goals are to address the following research questions:

- How has use of the system changed between 2008 and 2010, and what changes in use might have been affected by system or program changes?

- What is the rationale for employers deciding whether to use E-Verify?

- What are the changes in perceived employer satisfaction with E-Verify between 2008 and 2010, and what are the plausible reasons for any change in satisfaction?

- How are the financial and nonfinancial burdens and/or implications for employers participating in E-Verify different from those in 2008? What factors might have affected these changes?

- How has employer compliance with E-Verify (e.g., not prescreening, adhering to the three-day rule, not taking adverse actions, terminating the employment of workers who do not contest, using the Photo Matching Tool,[17] etc.) changed since 2008? What impact have programmatic or legislative changes had on any changes to employer compliance since 2008?

- What future program changes are desirable from employers' perspectives? What are Westat's recommendations based on the survey findings?

- What is the impact of legislative changes related to E-Verify becoming mandatory for some employers?

- What is the impact of the Federal Acquisition Regulation (FAR) rule for Federal contractors participating in E-Verify?

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[17] The name of the E-Verify Photo Tool was changed to Photo Matching in June 2010.

- How do employers perceive their experiences with the E-Verify Help Desk and Customer Service?

The information gathered by addressing these questions should be helpful in shaping future program improvements and legislation related to electronic employment verification programs.

2. DESCRIPTION OF THE E-VERIFY PROGRAM

Under IIRIRA, all workers hired after November 6, 1986, along with their employers, are required to complete the Form I-9, which is used to certify that new hires are authorized to work in the United States. As part of this process, employers also examine documents such as secure immigration documents, U.S. passports, or driver's licenses that are evidence of the worker's identity and work authorization.

E-Verify provides employers with a Web-based system that enables participants to submit Form I-9 information and quickly verify their new hires' work-authorization status. To participate in E-Verify, employers must sign a Memorandum of Understanding (MOU) agreeing to comply with all of the E-Verify requirements. After employers enter data from the Form I-9 into E-Verify, the E-Verify system automatically sends the information to the Social Security Administration (SSA) for comparison with data in SSA records. Data for most noncitizens and some citizens are also compared with data in Department of Homeland Security (DHS) immigration records.[18] Most often employers receive immediate notification that the new hires are authorized to work; however, in some cases Federal records do not permit immediate confirmation of the worker's employment-authorization status. When E-Verify cannot immediately confirm that the worker is authorized to work, a Tentative Nonconfirmation (TNC) is issued. A TNC might indicate that a person is not authorized to work, but it also might occur for other reasons such as typographical errors when entering the data or a worker not registering a name change with SSA or the U.S. Citizenship and Immigration Services (USCIS). Employers are required to inform workers about TNCs and give them the opportunity to contest these findings by contacting SSA in person or USCIS by telephone or fax and resolving any problems with their records. If a worker fails to contact SSA or USCIS within eight Federal workdays, the E-Verify system issues a Final Nonconfirmation (FNC) finding and employers are expected to promptly terminate the worker's employment.

A more extensive overview of the design of the E-Verify Program is provided in Appendix A.

3. CONTEXT OF THE REPORT

This report examines changes that have taken place between 2008 and 2010 in employers' use of E-Verify, costs associated with using E-Verify, satisfaction with E-Verify, and compliance with E-Verify procedures. It also provides plausible explanations for those changes. It is, therefore, important to understand the contextual changes that have occurred between the administrations of the 2008 and 2010 surveys. These changes include changes to the E-Verify Program itself and new Federal, state, or local legal requirements related to E-Verify use.

3.1. Programmatic Changes

USCIS implemented several major changes to the E-Verify Program between the June 2008 and June 2010 administrations of the user survey, including the following:

- **Usability Release 3.0** (June 2010). USCIS launched a redesigned user interface for the E-Verify Program that made changes to every screen. Redesign efforts focused on creating a "user-

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[18] In some cases, data on naturalized citizens may also be compared with DHS and U.S. passport records.

centered design" by enabling easy and intuitive navigation, using clear and simple language, and displaying a clean and modern design. Notable features include these:

— Users have the ability to access the **user manual** from any page.

— A **Case Alerts** section at the bottom of the home page notifies the user of cases requiring action, including open cases to be closed, cases with new updates, and cases with expiring work-authorization documents.

— **The data entry process was streamlined in order to facilitate data entry and minimize errors.** The data entry screen where worker information is entered changed from a vertical layout to a three-column layout, which eliminates the need to scroll through the data entry screen. Also, drop-down boxes were added to decrease data entry errors.

— **User-friendly language** clarifies terminology and helps facilitate navigation through the query process. For example, "query" was replaced with "case," "self terminate" was replaced with "employee has quit," "Photo Tool" was replaced with "Photo Matching," and "exit link" was replaced with "log out."

- **Revisions to online tutorial and mastery test** (June 2010). Revisions to the online tutorial were launched with Usability Release 3.0 and included efforts to streamline the content presented in the tutorial and use more conversational language.

- **Updates to user manuals and other published materials** (December 2009). Existing E-Verify publications, such as the user manuals, were updated to present information in a more user-friendly format, and new publications were developed, including:

— User manuals for employers (revised) and Federal contractors (new);

— Quick Reference Guides for employers (revised) and E-Verify enrollment process (new); and

— Supplemental Guidance for Federal Contractors (new).

- **Multimedia approach**. USCIS launched a multimedia approach to educating potential E-Verify users, as well as current E-Verify users, about the E-Verify Program through webinars and online videos.

— **Webinars (2009).** Webinars enable employers to participate in an interactive, online presentation about E-Verify. The *E-Verify Overview* webinar for employers interested in learning about E-Verify covers topics such as how E-Verify works, how to enroll, employer responsibilities, and program highlights and provides a demonstration of the Program. A webinar for existing E-Verify users provides a more detailed look at the Program, including USCIS Form I-9 requirements, user roles, and case alerts, and includes a demonstration of how to handle a TNC case. USCIS also created a customized webinar for Federal contractors that provides a general overview of E-Verify use under the FAR E-Verify clause.

- **Videos (March 2010).** USCIS produced five short educational videos that are available online: *How to Enroll in E-Verify* demonstrates the enrollment process for new users, *How to Create a Case* and *How to Respond to a TNC* demonstrates how current users perform these two integral steps in the E-Verify process, and two additional videos address worker rights and responsibilities (see below).

- **Worker rights initiatives** (March 2010). USCIS created several vehicles for educating employers and workers about worker rights as they relate to E-Verify. Two informational videos, *Understanding E-Verify: Employer Responsibilities and Worker Rights* and *Know Your Rights: Employee Rights and Responsibilities,* are available online through both the E-Verify Program and the USCIS websit*e.* In April 2010, USCIS also implemented a new E-Verify worker hotline to provide workers with general E-Verify information, including completing the USCIS Form I-9, contesting a TNC finding, and filing a complaint regarding discrimination for employer misuse of the E-Verify Program. Worker rights are also emphasized in the revised online tutorial and published materials.

- **TNC notices and referral letters are available in seven new languages** (Summer 2010). USCIS translated TNC notices and referral letters for workers into several additional languages (i.e., Chinese, Creole, French, Korean, Russian, Tagalog, and Vietnamese). When needed, employers are able to print these translations or translated documents directly from the E-Verify Program.

- **New closure codes are available to help employers accurately close cases** (June 2010). As part of efforts to use more conversational language to facilitate navigation through and more accurate use of E-Verify, USCIS implemented 11 new case closure codes through Usability Release 3.0.

- Although the 2010 user survey sample excludes E-Verify Employer Agents (EEAs), it is worth noting that the **pre-TNC check feature and Photo Matching are both now available for EEAs** (December 2009).

In addition to these major changes that provide new information or program features directly to the E-Verify user, USCIS implemented several other program changes:

- **All photos E-Verify returns during Photo Matching[19] have added security features,** such as shrink wrapping and watermarks, so the photos cannot be downloaded and used to make fraudulent documents (December 2009).

- The E-Verify matching algorithm has been revised to **permit the reversal of date and month** in all date entry fields (December 2009). The matching algorithm will now accept dates entered in the day/month/year format in addition to the month/day/year format, eliminating the possibility that a worker might receive a TNC because his or her date of birth was entered using European conventions rather than U.S. conventions.

- A **Dunn and Bradstreet Employer Check** is performed during E-Verify enrollment for all employers. Employer information entered during the E-Verify registration process is matched with

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[19] The Photo Matching feature permits employers to compare photographs on employee documents with digital photographs stored in government systems to detect existing valid documents that have a new photograph substituted on the original document or that are counterfeit documents created with valid information but a new photograph. The only documents currently available in Photo Matching are Permanent Resident ("green") cards and Employment Authorization Documents (EADs).

information in Dunn and Bradstreet databases.[20] Companies that do not meet a certain confidence level through this matching process are contacted by E-Verify Customer Service. This check will help ensure that valid companies are enrolled in the Program and minimize opportunities for fraudulent companies to use E-Verify During this phase, the Dunn and Bradstreet check applies to enrolling employers and companies enrolling as EEAs. The check does not apply to EEA clients*.*

- **USCIS provides monthly management reports to SSA,** which allow them to see how field offices are performing with relation to EV-STAR[21] and the types of cases that are being transmitted to E-Verify through EEAs and other employers (June 2009).

3.2.   Legal Requirements of the E-Verify Program

3.2.1.   Federal Requirements

Congress has demonstrated interest in expanding the current E-Verify Program and possibly instituting mandatory electronic employment verification for all, or a substantial percentage, of the nation's employers. A recent initiative to implement such a program includes Executive Order 12989, as amended by President George W. Bush on June 6, 2008, which directs Federal agencies to require that Federal contractors and their subcontractors electronically verify the employment eligibility of their employees. The amended Executive Order reinforces the policy, first announced in 1996, that the Federal government does business with employers that have a legal workforce. The rule only affects Federal contractors who are awarded a new contract on or after September 8, 2009, that includes the FAR E-Verify clause (73 FR 67704).[22]

Federal contractors participating in E-Verify under the FAR clause must follow most of the same E-Verify rules and procedures as general employers. Unlike general employers, however, Federal contractors are permitted, and in fact required, to use E-Verify to check work-authorization statuses for existing employees that will be working on Federal contracts that include the FAR clause. Federal contractors must initiate cases for existing staff within the first 90 days of E-Verify enrollment or within 90 days of the contract award date if the employer is already an E-Verify user.[23] Federal contractors are also permitted to use E-Verify to verify work authorization for all existing employees at this time, if they choose. If Federal contractors decide to submit cases to E-Verify for their entire workforce, they must notify DHS by updating their company profile if they are a current E-Verify user or during the E-Verify enrollment process if they are a new user. During the enrollment process, these employers must indicate which group(s) of employees they plan to verify.

Because the FAR rule went into effect with all contracts awarded on or after September 8, 2009, Federal contractors using E-Verify under the FAR clause were included in the 2010 survey of E-Verify users.

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[20] Dunn and Bradstreet, Inc. is a company that provides business information. Dunn and Bradstreet's commercial database contains more than 177 million business records.

[21] EV-STAR (E-Verify SSA Tentative Nonconfirmation Automated Response System) is an automated tracking process for referring and contesting TNCs at SSA. It was implemented in October 2007, to more closely mirror the USCIS TNC tracking process.

[22] See USCIS website:
http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=534bbd181e09d110VgnVCM1000004718190 aRCRD&vgnextchannel=534bbd181e09d110VgnVCM1000004718190aRCRD.

[23] There are some exceptions to the requirement to use E-Verify for all new hires. The exceptions apply to institutions of higher learning, state and local governments, and governments of federally recognized Indian tribes, and for sureties performing under a takeover agreement with a Federal agency. Under the rule, such entities may choose to use E-Verify only on new and existing employees assigned to the covered Federal contract.

3.2.2. State and Local Requirements

New legal action requiring E-Verify use has also taken place at the state level. Since the administration of the 2008 E-Verify user survey, Missouri, Nebraska, and Virginia have enacted new legislation requiring some, but not all, employers to use E-Verify based on USCIS updates as of October 31, 2010. In Missouri (effective January 1, 2009) and Nebraska (effective October 1, 2009), E-Verify must now be used to verify employment authorization for all state employees and all employees of state contractors.[24] (See Appendix B.)

3.3. Environmental Changes

3.3.1. Immigration

The estimated number of unauthorized immigrants has decreased since 2007, from 11.8 million in 2007 to 11.6 million in 2008 and 10.8 million in 2009.[25] However, the estimated number of unauthorized immigrants living in the United States in 2010 was 11.2 million, which is virtually unchanged from a year earlier. The estimated number of unauthorized immigrants in the workforce, 8 million, also did not differ from 2009 estimates.[26]

4. REPORT ORGANIZATION

The report is organized into six sections. Chapter I provides background on the study. Chapter II discusses the methodology. Chapter III addresses E-Verify usage, including the reasons employers choose to participate in E-Verify. Chapter IV presents E-Verify from the employers' perspective, addressing issues of satisfaction and burden and presenting employer recommendations. Chapter V summarizes employer costs. Chapter VI examines how well employers have generally complied with E-Verify Program requirements. Chapter VII provides conclusions and recommendations for USCIS based on the findings in the previous sections. Appendix A provides details about the design of the E-Verify Program, and Appendix B summarizes current state legislation related to E-Verify. Appendix C provides a detailed table of the impact of changes in sampling methodology between 2008 and 2010. Appendices D and E contain the survey data collection instruments used in 2010 and 2008, respectively, and Appendix F provides a glossary.

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[24] In Virginia, E-Verify must now be used for all state employees but not state contractors.

[25] Michael Hoefer, Nancy Rytina, and Bryan C. Baker, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2009*, Population Estimates January 2010, Office of Immigration Statistics, U.S. Department of Homeland Security.

[26] Jeffrey S. Passel, Senior Demographer, Pew Hispanic Center, and D'Vera Cohn, Senior Writer, Pew Research Center, *Unauthorized Immigrant Population: National and State Trends, 2010,* 2.1.2011 (http://pewhispanic.org/reports/report.php?ReportID=133).

CHAPTER II. RESEARCH METHODS

1. SAMPLE DESIGN

The 2010 E-Verify Users Web Survey sample consisted of 3,727 employers. The survey required recent involvement with E-Verify so that respondents would be informed about the Program's current features. To be eligible for the survey, a company had to have been in business at the time of the survey and had to have:

- Submitted cases to E-Verify between January and March 2010; or

- Formally terminated involvement in E-Verify between October 2009 and March 2010; or

- Signed a Memorandum of Understanding (MOU) for participation between July and December 2009 but had not transmitted any cases to E-Verify between January and March 2010.

The 2010 survey was company (headquarters/firm) based.[27] By contrast, the 2008 sample was establishment (location/branch) based so that a company with multiple locations could have multiple chances of selection in 2008 and sometimes appeared in the sample multiple times. (For example, a department store with multiple stores in various cities and states could be considered to have multiple establishments.) The decision to switch from sampling at the establishment level to the full company level was made for practical reasons—to eliminate or alleviate some of the following problems encountered in the 2008 data collection:

- The 2008 sample included multiple locations of the same company. In some cases, there were over 100 establishments for some companies in the sample.

- Often, the answers provided from each of the establishments of a company were very similar because all locations followed the same E-Verify procedures.

- Sometimes, the local respondents at each establishment were unable to answer questions regarding their use of E-Verify because all verifications for new hires were conducted at the company level.

- There were some instances in which all establishments of a company were required to get permission from the company before they were allowed to complete the Web survey, which consumed more of the company's time and resources. In these cases, if the company denied permission, all of the establishments of that company were coded as refusing to answer the survey.

By focusing on a single survey from each company, data collection for 2010 proceeded more smoothly with fewer interruptions in respondents' schedules. The change in sampling resulted in expected changes to several questions. For example, the average number of workers increased since the company reported the number of workers in the entire company, while previously local establishments reported only for their branches. The opinions in the 2010 survey represent those who the company declared to be the most knowledgeable; typically such a person would be at the headquarters, but this person's opinions may or may not be the same as those in other establishments of the company. Finally, in some cases, companies

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[27] A franchise that was independently owned and had acquired the rights to use the name of a national chain was considered a company rather than a branch of a larger company. For simplicity, this report treats the term company as being synonymous with firm or headquarters.

did not have uniform E-Verify participation for all their establishments so that, for example, a company might participate in E-Verify in some states but not in others. Thus, a company's responses from headquarters do not necessarily represent the actions of the entire company. Of those companies in the 2010 survey that actively participated in E-Verify and had multiple establishments:

- 81 percent conducted all verifications at one site;

- 12 percent conducted verifications at multiple establishments;

- 2 percent gave establishments discretion as to whether they would participate in E-Verify;

- 4 percent had some establishments participating (e.g., because of a state or local mandate) but did not have company-wide participation; and

- 1 percent gave other responses.

To avoid overburdening employers that were eligible for more than one evaluation study, some employers were excluded from the 2010 study: E-Verify Employer Agents (EEAs) and their clients, and employers that participated in the Arizona onsite study conducted in 2009. To ensure that the 2008 and 2010 studies were as comparable as possible, data from EEAs and their clients from the 2008 survey were excluded from the analysis because they were not included in the 2010 survey sample. (See Section 7 for more detailed information.)

The Web survey sample was stratified by participation status in E-Verify, industry type, the number of E-Verify Tentative Nonconfirmations (TNCs), and the number of workers. Within the strata, all employers were selected with equal probability. E-Verify participation status was defined as follows:

- **Active employers with TNCs.** Employers in this stratum had at least one TNC response to a case submitted to E-Verify between January and March 2010. TNCs indicate that the worker's employment-authorization status cannot be confirmed based on information in Federal records. The experience of receiving a TNC is of interest because this mismatch leads to additional actions by the employer and the worker regarding notifying the worker, who can potentially contest the finding. Because only 17 percent of all active employers in the frame had experienced a TNC, this stratum was oversampled compared to the remaining strata to ensure adequate numbers of cases for analysis.

- **Active employers with no TNCs.** Employers in this category had transmitted at least one case to E-Verify between January and March 2010. However, none of their workers received a TNC during that time period.

- **Inactive employers.** This group includes both (1) employers that had formally terminated use of the system between October 2009 and March 2010, and (2) employers that had not formally terminated use of the system but had signed an MOU between July and December 2009 and had not had any transactions in the three months ending in March 2010.

Industry type was defined as the following:

- Employment agencies and temporary help services;

- Industries known to have relatively large percentages of undocumented workers;[28] and

- All other industries.

2. INSTRUMENT DESIGN AND DEVELOPMENT

2.1. Selection of Questions for the Survey

Many of the questions asked in the 2010 Web survey were adapted directly from the Web survey used in the 2008 evaluation. The following modifications were made to the previous survey instrument:

- Questions arising from the 2009 stakeholders meeting and discussions with Federal staff were added.

- Some questions in the 2008 survey that asked about E-Verify changes, such as Photo Matching, were deleted.

- Questions designed to obtain additional insights into the special needs of inactive employers and temporary/employment agencies were added. These questions reflected information obtained during a series of employer focus groups.

- A new series of questions about satisfaction with the E-Verify Customer Service and Technical Help phone numbers was added.

- A series of questions aimed at Federal contractors was included.

2.2. Pretesting of the Draft Survey

Major skip patterns were included in the Web survey so respondents were asked only applicable questions. For example, "inactive employers" were not asked questions about their current use of E-Verify. The initial hard copy drafts of the different versions of the Web survey were pretested with five small groups of employers (i.e., Federal contractors, employment agencies, medium/large employers, small employers, and inactive employers) to verify that the questions were clear and that the survey did not take an excessive amount of time to complete.[29] The research team conducted four of these focus groups using WebEx, a Web hosting service for integrated teleconferencing, and one group via a teleconference. The team then modified the survey based on input from these focus groups. Additionally, Westat's usability testing group reviewed and revised the survey instructions for clarity, accuracy, and succinctness.

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[28] These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings and Dwellings; Accommodations; and Food Services and Drinking Places. The definition of this category is based on the following report: Jeffrey S. Passel, Pew Hispanic Center, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, 3.7.2006.

[29] Each focus group included four to six participants selected using the same criteria by which the Web Survey sample was chosen. Participation in the focus groups did not preclude employers from being selected for the Web Survey sample.

2.3.   Development and Testing of the Web Survey

Using the hard copy versions of the questionnaires as a guide, combined with specifications concerning skip patterns and edit checks, programming staff developed an online version of the Web survey, which was tested by the project and programming staff as part of an iterative process. The Web survey contained different modules for the populations of interest.

The following is a list of the features of the online survey:

- The online survey made use of logins, passwords, and a Secure Sockets Layer (SSL) to ensure limited access and data security.

- Programmable conditional and skip logics were built in. All skips were conducted automatically based on respondents' prior responses in the questionnaire and on data in the Transaction Database, so that employers were only asked those questions that were relevant.

- Validations and edits were designed to alert respondents if they missed questions or had entered inconsistent responses.

- Respondents were able to save and close the survey and then return to the next unanswered question at any time before the survey was submitted as complete. Thus, respondents could complete the survey over multiple sessions, allowing the possibility to check records, consult with others, and choose those times that were most convenient for the respondent to complete the survey.

- Depending on the item, different response formats such as "yes/no," "select one," and "select all that apply" were used.

- Respondents were able to navigate back through the survey and change prior responses without data loss.

- Respondents were offered the opportunity to print a copy of their responses at anytime during the process of completing the survey. This printed copy also informed them which questions were part of a skip pattern, as well as which ones had not been answered.

- A receipt control module provided the evaluation team with real-time information on response rates and other survey statuses.

A copy of the final version of the Web survey is contained in Appendix D.

3.   SURVEY MANAGEMENT SYSTEM DESIGN AND DEVELOPMENT

A computerized survey management system (SMS) was designed specifically for use on the 2010 Web survey. By using the 2010 SMS, no paper receipts or transmittals were needed and no additional data entry was required. One of the greatest advantages of the system was the wide variety of real-time reports available throughout the data collection period.

The following items were part of the 2010 SMS:

- The SMS required the use of logins, passwords, and a Secure Sockets Layer to ensure limited access and data security. This allowed access to the SMS from a variety of locations, and also allowed different authority levels for supervisors and callers.[30]

- The SMS provided multiple functions for monitoring and managing cases, including the ability to assign cases to specific callers, run status reports and "Alarm Reports" (overdue action required), monitor appointments, and review refusals, problem cases, and tracing cases.

- Entry validations and edits were designed to alert users to any missed fields where a response was required.

- Evaluation staff who conducted follow-up activities by phone could use the SMS to act as an electronic call record—setting appointments, updating contact information, and adding comments.

Programmers and project staff thoroughly tested the SMS, which was progressively refined until it was approved for use.

4. STAFF TRAINING

The Web survey allowed the instrument to be self-administered by the respondents. Support staff was active in sending reminder e-mails, conducting mailouts, staffing a help desk for respondents who had problems completing the questionnaire, calling employers to verify that the contact information was correct, prompting nonrespondents to complete the survey, and verifying questionable responses or correcting missing data that were identified in the data review. To ensure that all project personnel conducted survey activities in a consistent manner, the evaluation team provided thorough training to the telephone callers and the supervisory staff who worked on the Web survey. For the caller staff, this training included an explanation of the purpose of the survey, review and explanation of calling duties, and role-playing scenarios using the SMS. Training of supervisory staff that used the SMS consisted of an explanation of the purpose of the survey, review of result codes and edits, and practice navigating through the menu system of the SMS.

5. DATA COLLECTION

Data collection took place during a four-month period starting in August 2010 and ending in November 2010.

The initial contact with employers was through an e-mail from Westat containing the information that the employer needed to access and complete the survey. It also requested the recipient to provide information on who should be contacted if the recipient was not the correct contact person to complete the Web survey. The e-mail included a letter from the U.S. Citizenship and Immigration Services' (USCIS) Director of Research and Evaluation on agency letterhead explaining the reason for the survey and reminding participants of their agreement to cooperate with the evaluation as stated in the MOU they had signed. It also informed them that Westat would be conducting the survey and stressed that all information would be kept confidential.

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[30] Supervisors were responsible for assigning cases to callers, who conducted nonresponse follow-up, and for monitoring their progress.

When e-mails bounced back as undeliverable, an e-mail was sent to an alternative contact person if one was listed on the employer file provided by the USCIS contractor responsible for operating the E-Verify system. If there was no alternative contact person, or if the e-mail to the alternative contact person also proved to be undeliverable, the company was contacted by telephone to ascertain the correct contact person. The initial e-mail was then sent to the new contact.

If the survey had not been completed within approximately one week of the initial e-mail contact, Westat sent a reminder e-mail to the employer. Sample members who had still not responded approximately one week later were reminded by telephone. In early November, USCIS placed a notice on the E-Verify website stating that data collection was nearing completion and urging those employers that had been asked to participate to respond, if they had not already done so.

Approximately two weeks before the data collection period was to end, a "data collection closing" e-mail was sent to all employers that had neither completed the survey nor had specified that they would not respond. A week later, the remaining nonfinalized respondents were sent a FedEx package containing a Westat letter and a USCIS letter describing the survey and explaining how to logon to the Web questionnaire. This was intended for any respondents that e-mail had not been successful in reaching.

6. RESPONSE RATES

Of the 3,727 employers in the survey sample, 218 were found to be out of scope because they were no longer in business, were duplicate listings of a company, or were EEAs, or clients of EEAs. Of the remaining 3,509 eligible employers, 2,928 (83 percent) completed the survey. A minimum of 70 percent of all eligible data items needed to be completed in order for the questionnaire to be considered completed. Both the unweighted response rate and the weighted response rate were 83 percent. Exhibit II-1 shows the number of eligible employers on the sample frame, the sample size, the number of respondents, and the response rate for each of the two major stratifying variables (participation status and industry type).

Exhibit II-1. Web Survey Sample Size and Response Rate, by Participation Status and Industry Type

Stratum	Number of employers on sample frame	Number of employers selected[1]	Number of eligible employers	Number of completed surveys	Unweighted response rate[2]	Weighted response rate[2]
Participation status						
Active with TNCs	3,410	1,820	1,748	1,521	84	87
Active with no TNCs	16,197	999	957	823	82	86
Inactive	7,037	908	804	584	64	72
Industry type						
Temporary/employment agencies	385	277	245	201	82	83
High percentage of undocumented workers	7,320	1,709	1,617	1,326	82	80
Other	18,939	1,741	1,647	1,401	85	84
Total	**26,644**	**3,727**	**3,509**	**2,928**	**83**	**83**

[1]The number of selected employers includes employers that were found to be ineligible during data collection.
[2]The response rates were calculated after excluding ineligibles.

7. DATA COMPARISONS

When examining change over time or when making comparisons between two or more different groups of employers, tests of significance were run to determine whether those differences might be due to random error associated with statistical sampling. Unless stated otherwise, this report only discusses differences that were statistically significant at the 0.05 level.

Data comparisons also may be affected by a change in how the sampling was performed in the 2008 and 2010 surveys. As discussed in Section 1 of this chapter, the sampling approach changed from sampling establishments in 2008 to sampling companies in 2010. To examine the implications of this change, the 2008 survey results were recalculated after deleting all responses from establishments that were not listed as company headquarters. These recalculations generally changed the 2008 survey estimates by only a small amount—typically only one or two percentage points. There was no consistent pattern in terms of the direction of the difference: sometimes the revised statistics showed more satisfaction than the previous estimates and sometimes they showed less.[31] Based on the small size of these changes, the revised sampling methodology does not greatly change the statistical findings, permitting meaningful comparisons between the 2008 and 2010 surveys.

Another sampling difference between the 2008 and 2010 surveys is that EEAs and their clients were excluded from the 2010 sample but not from the 2008 study. To compensate for this change in the survey sample, the 2008 statistics presented in this report are based on 2008 results excluding these two types of employers. Thus, there are some minor differences between the 2008 data previously reported and the data in this report.

Since the characteristics of employers changed between 2008 and 2010, analyses were conducted to determine whether observed changes can be explained by employer characteristics. However, it is not feasible to control for changes in the economic situation between 2008 and 2010, which may also have affected employers' experiences with E-Verify. For example, many companies did little or no hiring during the latter period, so they appeared as inactive or barely active in E-Verify when normally they might show higher levels of activity. With reduced hiring, employees were also less likely to be notified of TNCs, which require additional steps by employers and thus may affect the employer's level of satisfaction.

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[31] See Appendix C for details on these differences.

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CHAPTER III. E-VERIFY USAGE

1.   BACKGROUND

This chapter addresses three closely related topics: levels of E-Verify use, characteristics of employers that use E-Verify, and employers' motivations for using E-Verify. The discussion focuses on change between 2008 and 2010.

To assess change in the use of the E-Verify Program between the 2008 and 2010 user survey administrations, this chapter compares statistics on cases transmitted to E-Verify in April through June 2008 and April through June 2010. The fiscal quarter of April through June 2008 aligns with the 2008 E-Verify user survey administration. The fiscal quarter of April through June 2010 immediately precedes the 2010 E-Verify user survey administration and provides the most recent data available for analysis purposes. Characteristics of E-Verify survey respondents are also examined.

Since the 2008 survey, the number of employers participating in E-Verify has increased substantially. The characteristics of these employers have also changed over time. Changes in the characteristics of the E-Verify user population must be examined and taken into account when looking at employers' responses to the 2010 E-Verify user survey.

2.   FINDINGS

2.1.   Program Use

The number of cases submitted to E-Verify on a quarterly basis significantly increased between the 2008 and 2010 survey administrations. Since E-Verify's inception, there has been a strong upward trend in the number of cases transmitted to E-Verify.[32] The nearly 4.6 million cases submitted to E-Verify in April through June 2010 represent an increase of 164 percent over the 1.7 million cases submitted in April through June 2008 (Exhibit III-1).

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[32] *Findings of the E-Verify Program Evaluation,* December 2009.

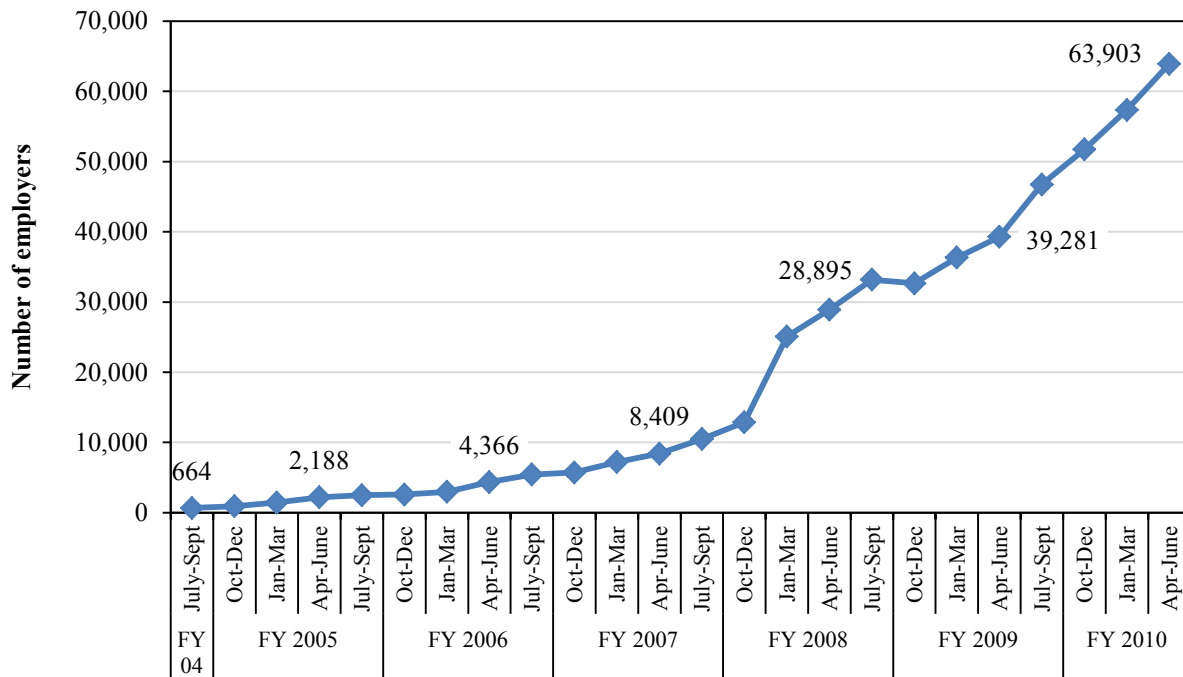**Exhibit III-1. Number of Cases Transmitted to E-Verify: July 2004–June 2010**
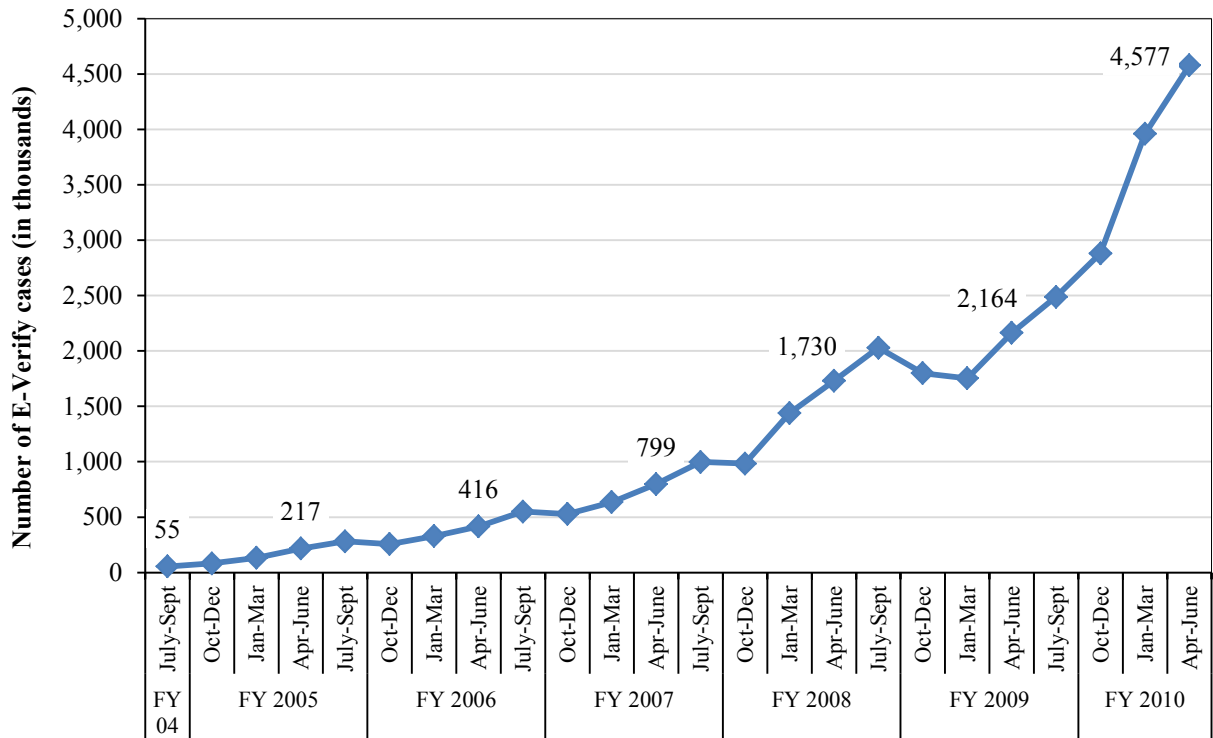
SOURCE: E-Verify Transaction Database.

The number of employers using E-Verify more than doubled between the 2008 and 2010 user survey administrations. In April through June 2008, 28,895 employers transmitted cases to E-Verify (Exhibit III-2). This number increased by 121 percent to 63,903 employers transmitting cases in April through June 2010. As shown in the exhibit, the number of E-Verify users has increased steadily between these two periods.

Exhibit III-2. Number of Employers Transmitting Cases to E-Verify: July 2004–June 2010

SOURCE: E-Verify Transaction Database.

The mean number of cases submitted to E-Verify per employer also increased between the 2008 and 2010 user survey administrations. Between survey administrations, the mean number of cases transmitted to E-Verify per employer increased from 60 cases in April through June 2008 to 72 cases in April through June 2010. However, the median number of E-Verify cases submitted stayed the same at 9 cases.

2.2. Characteristics of Employers Using E-Verify

E-Verify users were less likely to be small employers in 2010 than in 2008. Historically, small employers have been underrepresented among E-Verify users.[33] Although the number of small employers transmitting cases to E-Verify grew between 2008 and 2010, this segment of E-Verify users did not grow as quickly as larger employers. Between the 2008 and 2010 user survey administrations, the percentage of E-Verify users with less than 10 employees decreased from 13 percent in 2008 to 6 percent in 2010; the percentage of E-Verify users with 10 to 19 employees also decreased from 3 percent to 1 percent (Exhibit III-3). Conversely, there were increases in the percentage of medium-sized employers with 20 to 99 employees (from 11 percent to 14 percent), and larger employers with 100 to 499 employees (from 26 percent to 31 percent).

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[33] *Findings of the E-Verify Program Evaluation,* December 2009.

Exhibit III-3. Distribution of E-Verify Employers, by Size: 2008 and 2010
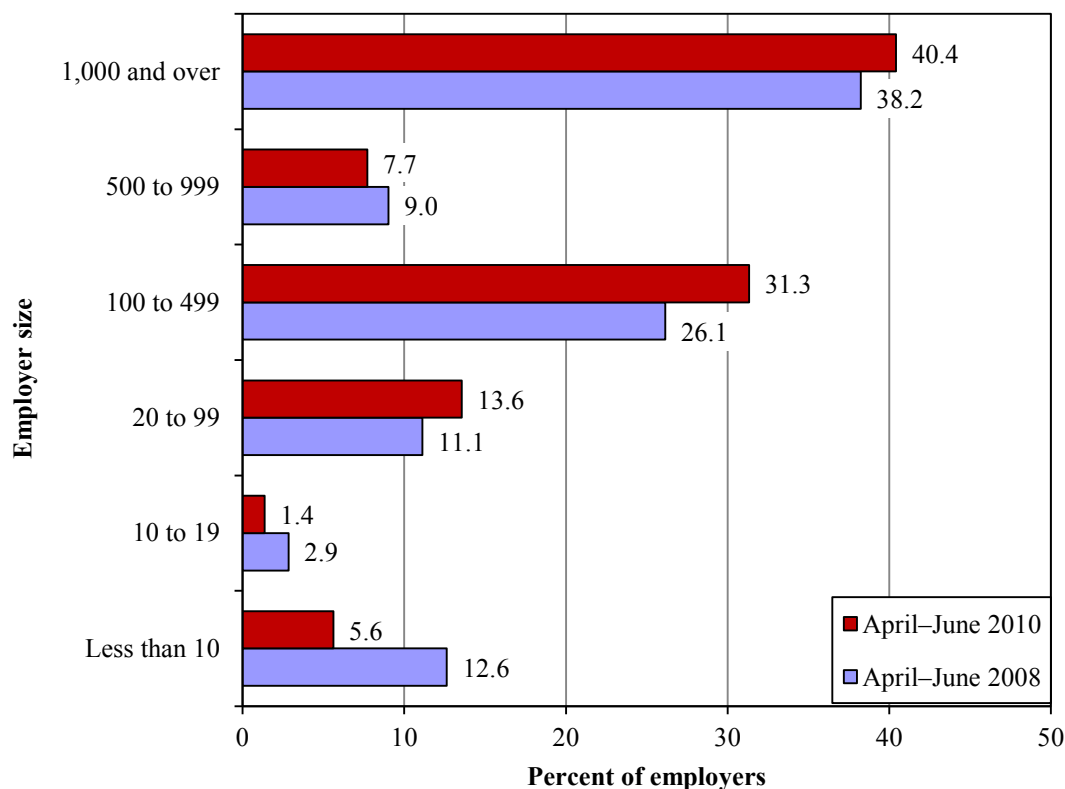
NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Transaction Database.

Temporary/employment agencies and employers in industries with typically high numbers of undocumented workers, which have had large representation in E-Verify in the past, decreased representation in 2010. Temporary/employment agencies made up only 4 percent of all E-Verify users transmitting cases in April through June 2010, a decrease from 17 percent of employers in April through June 2008 (Exhibit III-4). In fact, the actual number of temporary/employment agencies transmitting cases to E-Verify decreased from 300,272 agencies in April through June 2008 to 163,160 agencies in April through June 2010.

Employers working in industries with high percentages of undocumented workers made up 10 percent of all E-Verify users in 2010, a decrease from 16 percent in 2008.[34] The number of these employers transmitting cases to E-Verify grew between 2008 and 2010, but this segment of E-Verify users did not grow as quickly as employers in other industries.

Although the percentage of temporary/employment agencies transmitting cases to E-Verify has become more similar to the percentage of temporary/employment agencies nationally (0.7 percent of employers

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[34] These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings and Dwellings; Accommodations; and Food Services and Drinking Places. The definition of this category is based on the following report: Jeffrey S. Passel, Pew Hispanic Center, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, 3.7.2006.

nationally), the percentage of employers working in industries with high percentages of undocumented workers has become less similar to the national distribution (21.5 percent of employers nationally).

Exhibit III-4. Distribution of Employers, by Employer Industry: E-Verify Employers and National Employers
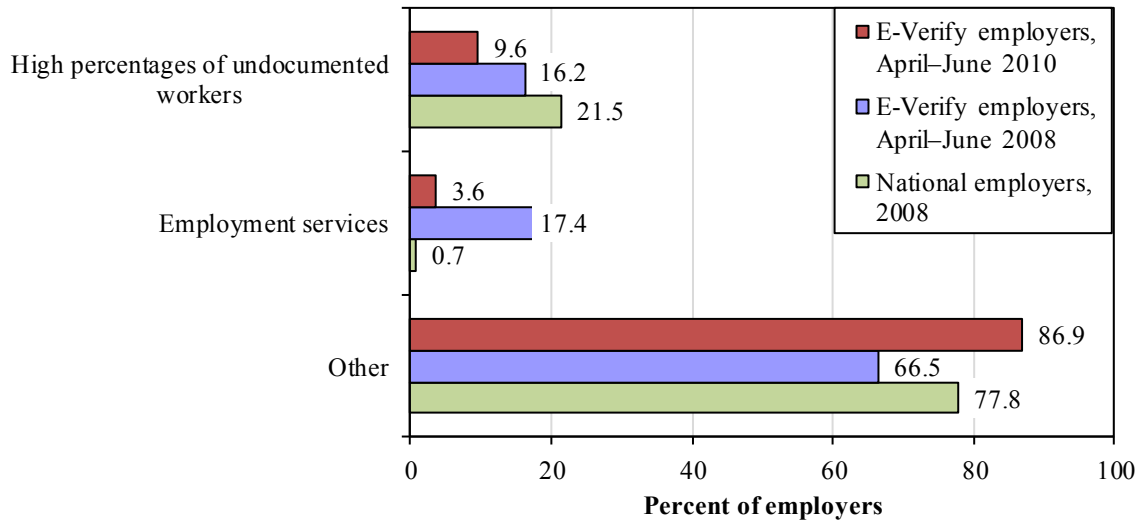

NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Transaction Database, and U.S. Census County Business Patterns: 2008.

There was no change between 2008 and 2010 in percentage of employers reporting that they had no new hires in the past six months; however, the findings are likely understated. In the 2008 survey, 11 percent of employers reported that they had no new hires in the last 6 months, while in the 2010 survey, 10 percent of employers reported that they had no new hires in the last 12 months (Exhibit III-5).[35] These statistics show that at minimum, there was no change in the percentage of employers reporting no new hires in the last six months. However, this figure likely understates the level of change between the two years, because the 2010 survey asked about hiring in the last 12 months while the 2008 survey asked about hiring in the last six months. It is highly probable that the percentage of employers reporting no new hires in 2010 would be higher if they were asked only about the last six months.

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[35] The question wording was modified from the 2008 survey in order to remove the effects of seasonality. Different industries have different peak periods (e.g., a peak period for farming is summer, while a peak period for the retail industry is December), so a survey question that asks only about the last six months would tend to give greater weight to some industries than to others.

**Exhibit III-5. Number of New Hires Reported by E-Verify Employers in the Last 12 Months: 2010**
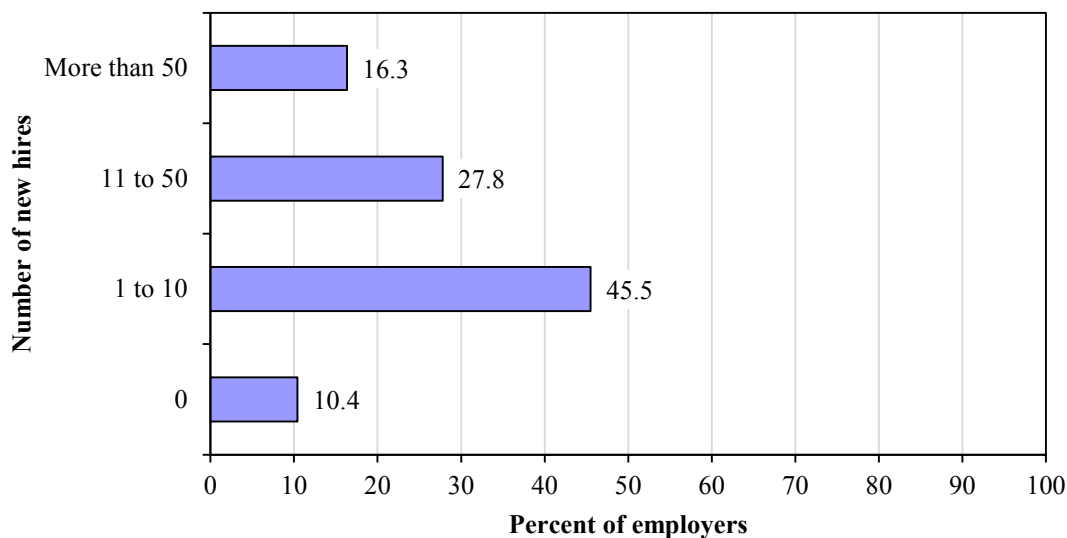
SOURCE: E-Verify Web Survey.

Respondents to the 2010 E-Verify user survey reported fewer foreign-born workers than respondents to the 2008 survey. Employers reporting that 5 percent or less of their current workers were immigrants increased significantly from 53 percent in 2008 to 64 percent in 2010 (Exhibit III-6). As will be discussed in Section 2.4.1, mandated E-Verify users responding to the 2010 survey reported lower percentages of immigrants among their current workers than voluntary E-Verify users, influencing the change in the overall percentage.[36]

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[36] For purposes of this study, the designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

**Exhibit III-6. Percent of Workers Who Are Immigrants, as Reported by Employers: 2008 and 2010**
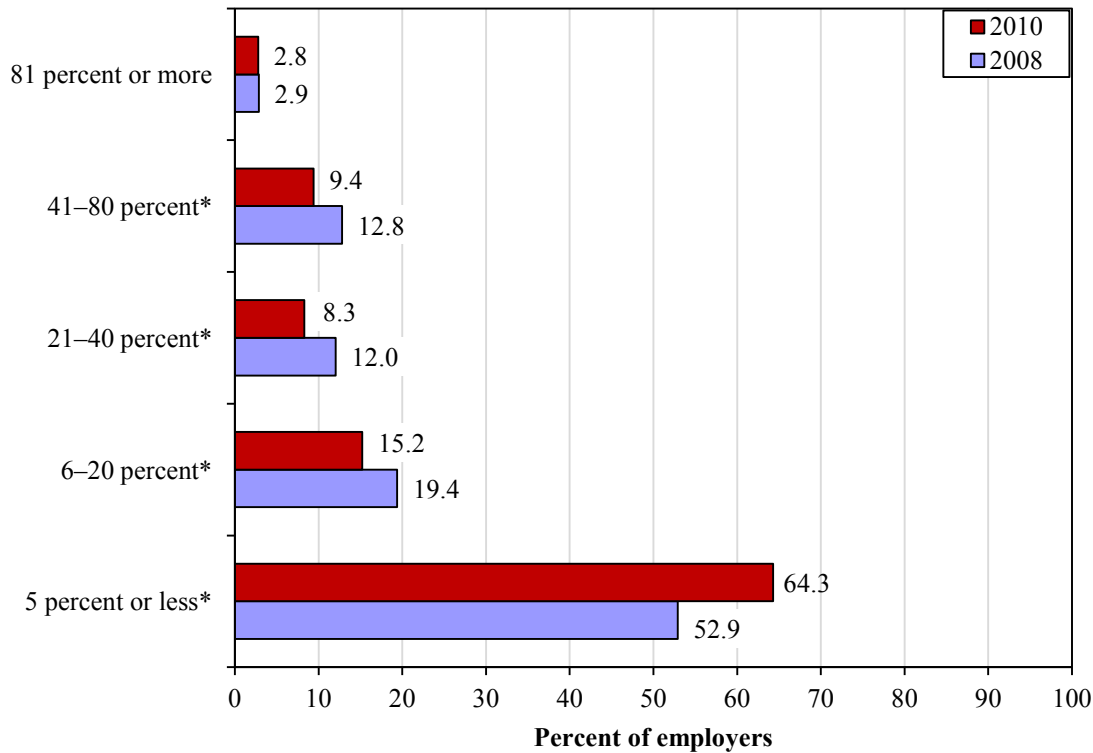
*Statistically significant differences between 2010 and 2008 E-Verify users at p < 0.05.
SOURCE: E-Verify Web Surveys.

2.3. Motivation for Program Use

Employers first learned about E-Verify through a variety of sources. The most commonly reported ways that employers first learned about E-Verify was through information from a state or local government office (16 percent), information from a business or professional association (16 percent), or a request from a client to participate (14 percent)[37] (Exhibit III-7). Fewer employers reported first learning about E-Verify through the USCIS website (12 percent) or other USCIS or SSA materials, publications, or presentations (10 percent). Among the 14 percent of employers that reported that they learned about E-Verify through "other" sources, several employers reported that they learned about E-Verify through an immigration attorney or company lawyer, or through their company headquarters or parent company.

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[37] Employers reporting that they first learned about E-Verify through client requests to participate included temporary/employment agencies as well as companies reporting that they had Federal contracts.

Exhibit III-7. Ways Employers Learned About E-Verify: 2010
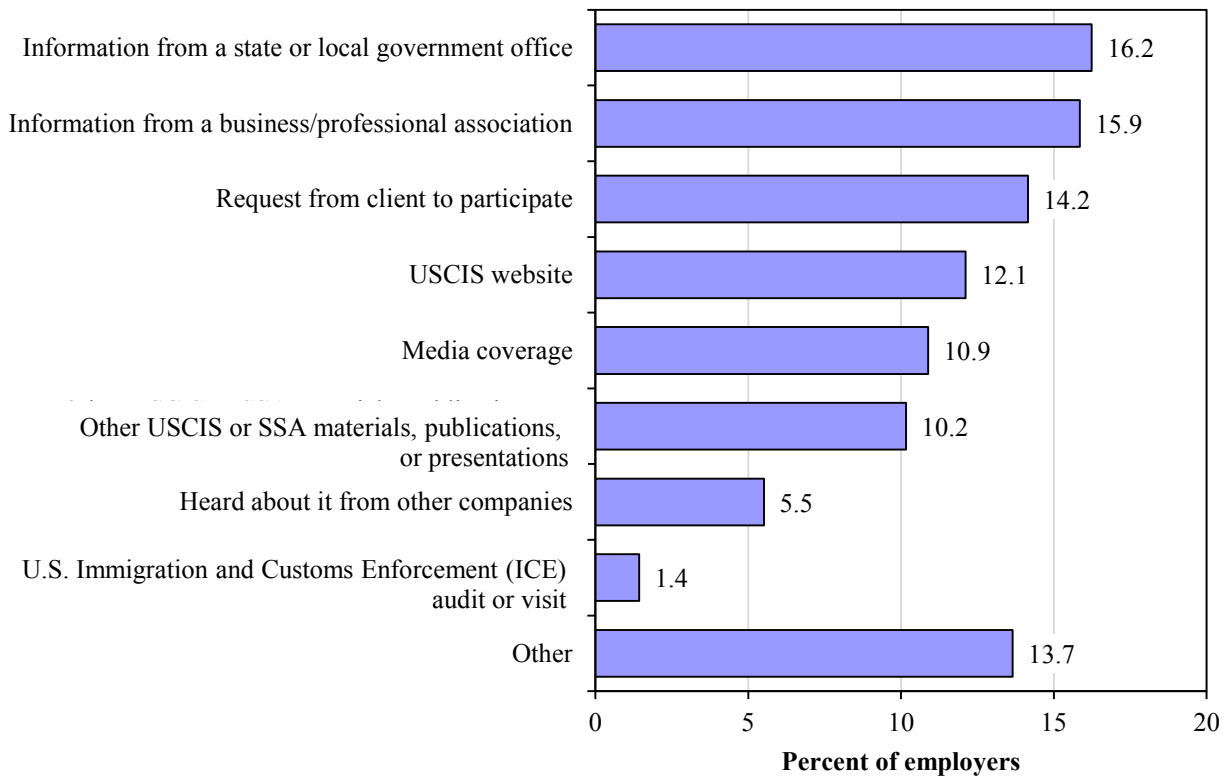
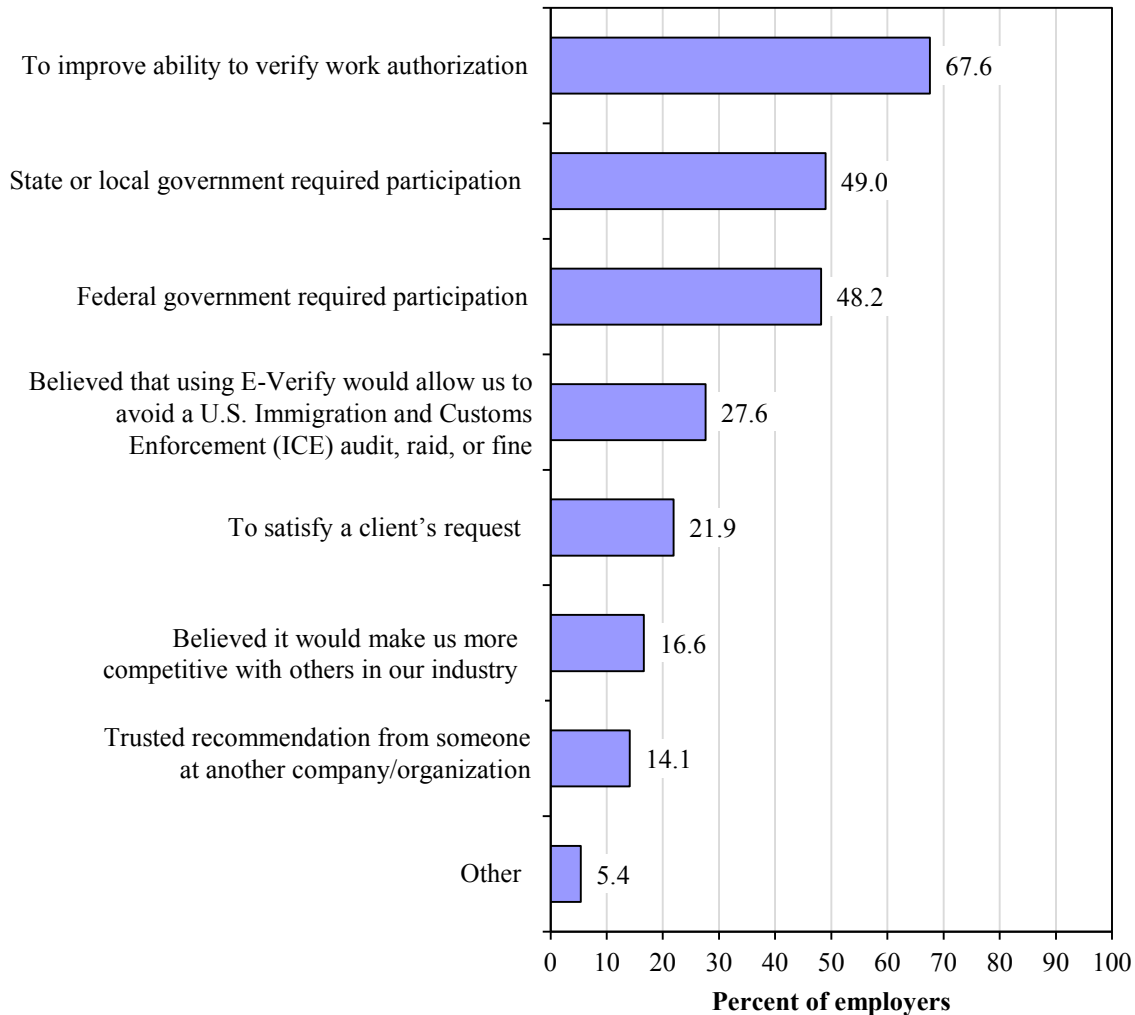NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey.

Most employers reported that they were motivated to use E-Verify to improve their ability to verify work authorization. When asked to report the reasons they were motivated to enroll in E-Verify, 68 percent of employers reported that they signed up for E-Verify to improve their ability to verify work authorization (Exhibit III-8). Nearly half of employers reported that they were motivated to enroll in E-Verify because the state or local government required participation (49 percent) or the Federal government required their participation[38] (48 percent). In addition, slightly more than one-quarter of employers (28 percent) believed that using E-Verify would allow them to avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine. Client requests were reported by 22 percent of employers as a reason they agreed to use E-Verify.[39]

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[38] Not all employers that reported being mandated to participate in E-Verify reported that the mandate was their motivation for enrolling.

[39] Employers reporting client requests as a reason they agreed to use E-Verify included temporary/employment agencies as well as companies reporting that they had Federal contracts. The survey item asked respondents to select all reasons that they agreed to use E-Verify, and many Federal contractors selected both "state or local government required participation" and "to satisfy a client's request."

III

E-VERIFY USAGE

Exhibit III-8. Reasons Employers Reported For Enrolling in E-Verify: 2010

Reason	Percent
To improve ability to verify work authorization	67.6
State or local government required participation	49.0
Federal government required participation	48.2
Believed that using E-Verify would allow us to avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine	27.6
To satisfy a client's request	21.9
Believed it would make us more competitive with others in our industry	16.6
Trusted recommendation from someone at another company/organization	14.1
Other	5.4

Percent of employers

NOTE: Sum does not add to 100 percent because respondents could choose more than one response.
SOURCE: E-Verify Web Survey.

Many employers reported signing up for E-Verify because of the Federal government mandate; however, not all employers citing this reason had Federal contracts requiring their participation in the Program. Approximately half of employers surveyed in 2010 (48 percent) reported that they agreed to participate in E-Verify at least in part because the Federal government required participation. However, as detailed below, only 29 percent of employers reported having Federal contracts that mandated their participation.

There are several plausible explanations for why more employers were motivated to use E-Verify by the Federal mandate than the number of employers actually possessing a Federal contract requiring their participation:

Westat

- Employers may have misunderstood the Federal requirement, believing that the Federal Acquisition Regulation (FAR) rule applied to their company even though their company did not meet the conditions of the regulation.

- Employers expecting to obtain Federal contracts in the future may have chosen to start using E-Verify before they would be required to do so.

- Temporary/employment agencies using E-Verify may have clients with Federal contracts.

- Employers thought that the existence of the FAR rule provided sufficient support for their company to begin using E-Verify, whether or not they anticipated procuring a future Federal contract.

2.4.   Types of E-Verify Users

2.4.1.   Mandated Users

The population of employers mandated to use E-Verify increased significantly between 2008 and 2010. More than half of employers surveyed in 2010 (59 percent) reported that they were required to use E-Verify by a Federal contract requiring participation (17 percent), or because they performed business in a state or locality that requires participation (30 percent), or they were affected by both Federal and state/local mandates (12 percent) (Exhibit III-9). By contrast, in 2008 only 16 percent of employers reported that a Federal or state/local government mandate was their primary reason for participating in E-Verify.[40]

Of multisite employers required to use E-Verify due to either a Federal or state/local mandate, most (77 percent) indicated that all locations are required by the mandate to use E-Verify.

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[40] The 2010 survey asked all respondents to report whether or not they were required to use E-Verify under either a Federal or state/local mandate, whereas the 2008 survey asked respondents to select their primary reason for using E-Verify. If a Federal or state/local mandate was not the employer's primary reason for participating in E-Verify in 2008, it was not recorded that the employer was mandated to participate. For this reason, the percentage of 2008 employers mandated to participate in E-Verify might be underrepresented.
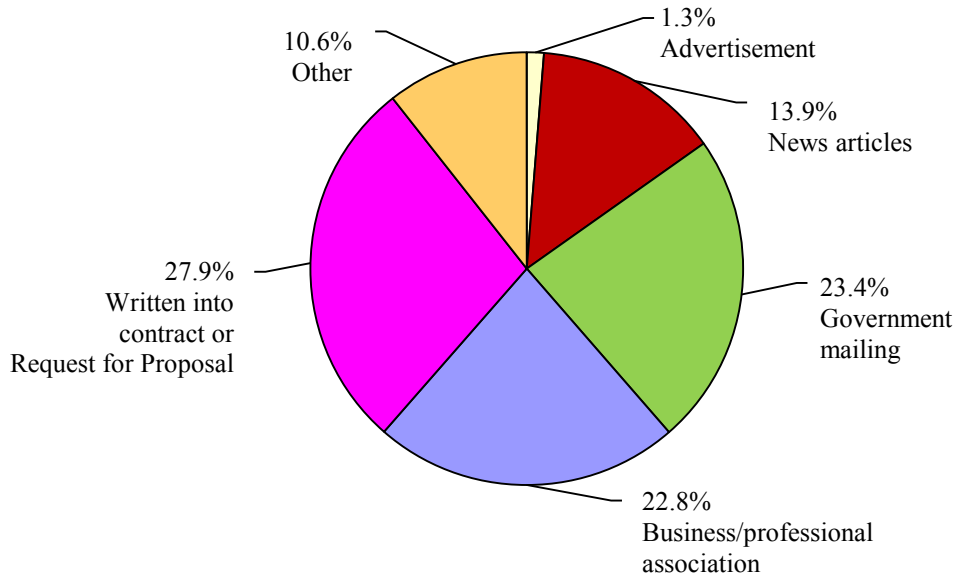
Exhibit III-9. Percent of Employers Required to Participate in E-Verify Because of a Federal or State/Local Mandate: 2010
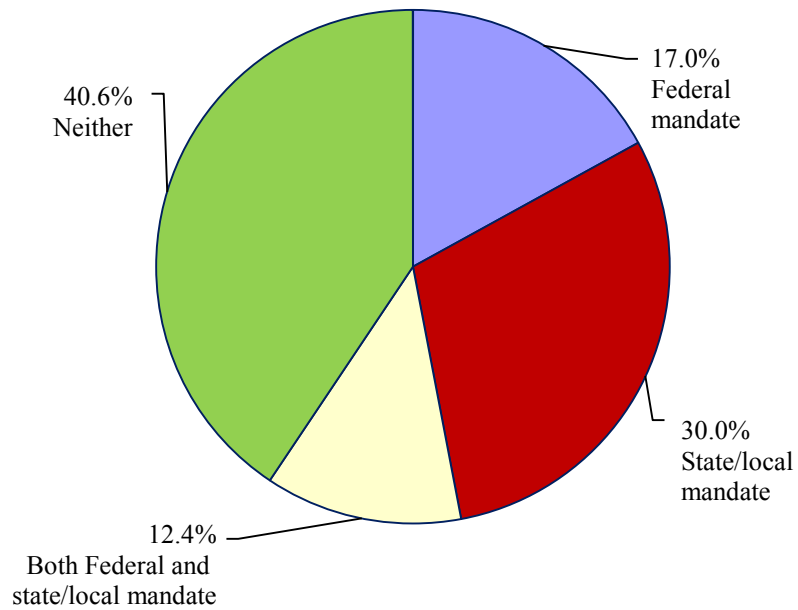
SOURCE: E-Verify Web Survey.

Employers that are required to use E-Verify by a Federal or state mandate first learned of the requirement in a variety of ways. Twenty-eight percent of users required to use E-Verify by a mandate reported that the requirement was written into a contract or Request for Proposal (Exhibit III-10). An additional 23 percent found out about the requirement through a business or professional organization, and another 23 percent received notice through a government mailing. A smaller group of employers (14 percent) learned about the mandate through news articles.

Exhibit III-10. Ways Mandated E-Verify Users Learned of the Requirement to Use E-Verify: 2010

1.3%
Advertisement

10.6%
Other

13.9%
News articles

27.9%
Written into
contract or
Request for Proposal

23.4%
Government
mailing

22.8%
Business/professional
association

NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey.

Most employers required to participate in E-Verify under a Federal or state mandate reported that the mandate was only one of many reasons they chose to participate in E-Verify. Of employers required to participate in E-Verify under the FAR rule, only 25 percent reported that the mandate was the only reason for their participation in E-Verify (Exhibit III-11). Most employers (67 percent) reported that the mandate was one of many reasons they participated in E-Verify, and a few employers (7 percent) reported that the mandate was not a motivation for their participation. Similarly, most employers required to use E-Verify because of a state or local mandate also reported that the mandate was only one of several reasons for their participation (62 percent).

Exhibit III-11. Reasons Mandated Users Reported For Participating in E-Verify: 2010
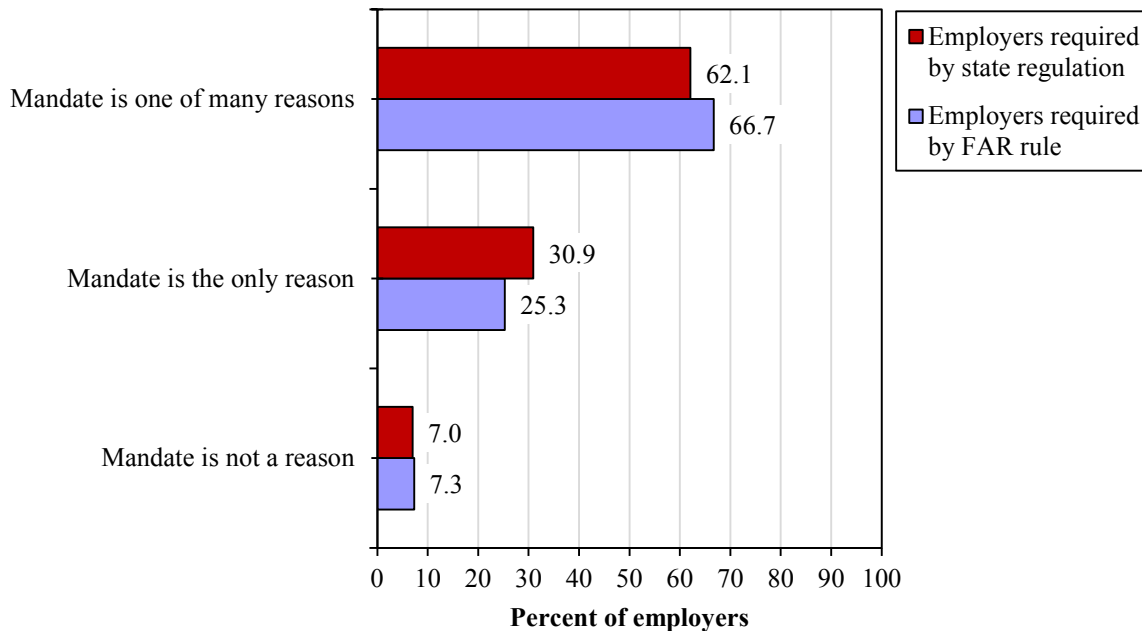
NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey.

E-Verify users reporting that a mandate was the only reason they were participating in the Program (mandated employers) reported fewer new hires and lower percentages of foreign-born workers among their current employees than voluntary users. Mandated employers were more likely to have hired 10 or fewer employees in the last 12 months (63 percent compared to 50 percent for voluntary users), and more likely to say that 5 percent or less of their employees were immigrants (74 percent compared to 53 percent for voluntary users). These findings may help explain why these employers had not previously enrolled in E-Verify and why they indicated that the mandate was the only reason they were participating. There were no significant differences between mandated and voluntary users in terms of employer size or the number of cases transmitted since their first initiated case.

2.4.2.   Prior E-Verify Users

The most frequently reported reason employers stopped using E-Verify was their lack of new hires in the past six months, and some employers no longer used it because they thought the system was too burdensome. A few employers responding to the 2010 survey (4 percent) reported that they were no longer using E-Verify. As in 2008, the most frequently reported reason that employers stopped using E-Verify was the lack of new hires in the past six months. The percentage of employers reporting lack of new hires as their primary reason for stopping use of E-Verify rose significantly from 33 percent in 2008 to 65 percent in 2010. Twenty percent of 2010 employers reporting that they had stopped using E-Verify thought it was too burdensome to use the system, and therefore they no longer used it.[41]

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[41] Although prior users were not asked to elaborate on why they found E-Verify to be too burdensome, Chapter IV of this report examines information provided by current E-Verify users about how satisfied they were with E-Verify and their views on the level of burden that the Program imposes on the employer.

2.5. Sources of Change in Program Use

As discussed in earlier sections, new legislation and regulations at both the Federal and local levels mandating E-Verify use for some employers significantly increased the number of E-Verify users and also contributed to the increase in the number of cases transmitted to E-Verify. Other sources of change in E-Verify use are discussed below.

Permission for Federal contractors to use E-Verify for some or all existing employees under the FAR rule contributed to the increase in transmitted cases. At the time of the 2008 user survey, prior to the FAR rule, E-Verify cases were permitted only for new hires, although some employers failed to comply with the rule against verifying existing employees. Federal contractors are *required* to use E-Verify for new hires and existing employees who will be working on the contract containing the FAR clause and are *permitted* to use E-Verify for all existing employees if they so choose. Therefore, it is reasonable to assume that the increase in E-Verify cases transmitted for existing employees by Federal contractors contributed to the increase in overall cases transmitted since 2008.

CHAPTER IV. E-VERIFY FROM THE EMPLOYER PERSPECTIVE

1. BACKGROUND

This chapter examines information employers provided about how satisfied they were with E-Verify and their views on the level of burden that the Program imposes on the employer. Findings related to general satisfaction and burden are presented, as well as more specific findings on employer satisfaction with the registration and start-up process, E-Verify resources, system navigation and availability, compatibility with hiring practices, use of the Photo Matching program, and effectiveness in identifying unauthorized workers.

Where feasible, responses from the 2010 and 2008 E-Verify user surveys are compared and plausible causes of change are presented. Both program changes to E-Verify, as well as changes to the E-Verify population, are considered, including the impact of legislative mandates. This chapter also discusses variation in satisfaction by other employer characteristics, including employer industry, size, and percent foreign-born workforce. Finally, employer recommendations for improving E-Verify are presented.

As discussed below, employer satisfaction with E-Verify was generally high, although some E-Verify users reported being dissatisfied with aspects of the Program. They also had a variety of recommendations for how the Program could either address areas of dissatisfaction or otherwise be improved. These recommendations are important, because they point to possible changes that the U.S. Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA) may want to implement in the future.

2. FINDINGS

2.1. General Satisfaction

Employers continued to express high levels of satisfaction with E-Verify in 2010. The large majority of employers continued to report that E-Verify is a highly accurate (94 percent) and effective (94 percent) tool for employment verification. These results are similar to the findings of the 2008 survey in which 92 percent agreed that E-Verify is highly accurate and 96 percent agreed that E-Verify is an effective tool for employment verification.

Many mandated employers reported that they would likely continue using E-Verify even if no longer required to do so. More than half of mandated employers (62 percent) said they were likely to continue using E-Verify if no longer required to do so. Of these, 98 percent reported that they would continue to use E-Verify to improve their ability to verify work authorizations, and 57 percent reported that they would continue to use E-Verify to possibly avoid a U.S. Immigrations and Customs Enforcement (ICE) audit, raid, or fine (Exhibit IV-1).

Of the 38 percent of mandated employers that were unlikely to continue using E-Verify if no longer required to do so, many (53 percent) reported that they would discontinue use of E-Verify because they seldom have new hires, and 56 percent reported they would discontinue use of E-Verify because it is burdensome to use.

Exhibit IV-1. Reasons Mandated Employers Would Continue Using E-Verify if No Longer Required to Do So: 2010
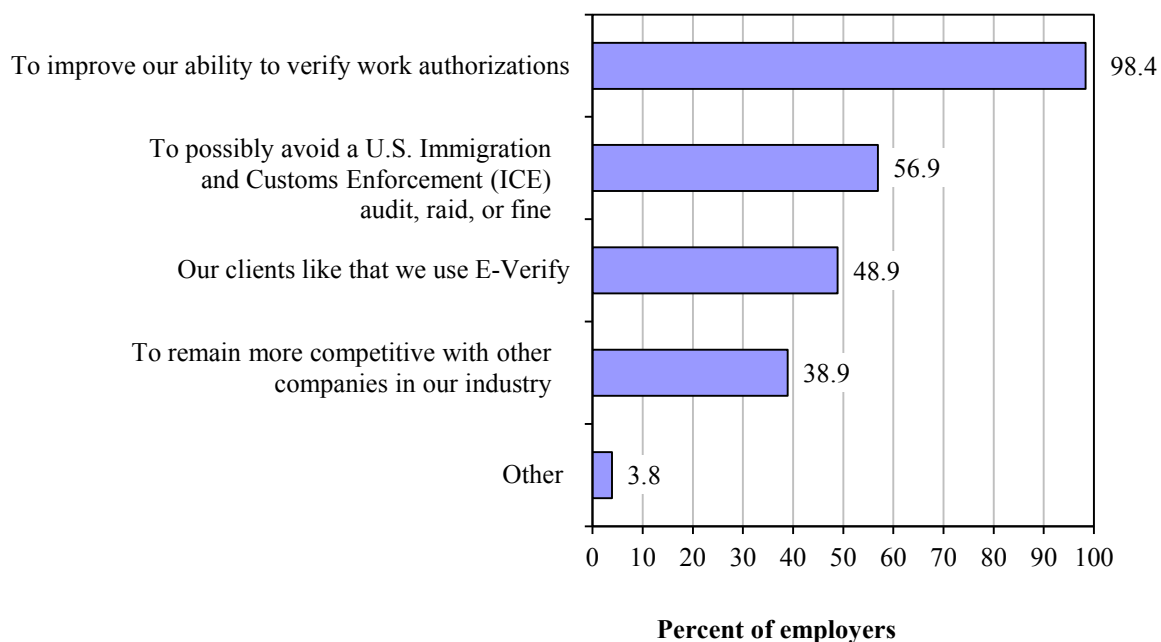
Percent of employers

NOTE: Sum does not add to 100 percent because respondents could choose more than one response.
SOURCE: E-Verify Web Survey.

Despite high levels of satisfaction among current E-Verify users, some prior users reported they were no longer using E-Verify because they were dissatisfied with the Program. Among prior E-Verify users, approximately one-third (34 percent) reported they stopped using E-Verify due to some dissatisfaction with the Program. The most common area of dissatisfaction, reported by 20 percent of prior E-Verify users, was that it would be too burdensome for them to use the system (Exhibit IV-2). In addition, 5 percent of prior users reported that they thought there was a better way to improve the company's verification process, and 5 percent of prior users indicated that using E-Verify would reduce their number of job applicants. Very few prior users reported that E-Verify would damage the employee/management relationship, make the company less competitive in the market place, or result in the loss of existing workers (each reason was reported by 2 percent or less). The most frequently reported reason prior users no longer used E-Verify was because they had not hired any new workers in the past six months (65 percent). Other reasons provided by employers for no longer using the system included that it was too burdensome to complete the tutorial, passwords were too difficult to change or were forgotten, and contracts no longer required them to use E-Verify.

Exhibit IV-2. Reasons Prior Users No Longer Use E-Verify: 2010
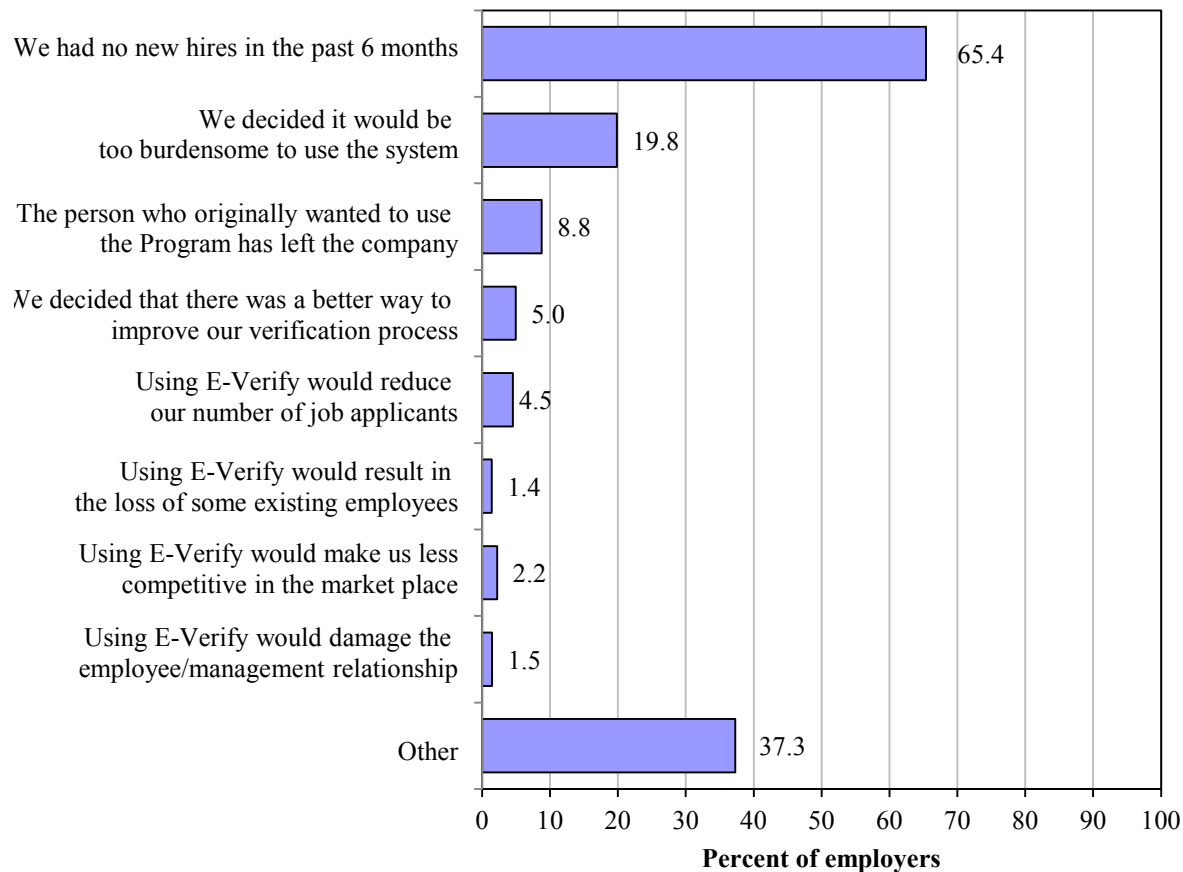
NOTE: Sum does not add to 100 percent because respondents could choose more than one response.
SOURCE: E-Verify Web Survey.

2.2. Employer Satisfaction

2.2.1. Burden on Employers

**Fewer employers reported that E-Verify was burdensome to the employer in 2010 than in 2008.** Employers in 2010 were significantly more likely to disagree with the statement that it is impossible to fulfill all company obligations required by the E-Verify verification process. In 2010, 86 percent of employers disagreed with this statement, compared to only 80 percent of employers that disagreed with it in 2008 (Exhibit IV-3).

Several employers find that assisting workers who contest Tentative Nonconfirmation (TNC) findings is burdensome to their staff. The percentage of employers reporting that establishing work authorization has become a burden because there are so many TNCs dropped from 10 percent in 2008 to 4 percent in 2010. However, 20 percent of all employers surveyed continued to report in 2010 that providing assistance to workers who contest a TNC finding is an excessive burden on staff, perhaps due to the time it takes to complete the TNC paperwork, explain the finding to the worker, and guide the

worker through the contesting process. A full overview of the E-Verify Program and TNC process is provided in Appendix A.

Exhibit IV-3. Percent of Employers Agreeing That E-Verify Is Burdensome For Employers: 2008 and 2010
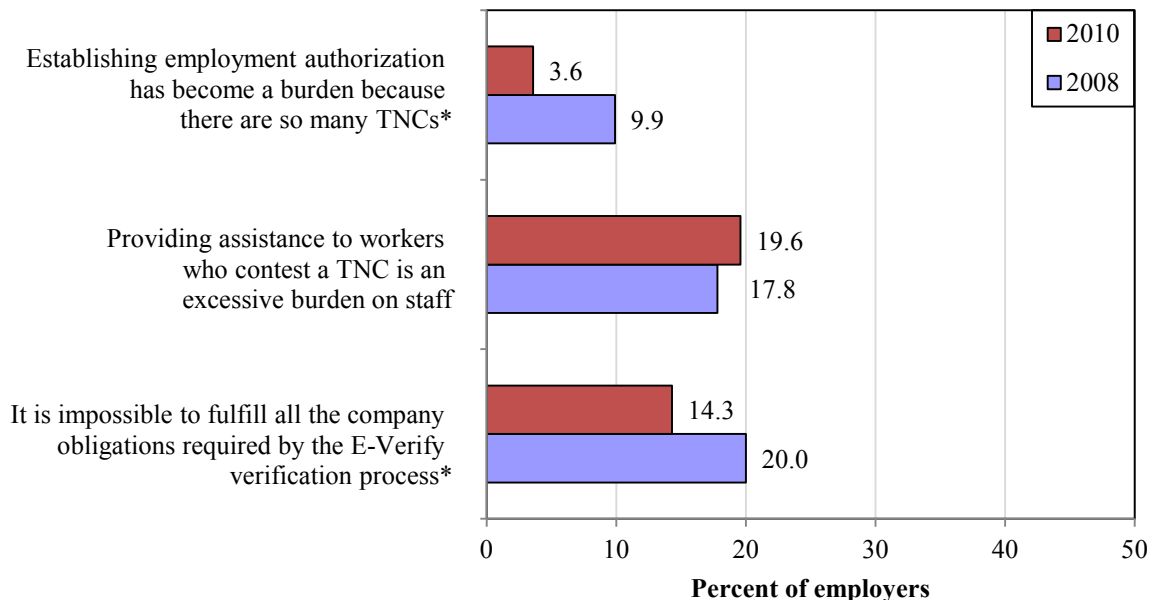
*Statistically significant difference between 2010 and 2008 of E-Verify users at p < 0.05.
NOTE: Sum does not add to 100 percent because the exhibit includes only responses that relate to burden.
SOURCE: E-Verify Web Surveys.

2.2.2.   Registration and Start-Up Process

Employers generally expressed satisfaction with the registration process, yet a substantial number still thought it was too time-consuming. As in 2008, almost all E-Verify users in the 2010 survey (92 percent) agreed or strongly agreed that the online registration process was easy to complete (Exhibit IV-4). However, a slightly larger percentage of 2010 employers reported that the registration process was too time-consuming (34 percent in 2010 compared to 30 percent in 2008).

Similarly, employers continued to report high levels of satisfaction with the content of the online tutorial, yet a larger percentage perceived the tutorial as a burden in 2010 than in 2008. When asked about the online tutorial in 2010, most employers reported that it answered all of their questions about using E-Verify (91 percent), that it adequately prepared them to use E-Verify (96 percent), and that the content was easy to understand (96 percent). These all represent slight increases in satisfaction from 2008. However, 49 percent agreed that the tutorial takes too long to complete, compared to 41 percent in 2008, and 38 percent agreed that it is a burden to have to pass the mastery test before being allowed to use E-Verify, compared to 27 percent in 2008.

Some employers commented that updates to the tutorial were also burdensome, as they could cause difficulty with meeting the three-day deadline for entering new hire information. When updates are made to the tutorial, users are required to complete the new portion of the tutorial when they next log into E-Verify and are not permitted to initiate any cases for workers until the tutorial is complete. Users
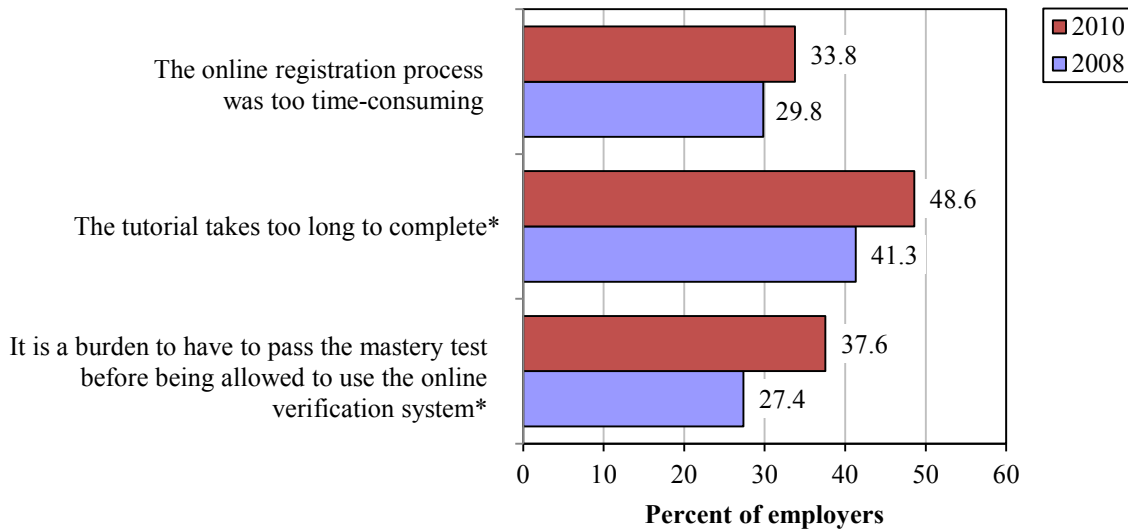
recommended that E-Verify provide advance notification, perhaps via e-mail, when new tutorial updates are required.

Exhibit IV-4. Employer Views of E-Verify Registration and Start-Up Procedures: 2008 and 2010

Percent agreeing with positive statements about E-Verify
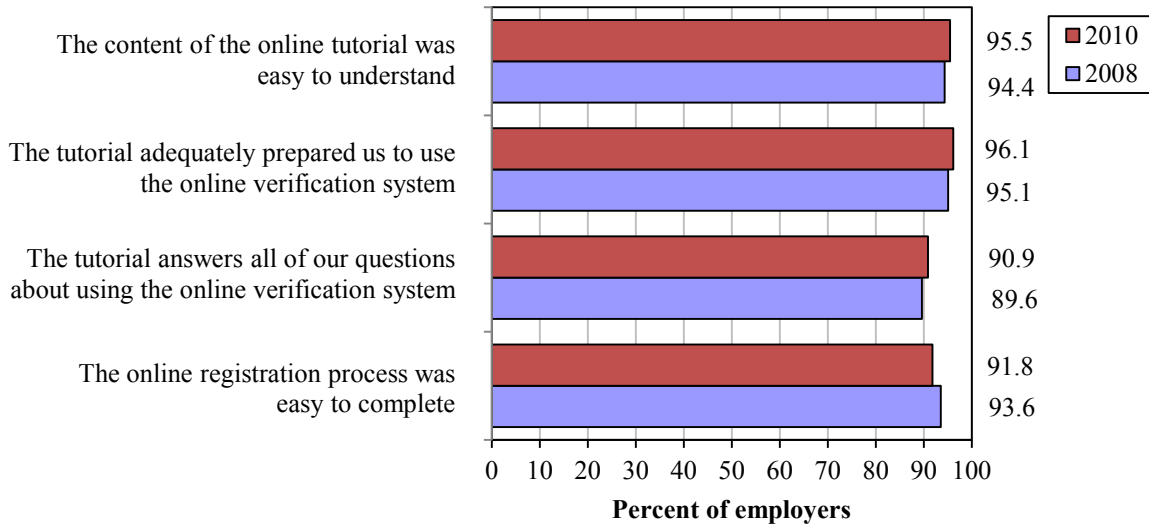

Percent agreeing with negative statements about E-Verify

*Statistically significant difference between 2010 and 2008 E-Verify users at $p < 0.05$.
SOURCE: E-Verify Web Surveys.

2.2.3.   E-Verify Program Resources

Employers continued to hold positive views of the Program resources provided to E-Verify users.
There were no significant changes in employers' high levels of satisfaction with E-Verify resources;

90 percent or more of all employers reported that most resources available to them were helpful or very helpful (Exhibit IV-5). Employers also continued to report that USCIS provides adequate training when introducing new program features (87 percent agree or strongly agree; not shown in exhibit).

Exhibit IV-5. Percent of E-Verify Users Reporting E-Verify Program Resources Are Helpful or Very Helpful: 2008 and 2010
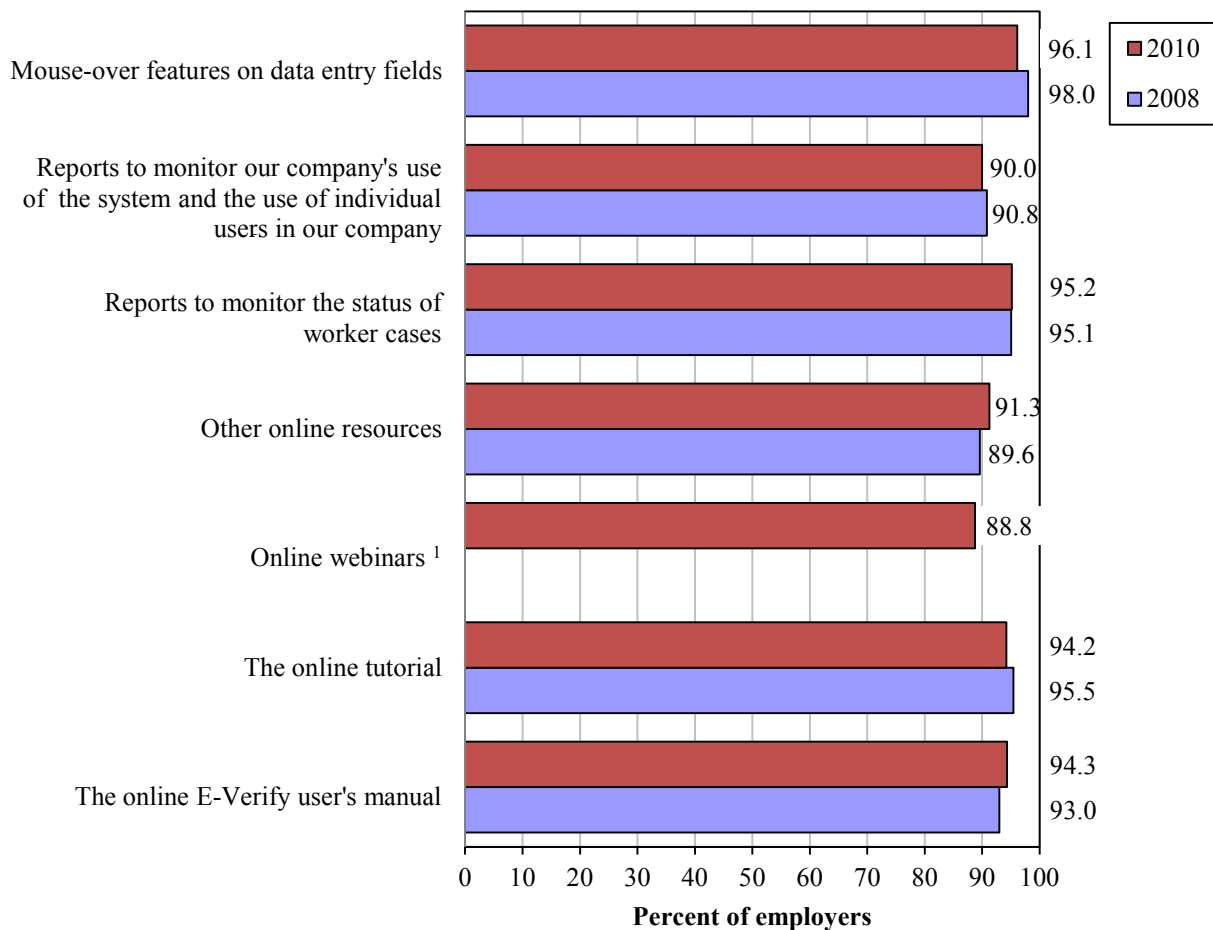
[1] There was no comparable item in the 2008 survey.
SOURCE: E-Verify Web Surveys.

Most employers reported not needing to contact the E-Verify Help Desk or Customer Service at all for E-Verify assistance. More than half of employers (65 percent) reported that they had not tried to contact the E-Verify Help Desk or Customer Service because they had not had any need to do so. Only a very small number of employers (2 percent) reported that they had problems with E-Verify but did not know the number to call for help, indicating that this information is easily accessible within the E-Verify documentation and on the website. Of the 33 percent of employers that relied on technical assistance from the Help Desk or Customer Service, 17 percent contacted only the Help Desk, 27 percent contacted only the Customer Service desk, and 23 percent contacted both (Exhibit IV-6).

Exhibit IV-6. Services Contacted by Employers For Assistance With Using E-Verify: 2010

16.8%
E-Verify Technical
Help Desk
(800-741-5023) only

33.7%
Not sure
which
number

26.8%
E-Verify Customer
Service number
(888-464-4218) only

22.7%
Both the
Technical Help
Desk and the
Customer
Service numbers
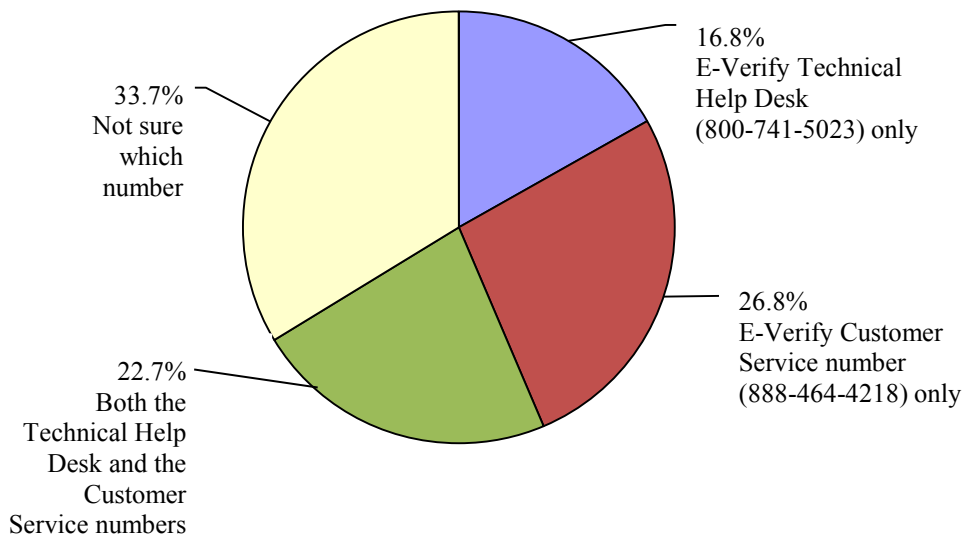
SOURCE: E-Verify Web Survey.

Fewer employers reported needing frequent assistance from the Help Desk or Customer Service in 2010. Of the employers responding to the 2010 survey, only 4 percent reported needing frequent assistance from the Help Desk or Customer Service, compared to 6 percent of employers that reported needing frequent technical assistance in 2008. Not surprisingly, employers with a greater percentage of TNC findings in the 12 months preceding the 2010 survey (50 percent or more transactions resulting in TNCs) were significantly more likely to report needing frequent assistance than those with fewer TNCs (32 percent compared to only 3 percent of employers with fewer than 50 percent of their transactions resulting in TNCs).

The large majority of employers that reported in 2010 that they had obtained assistance from the Help Desk and/or Customer Service were satisfied with their experiences. As shown in Exhibit IV-7, most employers that requested assistance reported satisfaction with contacting the Help Desk (95 percent), Customer Service (94 percent), or either the Help Desk or Customer Service (93 percent).

Exhibit IV-7. Percent of E-Verify Employers Reporting Their Satisfaction With Their Experience(s) With the Help Desk/Customer Service Number: 2010
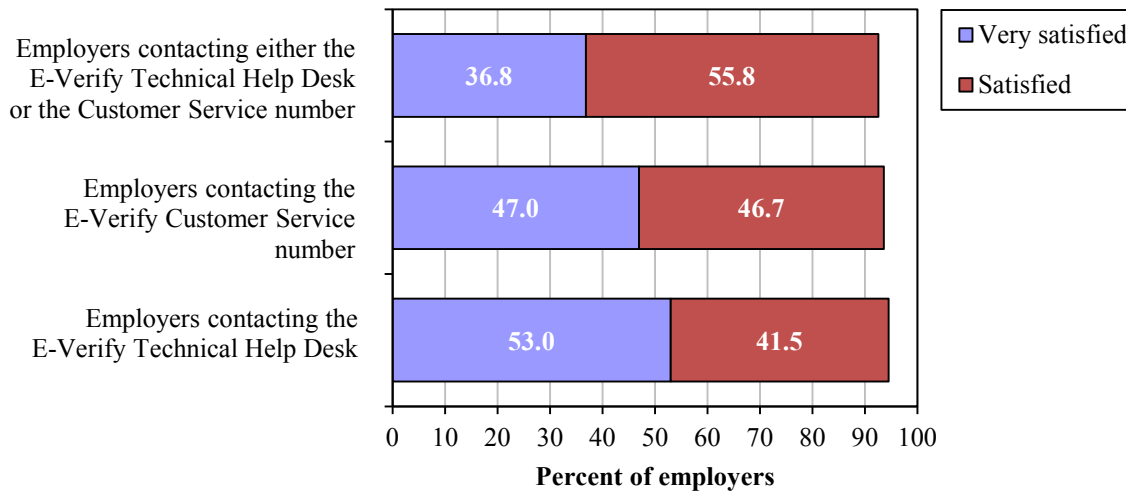
SOURCE: E-Verify Web Survey.

The few employers that were unsatisfied with their experiences with the E-Verify Help Desk or Customer Service reported a variety of problems. As shown in Exhibit IV-8, the reported problems included:

- The Help Desk/Customer Service number was unable to answer their question (63 percent of unsatisfied employers);

- They were referred to another phone number to get help (52 percent of unsatisfied employers);

- The answer they were given was hard to understand (50 percent of unsatisfied employers); or

- They were given information that turned out to be incorrect (45 percent of unsatisfied employers).

Employers that reported other reasons for their dissatisfaction specified that the people they spoke with were unable to "go off script," or provided generic answers that did not completely address the question or provided answers that were verbatim from the E-Verify manuals and provided no additional information or help for complex questions. A few employers requested that Customer Service staff provide responses to inquiries in real time (i.e., via instant messaging) or at least within 24 hours of the initiated request.

Exhibit IV-8. Percent of Dissatisfied Employers Reporting Problems With the E-Verify Help Desk or Customer Service Number: 2010
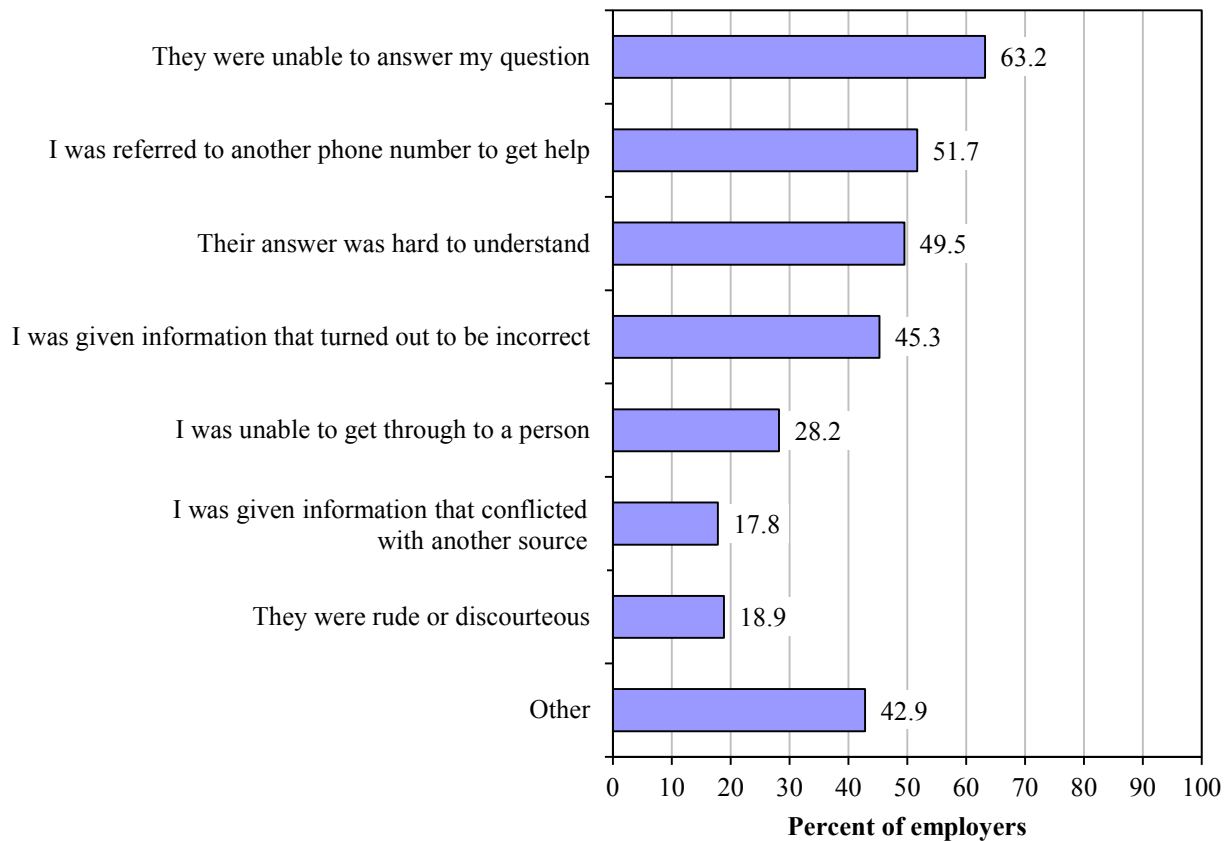
NOTE: Sum does not add to 100 because respondents could choose more than one response
SOURCE: E-Verify Web Survey.

2.2.4. System Navigation and Data Entry

Employers continued to be satisfied with the E-Verify system's user-friendliness of system navigation and data entry. In both 2008 and 2010, nearly all employers expressed satisfaction with the user-friendliness of the system, with 98 percent in 2010 and 97 percent in 2008 indicating that E-Verify was either somewhat or very user-friendly (Exhibit IV-9). However, employers were more likely to report E-Verify to be somewhat user-friendly rather than very user-friendly in 2010 than in 2008.

Exhibit IV-9. Employer Views of the User-Friendliness of E-Verify System Navigation and Data Entry
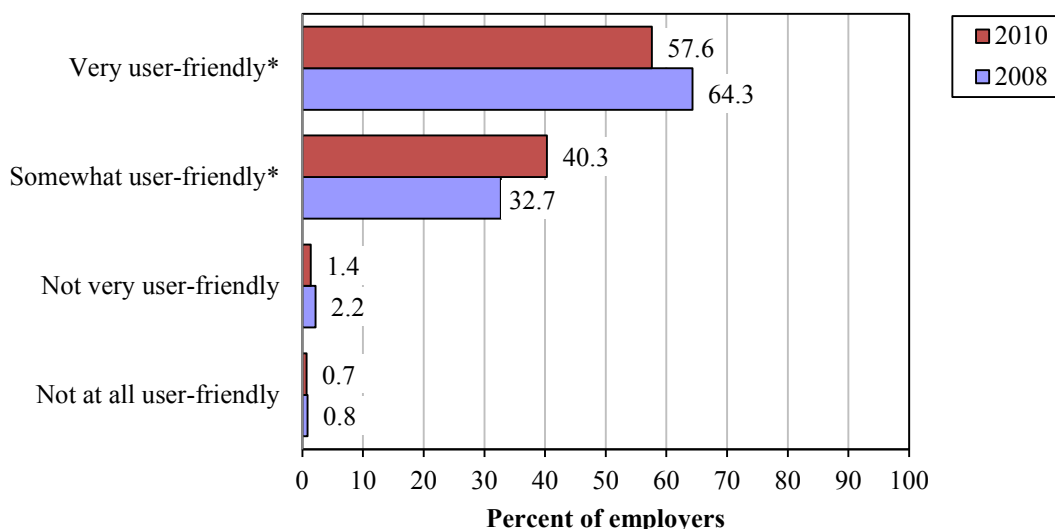
*Statistically significant difference between 2010 and 2008 E-Verify users at p < 0.05.
SOURCE: E-Verify Web Surveys.

Fewer employers reported in 2010 that it was easy to make errors when entering worker information. Employers responding to the survey in 2010 were significantly less likely to report that it was easy to make errors when entering worker information into E-Verify (17 percent in 2010 compared to 28 percent in 2008).

Some employers experienced difficulty with entering certain types of worker names. Approximately 40 percent of employers agreed that they are sometimes unsure about how to enter certain types of names in E-Verify, including single names, compound or hyphenated last names, or very long names. Employers commented that confusion over workers having multiple first and/or last names is further complicated when there are discrepancies between the names listed on documents from SSA and the Department of Homeland Security (DHS). A few employers commented that name confusion can easily trigger TNCs, causing time-consuming work for both the employer and the worker. This finding implies that employers need more instruction and/or guidance from USCIS on how to correctly enter different name types.[42]

2.2.5.   System Availability

Employers expressed greater satisfaction with system availability in 2010 than in 2008. Employers were significantly less likely to report they have had problems with E-Verify system availability; only 8 percent of employers reported availability problems in 2010 compared to 17 percent in 2008. In 2010, only 5 percent of employers reported that E-Verify was not always available because the Federal system was "down," and only 5 percent reported that E-Verify was not always available because the employer's own Internet system is unreliable.

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[42] See the report *Evaluation of the Accuracy of E-Verify Findings*, June 2011.

Employers in 2010 also experienced fewer problems with system timeouts requiring data reentry. Significantly fewer employers (15 percent) reported that system timeouts required them to reenter data previously entered into the E-Verify system (compared to 27 percent in 2008).

### 2.2.6.   The Program's Compatibility With Hiring Practices

Most employers found the three-day deadline for entering worker information into E-Verify to be a reasonable timeframe, although a fifth of employers found it difficult. In 2010, 19 percent of employers agreed that the number of hires was so great that it was impossible to submit the information required by the specified deadline (81 percent disagreed with this statement). Similarly, 20 percent of employers reported agreement with this statement in 2008. Employers with only one or two staff members dedicated to E-Verify expressed difficulty meeting the three-day deadline due to staff sick time or vacations. Other employers reported difficulty meeting the three-day deadline due to peak hiring seasons, such as in university settings, or due to seasonal hiring. However, only 12 percent of employers experienced difficulty using the Program for verifying the work authorization of seasonal workers.

2.2.7.   Photo Matching

Employers expressed satisfaction with Photo Matching. Exhibit IV-10 shows that about three-quarters of employers (76 percent) reported Photo Matching reduced their responsibility to be certain that the person presenting the document is the right person.[43] Many employers agreed that Photo Matching helped them identify cases of potential fraud (61 percent) and also reported that they would like Photo Matching to include more types of documents (67 percent). This finding indicates that employers will welcome USCIS' expansion of Photo Matching to include U.S. passports and passport cards. Several employers also recommended the addition of state driver's licenses and ID cards, Employment Authorization Documents, and Permanent Resident cards to Photo Matching.

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[43] The purpose of Photo Matching is to ensure that the document presented is not fraudulent by matching the photo in the document to the photo in the system. The employer is still responsible for making sure that the person presenting the document is the right person.

Exhibit IV-10. Percent of E-Verify Employers Agreeing With Statements About Photo Matching: 2010
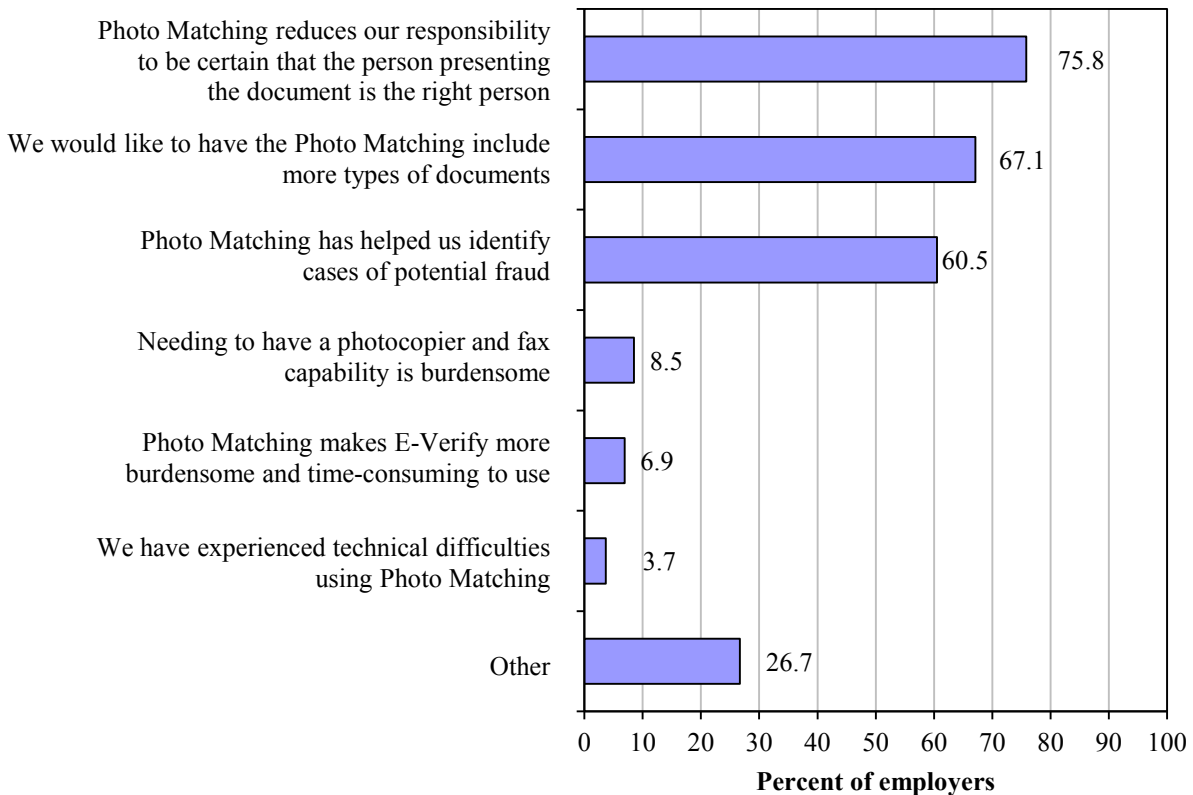
SOURCE: E-Verify Web Survey.

2.2.8. E-Verify's Effectiveness in Identifying Unauthorized Workers

Employers responding to the 2010 survey were more likely to report that E-Verify is accurate in identifying workers who are not employment authorized than were 2008 employers; more employers reported instances of workers leaving the company in response to TNC findings. The percentage of employers reporting that workers never return to work when a TNC is received increased from 6 percent in 2008 to 12 percent in 2010. The percentage of employers that reported that workers always decide to quit rather than contest the TNC finding also increased, from 5 percent in 2008 to 14 percent in 2010. Similarly, the percentage of employers reporting that workers always quit before the employers have a chance to tell them about the TNC finding increased slightly, from 1 to 2 percent.

Although still high, the percentage of employers reporting that their workers tell them they plan to contest is lower than the percentage reporting in 2008. Although the majority of employers reported that workers tell them at least sometimes that they plan to contest, the percentage dropped from 88 percent in 2008 to 82 percent in 2010.

More than a quarter of employers reported that the number of unauthorized workers who applied for jobs decreased as a result of using E-Verify. Twenty-eight percent of employers reported that fewer unauthorized persons applied for work. A small minority of employers reported that using E-Verify decreased the number of employment-authorized workers who applied for jobs (7 percent) or made qualified workers difficult to recruit (7 percent).

Very few employers participating in E-Verify agreed that it made them less competitive. When asked about their perceptions of E-Verify's impact on their company's competitiveness, 25 percent of employers agreed that E-Verify created a competitive advantage; only 3 percent of employers agreed that E-Verify caused the company to be less competitive.

2.3. Potential Causes of Change in Satisfaction Between 2008 and 2010
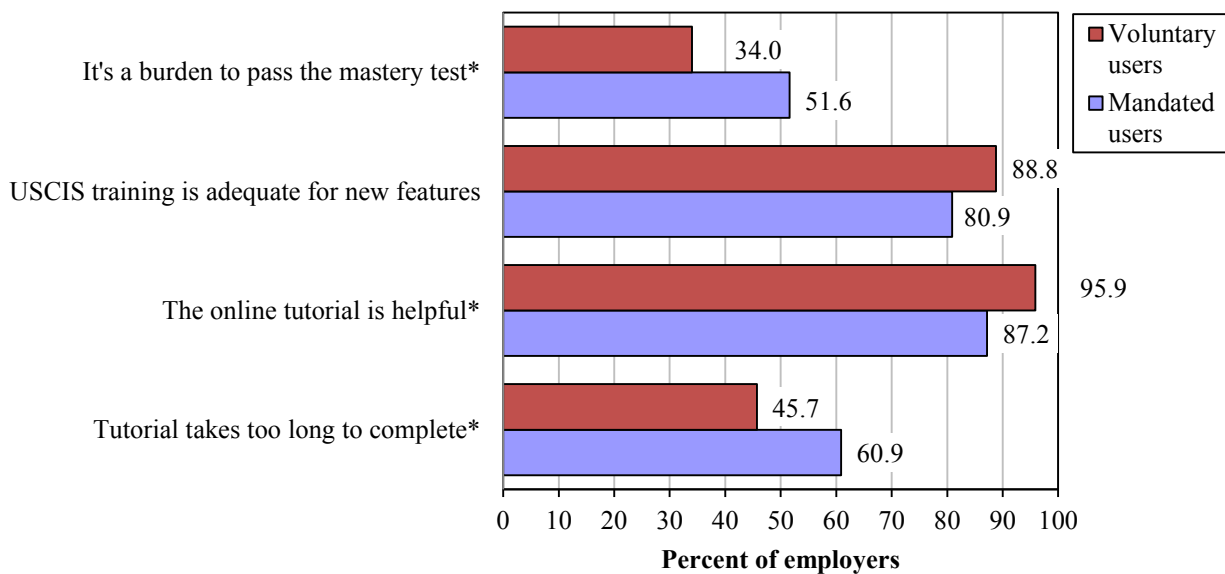
2.3.1. Change in Satisfaction With E-Verify Program Resources

Improvements in the ways in which employers are trained about E-Verify processes and procedures appear to have had a slightly positive impact on employers' satisfaction. In 2009, USCIS began providing online webinars to interested employers. The webinars highlight key features, including how to enroll and run a case through E-Verify, and address employer responsibilities for proper use of the system. In fiscal year 2009, USCIS conducted 140 webinars with approximately 2,825 employers. In 2010, USCIS also made a significant effort to streamline the online tutorial using more conversational language and produced new training vehicles, including online videos and additional webinars. The evaluation team hypothesized that these improvements in training materials would translate to increased employer satisfaction with the online tutorial and other Program resources. Survey results supported this expectation.

- **Although the percentages of employers reporting satisfaction with the online tutorial were already very high in 2008, there were slight increases in 2010** in the percentages of employers reporting satisfaction, suggesting the following:

  - **The tutorial answers more questions.** The percentage of employers reporting that the tutorial answered all of their questions about using E-Verify increased from 90 percent in 2008 to 91 percent in 2010.

  - **The tutorial better prepares employers to use the system.** The percentage of employers reporting that the tutorial adequately prepared them to use E-Verify increased from 95 percent in 2008 to 96 percent in 2010.

  - **The tutorial is easier to understand.** The percentage of employers reporting that the content of the tutorial was easy to understand increased from 94 percent in 2008 to 96 percent in 2010.

- **Another indication of the positive impact of improvements in training on user satisfaction is the drop in assistance required from the E-Verify Help Desk and Customer Service numbers.** Only 4 percent of employers reported requiring assistance from these services in 2010, a statistically significant drop from the 6 percent of employers requiring assistance in 2008. Presumably, employers encountered fewer problems during verification due to the better training provided in the revised online tutorial and new online videos and webinars, as well as improved system navigation.

- **Improvements to the online E-Verify user's manual and other online resources between 2008 and 2010** *may have* **also resulted in slight increases in employer satisfaction.** Slight, but not statistically significant, increases in the percentage of employers that found the online E-Verify user manual to be helpful increased from 93 percent to 94 percent. The percentage of employers that found "other online resources" helpful increased from 90 percent to 91 percent.

Decreases in employer satisfaction with E-Verify resources can be partially linked to the increase in E-Verify users participating due to Federal or state/local mandates. The evaluation team hypothesized that employers participating in E-Verify due solely to a Federal or state/local mandate would report lower satisfaction with E-Verify because of their obligation to participate. The survey results showed that this was indeed the case; mandated users reported lower levels of satisfaction with several elements of E-Verify.

- **Mandated users found E-Verify training materials more burdensome and less helpful than voluntary users.**[44] Employers that reported a mandate as the only reason for their participation in E-Verify were significantly more likely to report that the tutorial takes too long to complete (61 percent) and that it is a burden to pass the mastery test before being allowed to use E-Verify (52 percent) (Exhibit IV-11). Voluntary users were also more likely to agree with these statements in 2010 than in 2008, although not to the same extent as mandated users. In addition, mandated employers were also significantly less likely to agree that the online tutorial was helpful (87 percent) and significantly less likely to agree that USCIS provided adequate training for new features (81 percent).

Exhibit IV-11. Percent of E-Verify Users Agreeing With Statements About E-Verify Training: Mandated and Voluntary Users

*Statistically significant difference between mandated and voluntary users at $p < 0.05$.
SOURCE: E-Verify Web Survey: 2010.

2.3.2. Change in Satisfaction With E-Verify User-Friendliness

Improvements in system navigation contributed to continued high satisfaction with navigation and increased satisfaction with data entry. Usability Release 3.0 focused on making E-Verify more user-friendly and enabling easy and intuitive navigation. These improvements helped maintain already high

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[44] The designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

levels of satisfaction with system user-friendliness; employers reporting being satisfied with system navigation increased from 97 percent to 98 percent between 2008 and 2010. Usability Release 3.0 also streamlined the data entry process by reorganizing the layout of the screen where the user enters worker information and making use of drop-down menus for entering dates. As a result, employers were less likely to report that it was easy to make errors when entering worker information (17 percent of employers reported it was easy to make errors in 2010 compared to 28 percent in 2008). Although most employers expressed satisfaction with system navigation, some employers commented that the new data entry process was more cumbersome and time-consuming than before. Employers suggested reverting to numeric entry for dates and felt that the additional screens to navigate through were too time-consuming.

2.3.3. Change in Overall Program Satisfaction

If the percentage of employers mandated to use E-Verify in 2010 had not increased between 2008 and 2010, it is likely that greater increases in employer satisfaction would have occurred. As shown in Exhibit IV-12, mandated users reported lower levels of satisfaction than voluntary users. For example, mandated users were significantly more likely to agree that it is impossible to fulfill employer obligations associated with the E-Verify process (22 percent of mandated users as compared to 13 percent of voluntary users). As discussed in Chapter III, Section 2.4.1, more than half of employers surveyed in 2010 (59 percent) reported they were mandated to use E-Verify, and only 16 percent of employers surveyed in 2008 reported that a mandate was their primary reason for participating in E-Verify.[45] Therefore, it is reasonable to assume that the percentage of all employers agreeing with the statement "It is impossible to fulfill employer obligations" would have been lower than the observed 14 percent of users had the percentage of employers mandated to use E-Verify been lower.[46]

Exhibit IV-12. Percent of E-Verify Users Agreeing With Statements About the Overall Functioning of E-Verify: Mandated and Voluntary Users
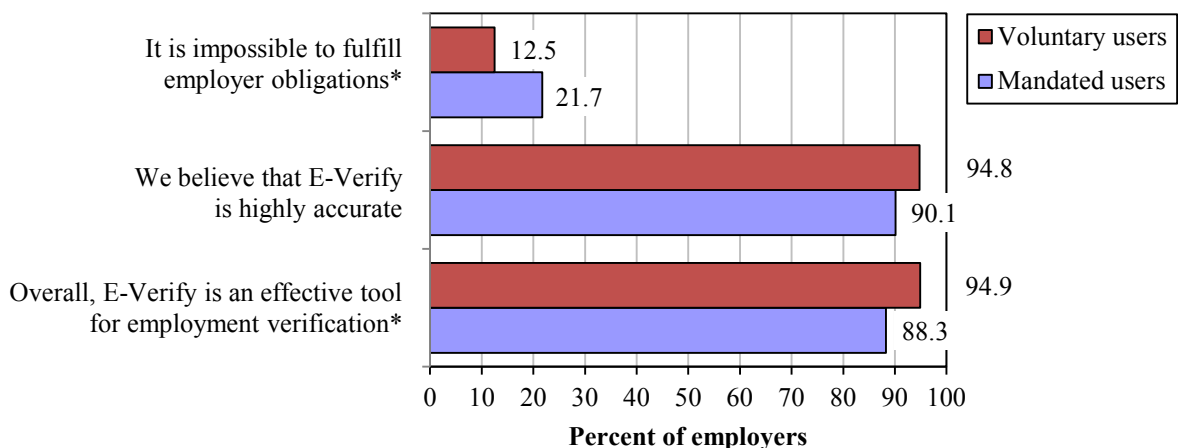
*Statistically significant difference between mandated and voluntary users at $p < 0.05$.
SOURCE: E-Verify Web Survey: 2010.

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[45] The 2008 user survey did not ask respondents if they were mandated to use E-Verify as did the 2010 survey. The 2008 survey asked employers to report the main reason the establishment agreed to participate in E-Verify; response options included "Federal government required participation" and "state or local government required participation." However, if a mandate was the employer's primary reason for participating in E-Verify, it was not recorded that the employer was mandated to participate.

[46] As reported in Chapter IV, Section 2.2.1, 86 percent of all respondents to the 2010 user survey disagreed with the statement that is impossible to fulfill all company obligations required by the E-Verify verification process.

The distribution of employer characteristics among mandated users did not explain their lower level of satisfaction with E-Verify. To the extent that mandated users have different employer characteristics than general users, their substantial presence in the 2010 user population could either artificially create or obscure changes over time. As reported in Chapter III, mandated users were more likely to report that 5 percent or fewer of their workers were immigrants, less likely to have experienced TNCs, and more likely to have hired 10 or fewer workers in the last 12 months. However, for the most part, these three employer characteristics were not associated with overall lower satisfaction.

- Employers with no TNCs in the past 12 months were slightly less likely than employers with TNCs to agree that E-Verify is an effective tool (93 percent compared to 95 percent), yet employers with no TNCs were more likely to agree that E-Verify is accurate (95 percent compared to 84 percent). There was no difference in employers' perceptions of the impossibility of fulfilling employer obligations based on the percentage of transactions resulting in TNCs.

- Employers with 15 or fewer new hires in the last 12 months were less likely than employers with larger numbers of new hires to agree that E-Verify is an effective tool for verification (92 percent compared to 95 percent). However, there was no difference in employers' perceptions of accuracy or the impossibility of fulfilling employer obligations based on number of new hires.

- Employers with 5 percent or fewer foreign-born workers were *more* likely than other employers to agree that E-Verify is accurate and an effective tool for employment authorization. These employers were also *less* likely to agree that it is impossible to fulfill employer obligations. (See Section 2.4, Variation in Satisfaction by Employer Type, for additional discussion.)

In summary, the fact that mandated employers had fewer new hires and fewer TNCs than voluntary users could have made them slightly less likely to agree with the statement that E-Verify is an effective tool. However, the overall distribution of employer characteristics among mandated users did not appear to influence their reporting of lower levels of satisfaction with E-Verify.

2.4. Variation in Satisfaction by Employer Type

2.4.1. Industry

Employers shared a similar degree of satisfaction regardless of industry type. The evaluation team hypothesized that employers in industries with high percentages of undocumented workers would report a different level of satisfaction than other employers. Evaluation staff thought that employers would either be highly satisfied with E-Verify, finding it to be highly accurate and effective in identifying the undocumented workforce, or be skeptical of E-Verify findings and unsatisfied with the Program, questioning its accuracy and effectiveness. However, the analysis found no significant differences in satisfaction between employers in industries with high percentages of undocumented workers and other industries. Similarly, the analysis found no significant differences in satisfaction between temporary/employment agencies and other industries.

2.4.2. Size

Large employers were less likely to report that it is impossible to fulfill E-Verify obligations than small employers. Large employers with more than 150 workers were less likely to report that it was impossible to fulfill obligations compared to small (up to 25 workers) and medium (26–150 workers) employers (8 percent of large employers compared to 16 and 17 percent of small and medium employers,

respectively). Large employers might find it easier to comply with E-Verify obligations because they have more resources and staff to accommodate E-Verify use.

Large employers were more likely to report that E-Verify is an effective tool for employment verification than small employers. Large employers with more than 150 workers (97 percent) were more likely to perceive E-Verify to be effective than small employers (92 percent), presumably because the system is especially useful in streamlining the verification process for employers with many workers. By contrast, small employers might find E-Verify to be less effective if they do not have dedicated human resources or other staff to devote to E-Verify, or if they have fewer new hires.

2.4.3. Employers With Large Percentages of Foreign-Born Workers

Employers with large percentages of foreign-born workers were less satisfied with E-Verify than other employers. Overall, employer satisfaction with E-Verify was very high. However, employers reporting 20 percent or more of their workers are immigrants reported lower levels of satisfaction with E-Verify than employers with lower percentages of immigrant workers (Exhibit IV-13).

Employers that reported they had 20 percent or more immigrant workers were:

- **More likely to report that it is impossible to fulfill E-Verify obligations.** Approximately 20 percent of employers with 20 percent or more immigrant workers agreed with the statement that it is impossible to fulfill E-Verify obligations, compared to 12 percent of employers with 5 percent or fewer immigrants and 14 percent of employers with 6 to 20 percent immigrants.

- **Less likely to report that E-Verify is an effective tool.** Approximately 90 percent of employers with 20 percent or more immigrant workers agreed with the statement that E-Verify is an effective tool, compared to 94 percent of employers with 5 percent or fewer immigrants and 97 percent of employers with 6 to 20 percent immigrants.

- **Less likely to report that E-Verify is highly accurate.** Approximately 91 percent of employers with 20 percent or more immigrant workers agreed that E-Verify is highly accurate, compared to 95 percent of employers with 5 percent or fewer immigrants and 97 percent of employers with 6 to 20 percent immigrants.

Exhibit IV-13. Percent of E-Verify Users Agreeing With Statements About the Overall Functioning of E-Verify, by Percent Immigrant Workers: 2010
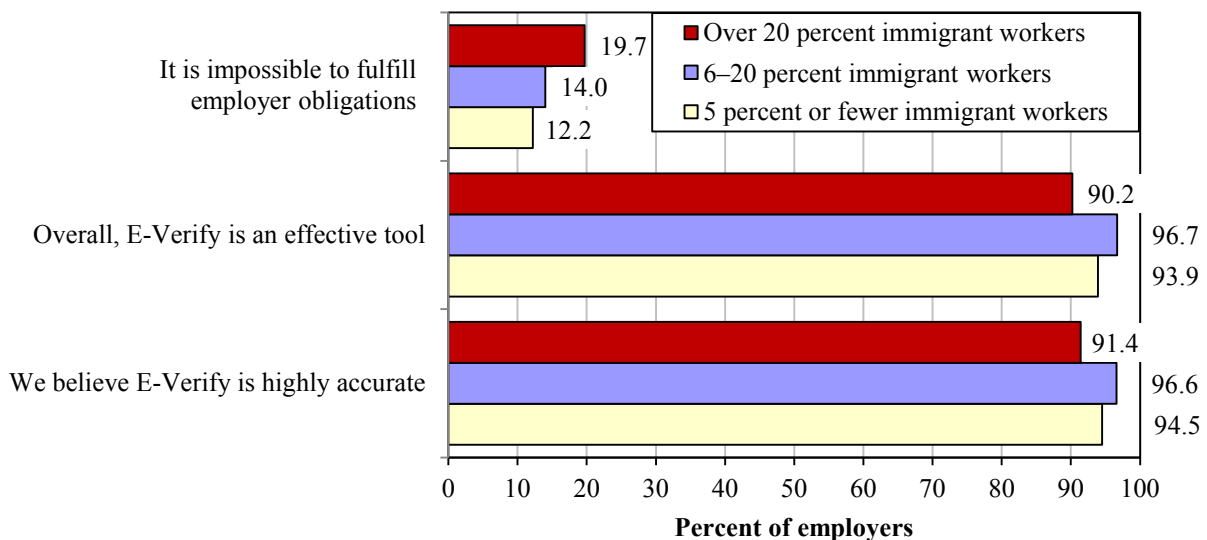
SOURCE: E-Verify Web Survey.

Lower satisfaction among employers with high percentages of foreign-born workers might be expected because of the additional data entry required for noncitizen workers, the additional use of Photo Matching for noncitizen cases, and the increased likelihood that noncitizen cases will result in TNC findings. Therefore, it is important for USCIS to strengthen their formal relationships with employers with high percentages of foreign-born workers to learn how they can continue to address their needs and concerns.

2.5. Employer Recommendations

Employers were asked for their opinions about possible changes to E-Verify, including whether it should be used for job applicants or existing employees or be made mandatory for all employers. Employers were also asked questions about more technical changes that might make the Program work better. Finally, they were encouraged to provide their own recommendations for improving E-Verify.

Many employers would like to use E-Verify for job applicants and existing employees. Most employers supported the recommendation for E-Verify to allow prescreening of job applicants; however, the percentage of employers supporting this change is lower than in 2008 (73 percent compared to 80 percent). Similarly, most employers supported the recommendation for E-Verify to allow using the system for existing employees (i.e., workers hired by the company prior to when the company started using E-Verify), but the percentage supporting this change is lower than in 2008 (73 percent compared to 77 percent).

Most employers also supported requiring all companies in the United States to use E-Verify. When asked for their opinion about requiring all companies in the United States to use E-Verify, 82 percent supported this change. This percentage is lower than the 87 percent of employers that supported this change in 2008. Not surprisingly, employers that reported a mandate as their *only* reason for participating in E-Verify in 2010 were less likely to recommend requiring all companies to use E-Verify (65 percent) than those with a mandate being one among other reasons (89 percent) or a mandate not being a reason at all (80 percent).

There was limited interest in adding to E-Verify the ability to verify fingerprints. Slightly more than one-third of employers surveyed in 2010 (35 percent) supported the recommendation for E-Verify to incorporate the ability to take and verify fingerprints.

Employers also recommended several other potential changes to E-Verify. As shown in Exhibit IV-14, many employers recommended:

- Adding a formal appeal process that employers or their workers could use if they disagreed with the final case finding (83 percent in 2010 compared to 89 percent in 2008);

- Increasing the types of documents that can be used with Photo Matching (82 percent in 2010 compared to 87 percent in 2008); and

- Eliminating the paper Form I-9 (59 percent in 2010 compared to 66 percent in 2008).

Employers were significantly less likely to support the recommendation for making TNC notices and referral letters available in more languages (54 percent in 2010 compared to 73 percent in 2008). This change most likely reflects USCIS' effort in summer 2010 to make TNC notices and referral letters available in seven new languages (i.e., Creole, French, Vietnamese, Chinese, Korean, Russian, and Tagalog).

When asked for their own recommendations to improve E-Verify, several employers recommended extending the three-day timeframe for initiating worker cases in E-Verify and simplifying the requirements on user passwords.

Exhibit IV-14. Percent of E-Verify Users Agreeing With Recommendations For Changes to E-Verify: 2010 and 2008
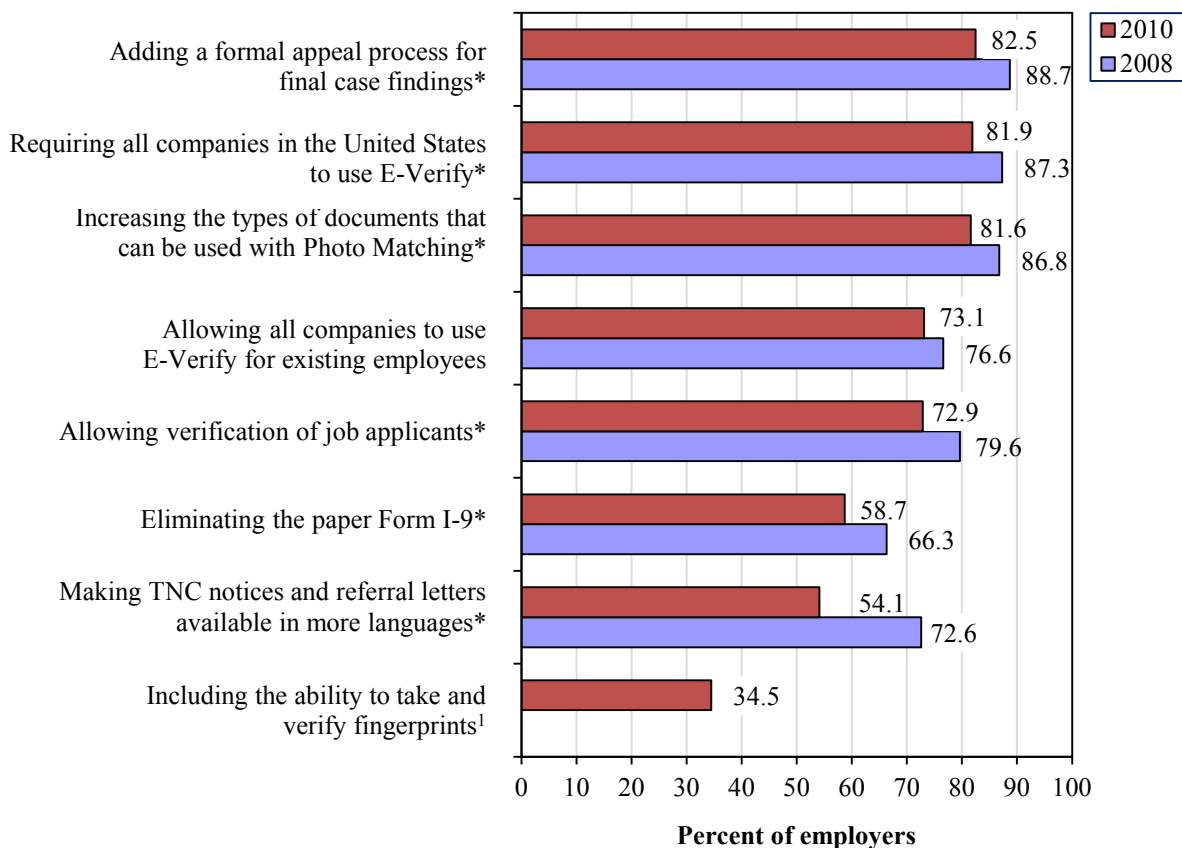
*Statistically significant difference between 2010 and 2008 E-Verify users at $p < 0.05$.
[1]There was not a comparable question asked in the 2008 survey.
SOURCE: E-Verify Web Surveys.

CHAPTER V. COST

1. BACKGROUND

This chapter examines the financial and nonfinancial implications for employers participating in E-Verify. It compares survey responses from the 2010 and 2008 E-Verify user surveys and presents plausible causes of change. Between 2008 and 2010, no programmatic changes to E-Verify were made that directly affect the cost of E-Verify setup or maintenance. However, legislative and regulatory mandates at the Federal and state and local levels required more employers to use E-Verify. This chapter discusses cost variation by employer characteristics, including employer industry, size, and mandate status.

2. FINDINGS

2.1. Direct Costs for Setting Up E-Verify

The majority of employers continue to report no direct costs in setting up E-Verify. Of the employers that responded to the 2010 survey, 79 percent reported no direct setup costs (Exhibit V-1).[47] This percentage is only slightly higher than in 2008, when 74 percent of employers reported no direct costs in setting up E-Verify.

The most frequently reported setup cost was for training employer staff to use E-Verify. There was a significant increase in the percentage of employers reporting training costs, from 17 percent in 2008 to 22 percent in 2010. The remaining costs reported by employers all fall below 5 percent and show little change between 2008 and 2010.

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[47] For the 2010 survey, users were asked to estimate costs and users who provided no cost estimates were placed in the no direct cost category. In the 2008 survey, users were asked if they had no direct costs. The questions are not directly comparable; however, in both cases users reported having no costs.

V COST

Exhibit V-1. Percent of Employers With Direct Costs Incurred in Setting Up the E-Verify Program
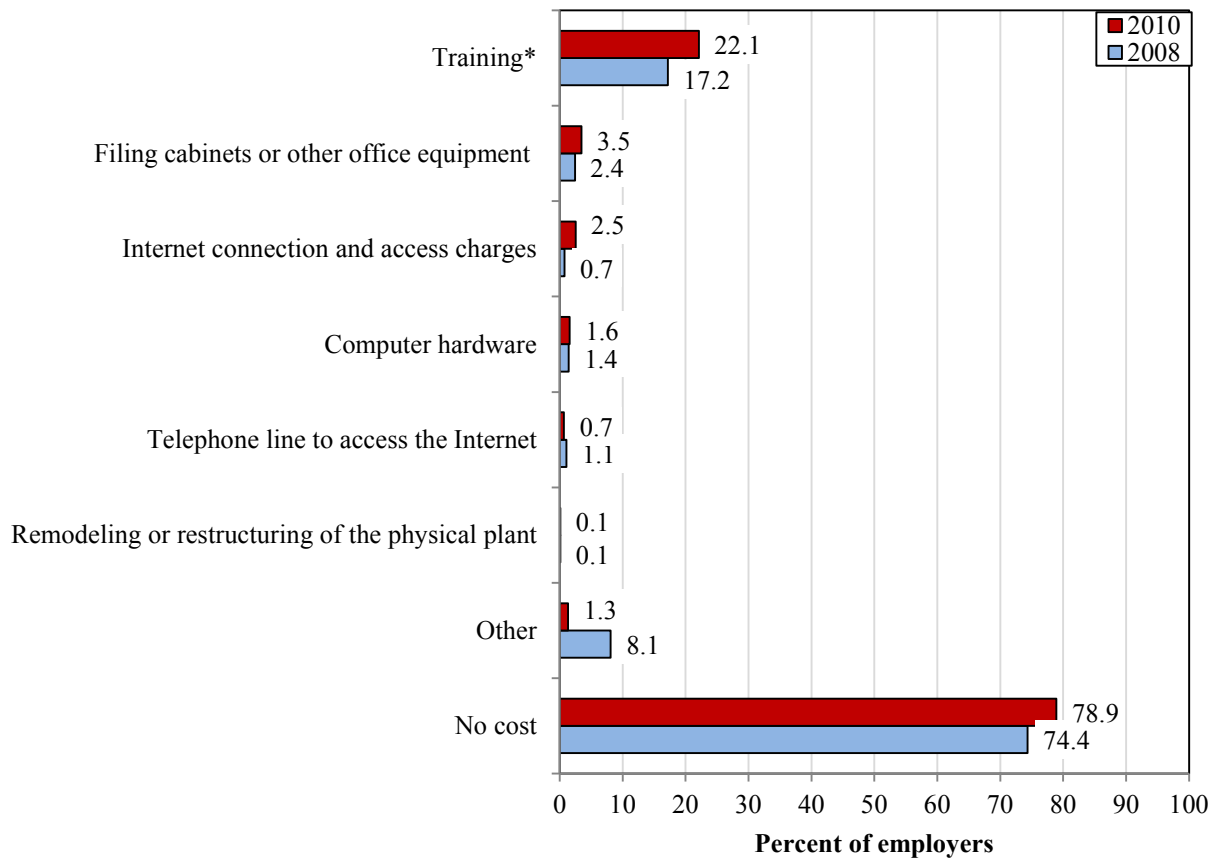
Horizontal bar chart comparing 2010 (red) and 2008 (blue) data:

Category	2010	2008
Training*	22.1	17.2
Filing cabinets or other office equipment	3.5	2.4
Internet connection and access charges	2.5	0.7
Computer hardware	1.6	1.4
Telephone line to access the Internet	0.7	1.1
Remodeling or restructuring of the physical plant	0.1	0.1
Other	1.3	8.1
No cost	78.9	74.4

Percent of employers

*Statistically significant difference between 2010 and 2008 E-Verify users at p < 0.05.
NOTE: Sum does not add to 100 percent because respondents could choose more than one response.
SOURCE: E-Verify Web Survey: 2008 and 2010.

Employer cost to set up E-Verify has remained fairly stable. The median cost among employers reporting costs to set up E-Verify was $100 in both 2010 and 2008 (Exhibit V-2).[48] However, some employers spent considerably more in both years to set up E-Verify; the 10 percent of employers falling into the 90th percentile of those responding to this item on the 2010 survey reported spending $1,000 or more to set up E-Verify. In 2008, the 10 percent of employers falling into the 90th percentile of employers responding to this item reported $700 or more in setup costs.

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[48] Numbers are not adjusted for inflation given the relatively low costs reported and the short time period between 2008 and 2010. For example, $100 in 2010 is worth $99 in 2008. The median cost reported in 2010 for 2008 employers may vary from the number reported in the 2008 report due to differences in the data editing procedures. Because of the high costs reported by a small number of employers, the median (rather than the mean) costs have been used for both the 2008 and 2010 surveys.

Westat   50   Findings of the E-Verify User Survey

Exhibit V-2. Estimates of the Total Direct Expenditures For Setting Up the E-Verify Program

| | Percent reporting cost | | Cost | | | | | |
| | | | 10th percentile | | Median | | 90th percentile | |
Response	2008	2010	2008	2010	2008	2010	2008	2010
All costs	25.7	21.1	$50	$30	$100	$100	$700	$1,000
Training	17.2	22.1	40	32	100	100	500	670
Computer hardware	1.4	1.6	100	100	500	1,000	3,000	1,800
Telephone line to access the Internet	1.1	0.7	30	2	30	25	800	200
Internet connection and access charges	0.7	2.5	50	10	200	50	1,000	350
Filing cabinets or other office equipment	2.4	3.5	80	25	200	150	500	500
Remodeling or restructuring of the physical plant	0.1	0.1	2,000	500	2,000	500	9,999	500
Other	8.1	1.3	20	30	100	100	1,000	5,000

SOURCE: E-Verify Web Survey: 2008 and 2010.

The majority of inactive users reported no direct costs in setting up E-Verify. Approximately 4 percent of employers reported on the 2010 survey that they had used E-Verify previously but no longer used it. Of these inactive users, 78 percent reported no direct setup costs, which is similar to the 79 percent of all E-Verify users that reported no direct setup costs in 2008. Inactive users that did report setup costs reported a median cost of $150 to set up E-Verify, which is only slightly more than the median cost reported by all E-Verify users ($100).

2.2. Direct Costs for Maintaining E-Verify

The majority of employers continue to report no direct annual costs to maintain E-Verify. Eighty-three percent of 2010 E-Verify users reported no direct annual maintenance costs (Exhibit V-3). Although the percentage of employers that reported no direct annual maintenance costs decreased by 5 percent between 2008 and 2010, this change was not statistically significant.

The most frequently reported direct annual costs were training of replacement staff and wages for the employer's verification staff. Of the employers that responded to the 2010 survey, 11 percent reported costs for training of replacement staff, and the same percentage reported costs for verification staff wages. A few employers also reported internet access fees (6 percent), computer maintenance costs (6 percent), and telephone fees for internet access (4 percent). There were no significant changes between 2010 and 2008 in the costs reported by employers.

Exhibit V-3. Percent of Employers With Annual Costs Incurred in Maintaining the E-Verify Program
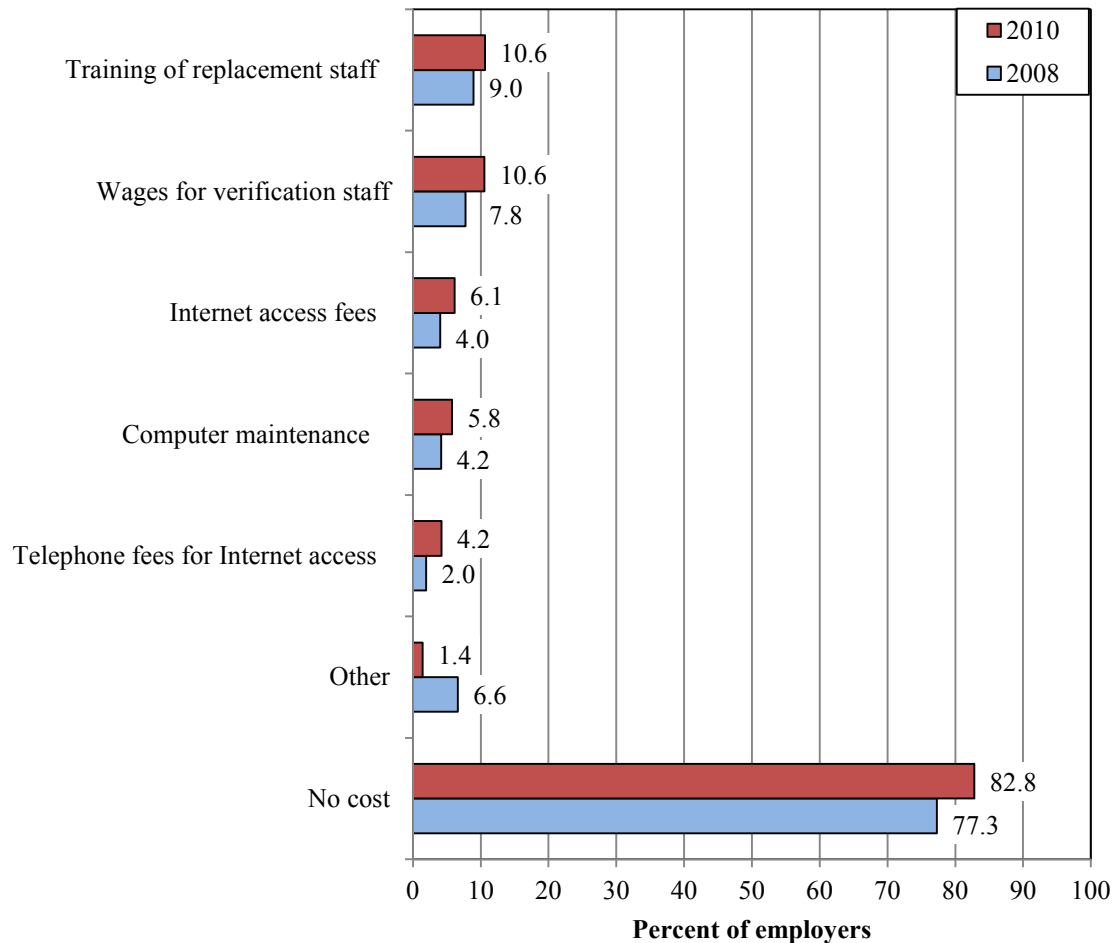
NOTE: Sum does not add to 100 percent because respondents could choose more than one response.
SOURCE: E-Verify Web Survey: 2008 and 2010.

Employers that reported direct maintenance costs spent a median of $200 annually to maintain E-Verify, which is much lower than the median direct maintenance cost of $350 reported in 2008 (Exhibit V-4).[49] However, the annual maintenance cost is considerably higher for some employers. The total annual maintenance cost for 10 percent of employers in 2010 was $3,860 or more, while the total annual maintenance cost for 10 percent of employers in 2008 was $4,500 or more.

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[49] Numbers are not adjusted for inflation given the relatively low costs reported and the short time period between 2008 and 2010. For example, $100 in 2010 is worth $99 in 2008. The median cost reported in 2010 for 2008 employers may vary from the number reported in the 2008 report due to differences in the data editing procedures. Because of the high costs reported by a small number of employers, the median (rather than the mean) costs have been used for both the 2008 and 2010 surveys.

compared to 22 percent of voluntary users).[52] Mandated users spent a median of $150 in total on training costs compared to $100 for voluntary users.

Although there was no change in reported indirect costs between 2008 and 2010, mandated employers reported indirect costs to be more burdensome than voluntary users in 2010. The evaluation team hypothesized that higher percentages of mandated employers would lead to increases in the burden level associated with indirect costs. Although no significant differences were found between reports of indirect costs between 2008 and 2010, mandated users in the 2010 survey did report indirect setup costs to be a greater burden than voluntary users. Indirect setup costs were reported being a slight, moderate, or extreme burden by 36 percent of mandated users compared to only 26 percent of voluntary users in 2010. Indirect maintenance costs were reported to be a slight, moderate, or extreme burden by 23 percent of mandated users compared to only 18 percent of voluntary users.

2.5. Variation in Cost by Employer Type for 2010

2.5.1. Size

Large employers spend more in total setup and maintenance costs than other employers. Employers with more than 150 workers spent a median of $300 in total setup costs and $500 annually to maintain E-Verify, substantially more than the overall median costs of $100 for setup costs and $200 for maintenance costs.

2.5.2. Industry

Temporary/employment agencies reported higher total setup and maintenance costs than employers in other industries. These employers specialize in hiring temporary and permanent workers for other companies. Since temporary/employment agencies have high hiring levels, it is reasonable to expect that they have higher setup costs, especially costs for training staff. Temporary/employment agencies reporting direct costs spent a median of $200 to set up E-Verify and $500 annually to maintain E-Verify as compared to $100 and $200, respectively, for all industries.

2.5.3. Federal Contractors

Federal contractors reported higher setup and maintenance costs than other employers. Employers that reported having a Federal contract requiring E-Verify participation reported a median setup cost of $200 and an annual maintenance cost of $500 compared to the overall median costs of $100 and $200, respectively. These higher costs may reflect training costs and wages for verification specialists for Federal contractors who opted to use E-Verify for all existing employees instead of only workers who were assigned to Federal contracts.

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[52] The designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

CHAPTER VI. EMPLOYER COMPLIANCE

1. BACKGROUND

This chapter explores the extent to which employers are complying with the requirements of the E-Verify Program. Understanding the extent of employer compliance is important because high employer compliance strengthens the overall Program, and lack of compliance with requirements can reduce the Program's effectiveness in reaching key goals such as reducing unauthorized employment and avoiding discrimination. Furthermore, to the extent that noncompliance is the result of employers not understanding the Program's requirements, noncompliance may also point to weaknesses in the Program's implementation and the need for specific program improvements.

This chapter also explores how employer compliance has changed since 2008 and the potential causes of change including both program changes and changes to the E-Verify user population. Also examined in this chapter is variation in compliance by employer characteristics.

It is worth reiterating that the information presented in this report is based on employers' self-reported behavior. Although employers were given assurances that information provided would be kept confidential, it is likely that noncompliant employers were especially unlikely to participate in the evaluation. Furthermore, some participating employers were probably not totally candid.

2. FINDINGS

2.1. General Findings

2.1.1. Types of Cases Submitted to E-Verify

Almost all employers reported that they use E-Verify to verify work authorization for all newly hired employees. As in 2008, the large majority of employers (97 percent) reported they use E-Verify for all new hires.

There was an increase in the percentage of employers that are prescreening. The U.S. Citizenship and Immigration Services (USCIS) specifies that E-Verify should be used only for new hires, and defines a "new hire" as someone who has both been offered *and* accepted employment. When asked when E-Verify is typically used to verify work authorization, 9 percent of 2010 employers reported practices that constitute prescreening: 5 percent of employers reported using E-Verify before a job offer was made, and 4 percent reported using E-Verify after a job offer was made but before the offer was accepted (Exhibit VI-1). This is a significant increase since 2008 when only 4 percent of employers reported using E-Verify prior to the job offer being accepted.

Exhibit VI-1. Percent of Employers Reporting When They Use E-Verify to Determine the Work-Authorization Status of Their Workers: 2008 and 2010
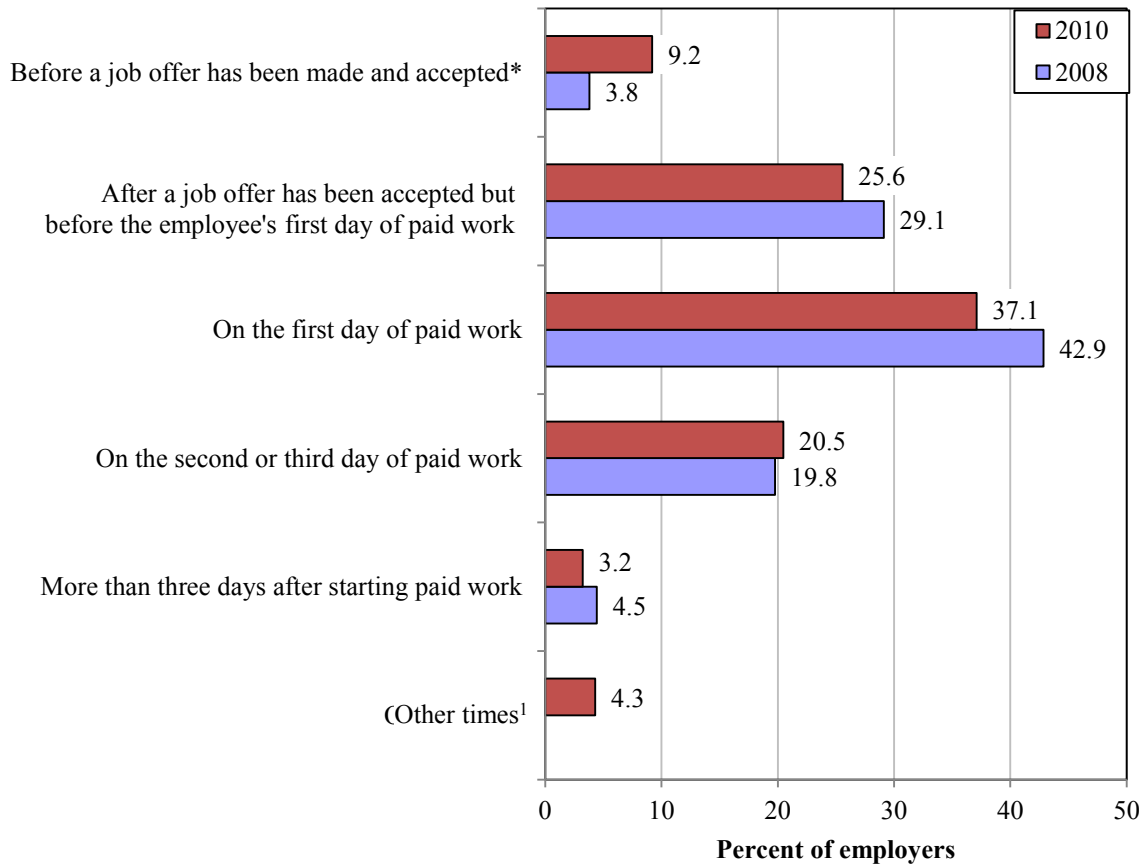
*Statistically significant difference between 2010 and 2008 E-Verify users at p < 0.05.
[1]There was no comparable item in the 2008 survey.
NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Web Surveys.

Despite the overall increase in prescreening, reports of prescreening at temporary/employment agencies decreased. In 2008, 41 percent of temporary/employment agencies reported using E-Verify to verify work authorization before making a job offer. In 2010, only 26 percent of temporary/employment agencies reported using E-Verify before a job offer was made *and* accepted by the worker. This significant decrease in prescreening practices by temporary/employment agencies could reflect a better understanding among these employers of the correct procedures for using E-Verify.

There was also an increase in the percentage of employers using E-Verify to verify work authorization of existing employees. Employers that do not have Federal contracts requiring them to use E-Verify for work authorization should not use E-Verify for workers who were employed by the company prior to the company's institution of E-Verify. However, 13 percent of employers not exempt from this prohibition reported using E-Verify for existing employees. This is a significant increase since 2008, when only 4 percent of employers reported using E-Verify for existing employees. In 2010, employers not permitted to use E-Verify for existing employees also reported improperly using E-Verify for workers

who have work-authorization documents that are about to expire (30 percent) and for workers not believed to be employment authorized (14 percent).

2.1.2. TNC Procedures

Employers continue to notify workers of Tentative Nonconfirmation (TNC) findings promptly. The percentage of employers notifying workers of TNC findings within a day or less increased to 80 percent in 2010, compared with 73 percent in 2008 (Exhibit VI-2). However, the percentage of employers notifying workers of TNC findings within three days (but not within a day or less) decreased from 25 percent in 2008 to 16 percent in 2010. Overall, this results in little difference between 2008 and 2010 in the percentage of employers reporting that they notify workers within three days of receiving the TNC finding (96 percent in 2010 compared to 98 percent in 2008).

Exhibit VI-2. Percent of Employers Reporting How Soon They Notify Workers of TNC Findings: 2008 and 2010
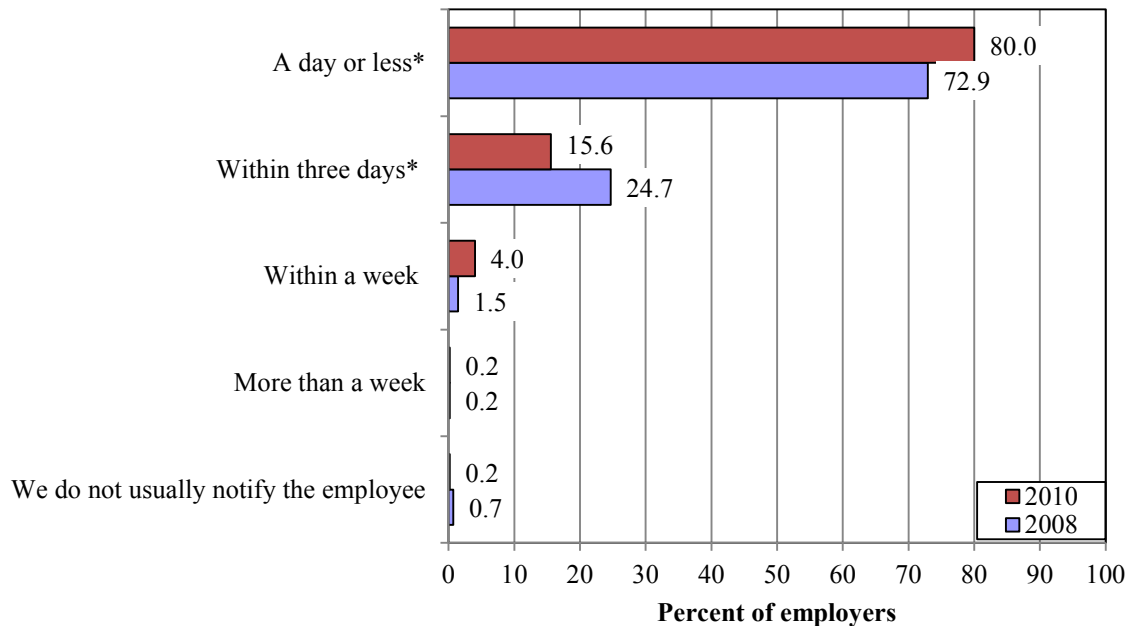
*Statistically significant difference between 2010 and 2008 E-Verify users at $p < 0.05$.
SOURCE: E-Verify Web Surveys.

Employers showed increased compliance with E-Verify procedural requirements regarding how to notify workers about TNCs. The percentage of employers that reported always notifying workers about TNC findings in private increased from 91 percent in 2008 to 96 percent in 2010 (Exhibit VI-3). The percentage of employers that reported always providing workers with written notification of TNC findings also increased, from 86 percent in 2008 to 91 percent in 2010. Reports of always providing in-person notification increased slightly from 86 percent to 87 percent, but this change was not statistically significant.

Exhibit VI-3. Employer Compliance With Procedural Requirements Regarding How to Notify Workers About TNC Findings: 2008 and 2010
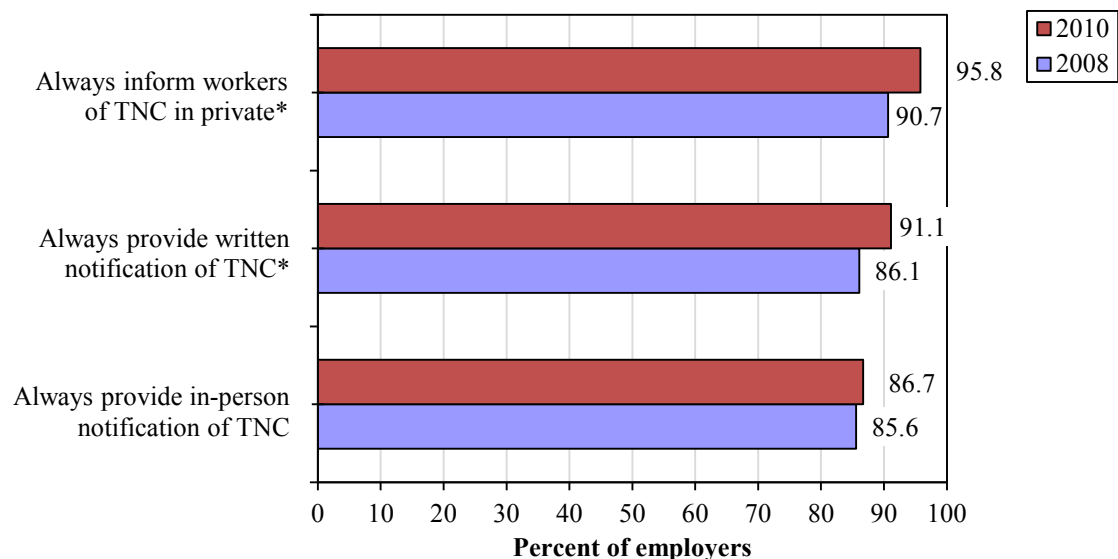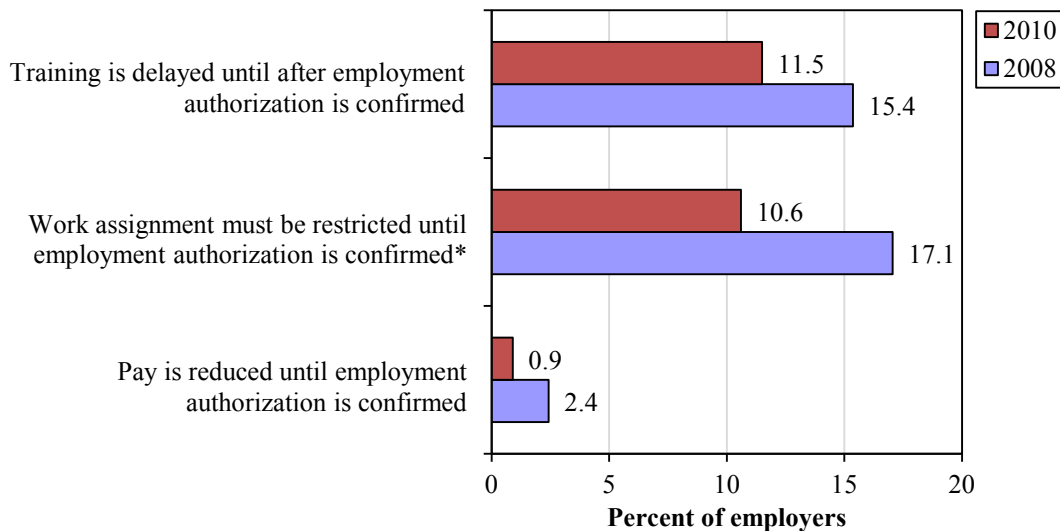

*Statistically significant difference between 2010 and 2008 E-Verify users at p < 0.05.
SOURCE: E-Verify Web Surveys.

A small number of E-Verify employers continue to report discouraging workers from contesting TNC findings. As in 2008, 4 percent of employers reported that contesting a TNC is not encouraged because the process requires so much time. In addition, 5 percent of employers also reported in 2010 that contesting a TNC was not encouraged because employment authorization is rarely the outcome.

2.1.3. Taking Adverse Actions Against Workers

In 2010, employers reported fewer adverse actions against workers with TNC findings than they did in 2008. There was a statistically significant decrease in the percentage of employers that reported they restrict work assignments until employment authorization is confirmed, from 17 percent in 2008 to 11 percent in 2010 (Exhibit VI-4). Fewer employers also reported delaying training (from 15 percent in 2008 to 12 percent in 2010) or reducing pay (from 2 percent in 2008 to 1 percent in 2010) for workers with TNCs, but these changes were not statistically significant.

Exhibit VI-4. Percent of Employers Reporting Adverse Actions Against Workers With TNCs: 2008 and 2010

*Statistically significant difference between 2010 and 2008 E-Verify users at p < 0.05.
NOTE: Sum does not add to 100 percent because the exhibit includes only responses that relate to adverse actions.
SOURCE: E-Verify Web Surveys.

2.1.4. Photo Matching

Almost all employers who had used Photo Matching reported comparing the picture provided by the Photo Matching response to the documents provided by the worker. Slightly less than half (42 percent) of 2010 employers reported having used Photo Matching. Of these employers, almost all (95 percent) reported that when prompted to use Photo Matching, they compare the picture provided by the Photo Matching response to the picture on the document provided by the worker. This was a significant increase from the 71 percent of 2008 employers that had used Photo Matching and reported properly performing this same comparison. However, there was also a significant increase in the percentage of employers that compare the picture provided by the Photo Matching response to the actual person (from 60 percent in 2008 to 76 percent in 2010). This is not the proper use of Photo Matching. The employer should compare the document photo to the worker during the I-9 process to determine that the document belongs to the worker.

As reported in Chapter IV, Section 2.1.8, almost three-quarters (76 percent) of employers that used it reported that Photo Matching reduced their responsibility to be certain that the person presenting the document is the right person. This finding indicates Photo Matching reduces employer burden, thereby increasing employer satisfaction, but also raises some concern that employers might be relying too heavily on Photo Matching and thus not identifying documents that might be clearly counterfeit or modified.

There was a slight decrease in the percentage of employers that asked noncitizen workers to submit documents that would trigger Photo Matching. Employers are prohibited by statute from asking workers for specific documents in the Form I-9 process. However, 19 percent of employers reported that, with the advent of Photo Matching, they are more likely to ask noncitizens for immigration documents during the verification process. Similarly, in 2008, 20 percent of employers reported that they were more likely to ask noncitizens for immigration documents.

2.1.5. Other E-Verify Procedures

Employers reporting that they received TNC findings due to data entry mistakes were less common in 2010 than in 2008. Since 2008, USCIS has made an effort to reduce the chances of making data entry errors by streamlining the data entry process in Usability Release 3.0. Indeed, the percentage of employers reporting that their company had received TNC findings as a result of a data entry mistake when entering Form I-9 information into E-Verify decreased significantly from 77 percent in 2008 to 25 percent in 2010. As in 2008, most of these employers (79 percent of employers reporting data entry errors) reported that they at least sometimes had found the data entry errors themselves but were able to correct them without telling the worker. Compared to 2008, a larger percentage of employers in 2010 (33 percent in 2010 compared to 20 percent in 2008) reported having experienced situations where the worker found the error, but the employer was still able to correct the error without the worker having to contest the finding.

Employers reported increased compliance with the E-Verify procedural requirements regarding closing TNC findings that resulted from data entry mistakes. Cases resulting in TNC findings due to data entry errors should be closed as Invalid Queries; however, the E-Verify system does not force the user to enter closure codes, making it possible for the employer not to close cases as Invalid Queries. When asked what they do when a data entry error is found, more employers (79 percent) in 2010 correctly reported closing the original case as an invalid query and entering the corrected information as a new case (compared to 72 percent in 2008) (Exhibit VI-5). Furthermore, significantly fewer employers (2 percent) reported that they enter the correct information as a new case without closing the original case as an invalid query (compared to 5 percent in 2008). A few employers commented that it would be beneficial to be able to edit queries when a TNC results from a data entry error rather than having to close the case and start a new one.

This increase in compliance regarding closure codes is a positive development for E-Verify evaluation and monitoring. Although failure to input codes has little consequence for workers, it reduces available information about case outcomes in the Transaction Database and therefore impedes evaluation and monitoring.

Exhibit VI-5. Employer Compliance With Procedural Requirements for Closing Cases With Data Entry Errors: 2008 and 2010
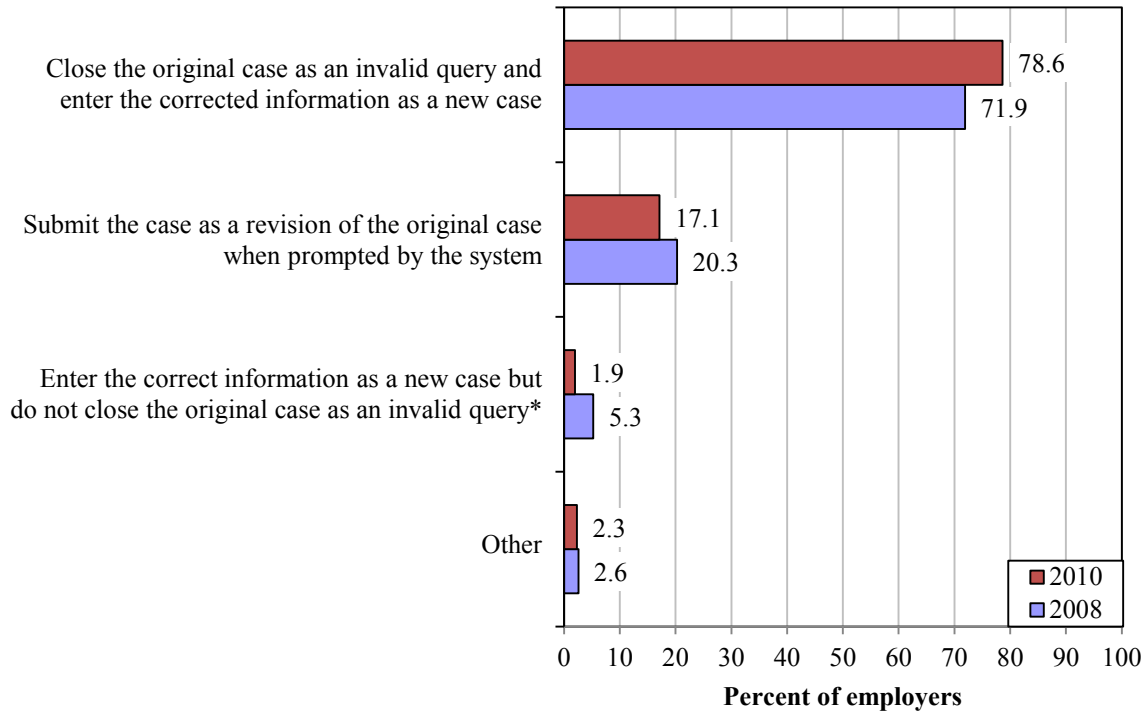
*Statistically significant difference between 2010 and 2008 E-Verify users at p < 0.05.
NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Web Surveys.

Most employers reported prompt termination of workers with Final Nonconfirmation (FNC) findings. On average, in 2010, employers reported they terminated the employment of workers 0.7 work days after receiving an FNC finding. Most employers (86 percent) reported that employment of workers with FNC findings is always immediately terminated (Exhibit VI-6). An additional 8 percent reported that employment of workers with FNC findings is sometimes immediately terminated. Some employers reported that they time the worker's departure to occur within a certain amount of time after receiving the FNC finding (e.g., within 3 or 5 days) (6 percent), that the worker's departure is linked to the company's pay period (3 percent), or that when the position requires travel, they wait until the trip has been completed before letting the worker go (4 percent). However, there were a small number of employers (6 percent) that reported not terminating the employment for workers with FNCs (not shown in exhibit). This is a slight increase from the 4 percent of employers that reported not terminating employment for workers with FNCs in 2008. Among the 12 percent of employers reporting "other" procedures for how long workers could remain on the job after receiving FNCs, a few employers reported that workers with FNCs quit before they were able to terminate the workers' employment. Other employers reported that they did not terminate workers with FNCs because the FNCs had been the result of a data entry error or the worker following improper procedures for contesting the finding, or that the employer had worked with USCIS and/or SSA to have the FNC overturned.

Exhibit VI-6. Employer Compliance With Requirements for Terminating Workers With FNC Findings: 2010
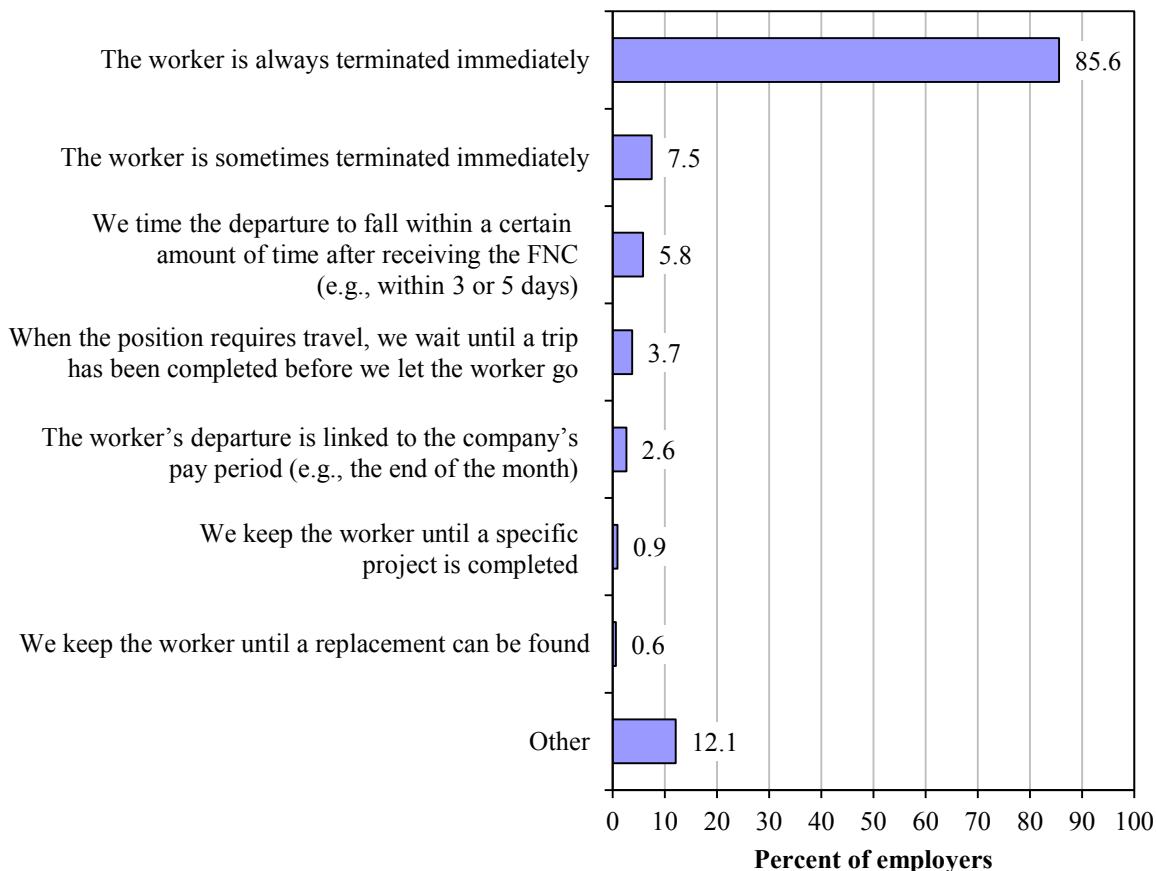
NOTE: Sum does not add to 100 percent because respondents could choose more than one response.
SOURCE: E-Verify Web Survey.

As in 2008, most employers reported that E-Verify made them neither more nor less willing to consider hiring job applicants who appear to be foreign born. Approximately 87 percent of employers in 2010 reported that using E-Verify neither increased nor decreased their willingness to hire job applicants who appear to be foreign born, an increase from 81 percent in 2008. However, it appears that discrimination based on foreign appearance increased slightly between 2008 and 2010, as the percentage of employers reporting that they were more willing to hire foreign-born job applicants decreased by 7 percent (from 17 percent to 10 percent), and the percentage reporting that they were less willing to hire foreign-born job applicants increased by 2 percent (from 1 percent to 3 percent).[53]

Employers reporting that E-Verify made them more willing to consider hiring foreign-born job applicants were significantly more likely to agree that E-Verify makes it easier to tell who is work authorized (94 percent), takes the guesswork out of determining the validity of documents presented (96 percent), and reassures them that they are not hiring unauthorized workers (100 percent). In contrast, employers reporting that E-Verify made them less willing to consider hiring foreign-born workers were significantly more likely to agree that E-Verify is more difficult to use with foreign-born applicants (40 percent), and that E-Verify creates extra work when someone is not work authorized (41 percent).

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[53] The difference in these percents is not equal to the total because of rounding.

2.2.   Potential Causes of Changes in Compliance Between 2008 and 2010

Improvements in E-Verify user training likely led to increases in employer compliance with several E-Verify requirements. The evaluation team hypothesized that the addition of new vehicles for training, including webinars and videos, and improvements to the E-Verify user's manual, Quick Reference Guides, and online tutorial, would lead to increased compliance with E-Verify requirements. In particular, compliance related to protecting worker rights was expected to increase as a result of USCIS's Employee Rights Initiative. Survey results supported these expectations:

- Employers always notifying workers of TNC findings in private increased 5 percentage points.

- Employers always notifying workers of TNC findings in writing increased 5 percentage points.

- Employers always notifying workers of TNC findings in person increased 1 percentage point.

- Employers restricting work assignments for workers with TNC findings decreased 6 percentage points.

- Employers delaying training for workers with TNC findings decreased 4 percentage points.

- Employers reducing pay for workers with TNC findings decreased 2 percentage points.

- Employers correctly closing invalid cases due to data entry errors increased 7 percentage points.

- Employers following correct procedures for comparing the picture provided in the worker's documentation to the picture provided by Photo Matching increased by 24 percent.

Prescreening increased despite improvements to training materials. The evaluation team hypothesized that USCIS's efforts to improve training materials, especially through the Employee Rights Initiative, would lead to increased compliance with respect to who has their work authorization verified using E-Verify and when the employer uses E-Verify for them. The larger population of mandated users, particularly Federal contractors at risk of losing Federal support if they do not follow E-Verify procedures, also supported the hypothesis that instances of prescreening would decrease in 2010. However, survey findings showed that the overall percentage of employers prescreening job applicants increased from 4 percent in 2008 to 9 percent in 2010. Aside from temporary/employment agencies (in which 26 percent reported prescreening, a significant *decrease* from 2008), approximately 8 percent to 10 percent of several different types of E-Verify users reported prescreening practices. For example, 8 percent of mandated users, 9 percent of voluntary users, 8 percent of Federal contractors, and 10 percent of employers without Federal contracts reported prescreening practices. Mandated employers were just as likely as voluntary employers to prescreen job applicants in 2010.

General increases in compliance might be linked to an increase in mandated employers that showed higher levels of compliance with several aspects of E-Verify than voluntary employers.[54] The evaluation team hypothesized that employers reporting that a mandate (either Federal or state/local) was the only reason they participated in E-Verify would report lower compliance than voluntary users since E-Verify requirements and procedures have been imposed upon these companies rather than the company

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[54] The designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

having voluntarily adopted them. However, survey results were inconsistent with this expectation. Overall, employers that reported participating in E-Verify only because they were mandated to do so were more compliant with E-Verify rules than voluntary users.

- Mandated users were more likely than voluntary users to always notify workers in private (99 percent compared to 97 percent for voluntary users), and to always provide written notification (96 percent compared to 91 percent for voluntary users). Although not statistically significant, mandated users also were more likely than voluntary users to notify workers of TNC findings within a day or less (87 percent compared to 79 percent for voluntary users (Exhibit VI-7).

- Mandated users were less likely than voluntary users to report that they discourage workers from contesting a TNC (1 percent compared to 5 percent for voluntary users).

- Mandated users were less likely than voluntary users to restrict assignments or delay training for workers that received a TNC finding (5 percent compared to 12 percent for voluntary users). Although not statistically significant, mandated users were also less likely than voluntary users to delay training for these workers (7 percent for mandated users compared to 12 percent for voluntary users).

Employers participating in E-Verify only because they are required by mandate might have been more compliant than voluntary users due to a sense of obligation to fulfill the mandate requirements or to a greater concern of possible loss of public contracts or legal prosecution. As discussed below, Federal contractors as a whole were neither more nor less compliant with E-Verify requirements than general employers.

Exhibit VI-7. Employer Compliance With E-Verify Requirements: Mandated and Voluntary Users
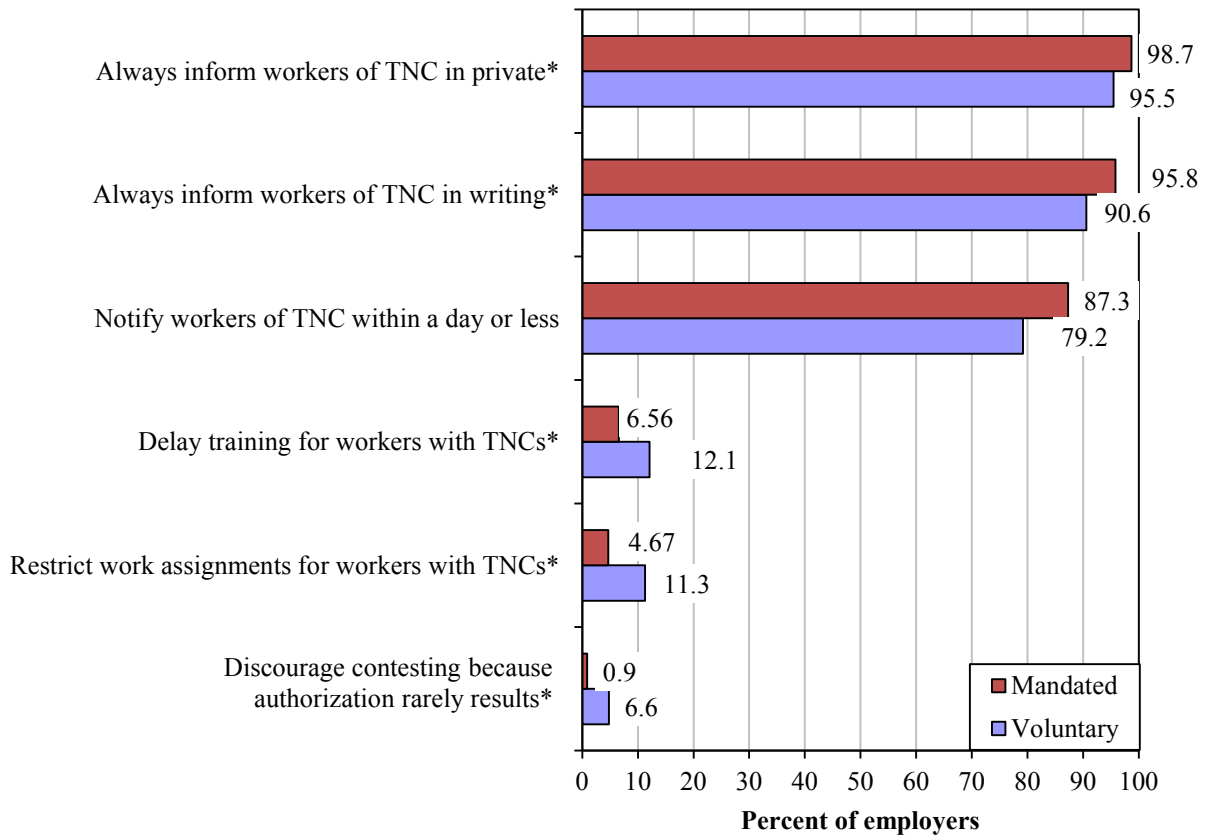
*Statistically significant difference between mandated and voluntary users at p < 0.05.
SOURCE: E-Verify Web Survey: 2010.

Federal contractors under the Federal Acquisition Regulation (FAR) did not show higher compliance than other employers. The evaluation team hypothesized that Federal contractors would be more compliant with E-Verify procedures than non-Federally mandated employers, because Federal contractors risk losing Federal funding if they do not comply with the FAR mandate and E-Verify requirements. However, there were no significant differences in compliance between Federally mandated employers, state/locally mandated employers, and non-mandated employers (Exhibit VI-8).

Exhibit VI-8. Employer Compliance With E-Verify Requirements, by Type of Mandate

Employer action	Federal and state/local mandates	Federal mandate	State/local mandate	No mandate
Use E-Verify to verify work authorization before a job has been offered and accepted	8.5	8.2	8.4	10.1
Notify workers of TNC within a day or less	61.7	74.1	80.3	84.0
Always inform workers of TNC in private	85.6	98.4	96.4	96.4
Always provide written notification of TNC	88.1	94.2	90.1	92.5
Always provide in-person notification of TNC	72.7	83.5	90.7	87.7
Discourage contesting because it is too time-consuming	4.2	3.8	6.3	1.2
Discourage contesting because authorization rarely results	19.9	1.8	3.9	2.5
Reduce pay until employment authorization is confirmed	1.2	0.0	1.1	0.6
Delay training until employment authorization is confirmed	10.2	4.4	16.2	11.9
Do not immediately terminate workers with FNCs	5.8	16.6	6.1	3.4

SOURCE: E-Verify Web Survey: 2010.

It is possible that a pattern of lower compliance might be developing among employers required by *both* Federal and state/local mandates to participate in E-Verify. As reported in Chapter 3, Section 2.4.1, 12 percent of employers reported on the 2010 user survey that they were required to use E-Verify by both Federal and state/local mandates. Although the differences were not statistically significant, these employers were less likely than all other employers to notify workers of TNC findings within a day or less (62 percent compared to 74 to 84 percent of other employers), in private (86 percent compared to 96 to 98 percent of other employers), in person (73 percent compared to 84 to 91 percent of other employers), or in writing (88 percent compared to 90 to 94 percent of other employers). Furthermore, 20 percent of these employers discouraged workers from contesting TNC findings because authorization rarely results (compared to 2 to 4 percent of other employers). Analyses showed that employers required to participate in E-Verify by both Federal and state/local mandates did not differ from other employers in terms of industry, size, or percent immigrant workers.

2.3. Variation in Compliance by Employer Type

2.3.1. Federal Contractors

The 2010 user survey included several new items related to the practices of Federal contractors required to participate in E-Verify under the FAR rule. The following sections present important general information about Federal contractor behavior to provide some context for understanding compliance-related issues.

Approximately half of Federal contractors took advantage of the option under FAR to use E-Verify to verify the work authorization of their entire workforce, including existing employees. Although using E-Verify for existing employees is prohibited for general E-Verify users, Federal contractors required to use E-Verify under FAR are permitted to verify work authorization of employees who were working for the company prior to when the company began using E-Verify. Approximately half of Federal contractors reported using E-Verify to determine the work-authorization status of their existing employees; 25 percent chose to use E-Verify for all existing employees, including employees who are not

required to have their work authorization checked under FAR (e.g., because they do not work on Federal contracts), and 26 percent chose to use E-Verify for only those existing employees who work on Federal contracts (Exhibit VI-9).

Exhibit VI-9. Percent of Federal Contractors That Chose to Use E-Verify for Existing Employees

- 3.4% Other
- 25.0% All existing employees, including those who do not work on Federal contracts
- 25.5% Yes, but only those existing employees who work on Federal contracts requiring E-Verify
- 46.1% Did not use E-Verify for existing employees
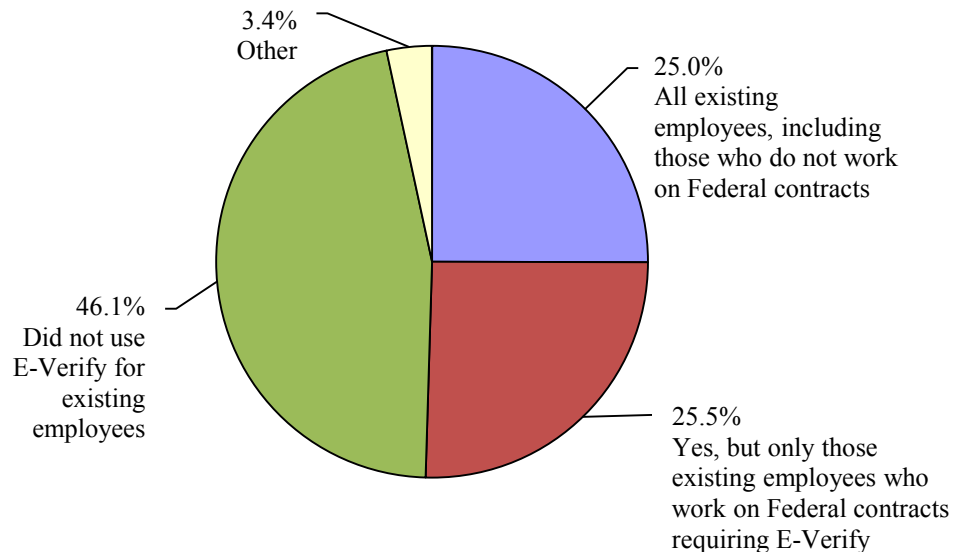
SOURCE: E-Verify Web Survey: 2010.

Most Federal contractors that chose to use E-Verify for all existing employees notified these employees through posters and memos. USCIS provides no guidance to Federal contractors about how to notify existing employees of their intention to use E-Verify to verify their work authorization other than clearly displaying both the English and Spanish Notice of E-Verify Participation and the Right to Work posters (required of all E-Verify users). Most Federal contractors (86 percent) reported that they displayed posters in areas where they would be seen by existing employees, and half (50 percent) sent a memo to each existing employee. Several employers (18 percent) also reported other methods of notifying existing staff of the verification process, including using internal meetings to brief supervisors, managers, and/or all employees; e-mail communication; and verbal, face-to-face notifications.

When using E-Verify for existing employees, approximately one-third of Federal contractors did not ask workers to either complete a new Form I-9 or update their old forms. Guidance for Federal contractors choosing to use E-Verify for existing employees states that these employers may either complete new Forms I-9 for their existing employees or update their employees' existing Forms I-9.[55] However, 33 percent of employers did not ask workers to either complete new Forms I-9 or update their old Forms I-9. Approximately one-quarter (26 percent) of Federal contractors using E-Verify for existing employees asked those workers to complete new Forms I-9, while 37 percent asked some workers to complete new Forms I-9 and other workers to update old Form I-9s. A small number (4 percent) asked all existing employees to update their old Forms I-9.

[55] See Supplemental Guide for Federal Contractors: http://www.uscis.gov/USCIS/Verification/E-Verify/ E-Verify%20from%20Controlled%20Vocabulary/FAR_Supplemental_Guide_REVISED_FINAL.pdf.

Federal contractors received very few negative reactions from existing employees in response to the verification process. A few employers (8 percent) reported that some existing employees expressed concern about the requirement, and 5 percent of employers reported that some existing employees left the company rather than have their work-authorization status verified. Almost no employers (1 percent) reported that existing employees complained about being teased or harassed about the possibility they would not be found work authorized.

2.3.2. Employer Size

Prescreening was more prevalent among small employers. Small employers (with up to 25 workers) were more likely than larger employers to report that E-Verify was typically used to verify work authorization either before a job offer was made or after a job offer was made but before the worker has accepted (17 percent compared to 5 percent of larger employers).

Small employers were more likely to report that the TNC process was a burden on staff. Not surprisingly, small employers were also more likely to report that providing assistance to workers who contest TNCs is an excessive burden on staff (36 percent compared to 16 percent of larger employers). Similarly, small employers were slightly more likely to agree that contesting TNC findings is not encouraged because it is too time-consuming (6 percent compared to 3 percent of larger employers).

Small employers reported greater discrimination against workers with TNC findings. Small employers were more likely to report that work assignments must be restricted until work authorization is confirmed (15 percent compared to 10 percent of larger employers), and that training is delayed until after authorization is confirmed (22 percent compared to 10 percent of larger employers).

2.3.3. Industry

Most temporary/employment agencies require that at least some job candidates be found work authorized by E-Verify before referral to clients. E-Verify procedures require that all employers, including temporary/employment agencies, use E-Verify to verify work authorization of only newly hired employees (i.e., those who have been offered and accepted the job), not job applicants. However, in 2010 only 11 percent of temporary/employment agencies reported that they do not require any job applicants to be found work authorized before referring them to their clients. The percentage of temporary/employment agencies that require at least some job candidates to receive a work-authorized finding from E-Verify before referral to clients increased from 76 percent in 2008 to 89 percent in 2010 (approximately 73 percent reported in 2010 that they require all job applicants to be found work authorized before referral, and an additional 17 percent reported that they require some job applicants to be found work authorized before referral). Approximately half (47 percent) of temporary/employment agencies indicated that at least some of their clients have requested they only refer potential employees who have been found work authorized by E-Verify. This suggests that most temporary/employment agencies are violating E-Verify requirements by effectively prescreening workers before they are hired.

Temporary/employment agencies reported lower compliance with E-Verify requirements for notifying workers of TNC findings. Temporary/employment agencies were also less likely than general employers to always inform workers of TNC findings in private (89 percent compared to 96 percent of other employers), in writing (80 percent compared to 91 percent of other employers), or in person (64 percent compared to 88 percent of other employers). Furthermore, they were more likely to agree that work assignments must be restricted until work authorization is confirmed (20 percent compared to 11 percent of other employers).

Employers in industries with high percentages of undocumented workers[56] were more likely than other employers to report that the E-Verify process is burdensome to their staff and that contesting TNCs is not encouraged. Employers in industries with high percentages of undocumented workers were more likely to agree that providing assistance to workers who contest TNCs is an excessive burden on staff (25 percent compared to 16 percent of other employers), and that establishing work authorization has become a burden because there are so many TNCs (6 percent compared to 2 percent of other employers). These employers were also more likely to agree that contesting TNC findings is not encouraged because it is too time-consuming (6 percent compared to 2 percent of other employers), and that contesting is in fact discouraged because authorization rarely results (6 percent compared to 2 percent of other employers).

2.3.4. Percentage of Foreign-born Workers

Employers with large percentages of foreign-born workers discriminated less against workers with TNC findings, but also reported less stringent practices for terminating workers with FNCs. Employers that self-reported that 20 percent or more of their workers are immigrants were less likely to restrict work assignments until work authorization was confirmed (8 percent compared to 12 percent of employers with fewer foreign-born workers); however, they were also less likely to report that they always immediately terminated workers with FNCs (80 percent compared to 89 percent of employers with fewer foreign-born workers).

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[56] These industries were Agriculture, Forestry, Fishing, and Hunting, excluding farm labor contractors and crew leaders; Construction; Food Manufacturing; Services to Buildings and Dwellings; Food Services and Drinking Places; and Personal and Laundry Services. The definition of this category is based on the following report: Jeffrey S. Passel, Senior Demographer, Pew Hispanic Center, and D'Vera Cohn, Senior Writer, Pew Research Center, *A Portrait of Unauthorized Immigrants in the United States*, 4.14.2009 (http://pewhispanic.org/reports/report.php?ReportID=107).

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CHAPTER VII. FINDINGS AND RECOMMENDATIONS

This chapter presents key findings and related recommendations for changes to the E-Verify Program based on the Web survey results. Some of the recommendations were presented in previous reports or evaluations. Findings and recommendations are grouped into the following broad and somewhat overlapping categories: E-Verify outreach and training; employer satisfaction and burden; and employer compliance and data entry accuracy, and each section is preceded by an introduction.

Some of the recommendations in this chapter are for initiatives that can be implemented easily and with little cost by Federal agencies. Other recommendations would be more difficult and/or more expensive to implement (e.g., recommendations that require regulatory or even statutory changes to implement). Although the evaluation team has tried to form recommendations for cost-effective ways to alleviate employer burden and improve compliance with program requirements and overall program effectiveness, a complete analysis of how the recommendations should be implemented and/or potential implementation challenges are beyond the scope of this study.

1.   E-VERIFY GROWTH AND OUTREACH

1.1.   Introduction

Rapid program growth is, of course, generally considered a sign of a program's success. In the case of E-Verify, such growth is especially important, since the major program goal is to decrease unauthorized employment and, thereby, decrease undocumented immigration. Although a small program can decrease unauthorized employment at participating employers, its overall effectiveness is limited by how easy it is for the workers to obtain employment with non-participating employers.

1.2.   Findings

Use of E-Verify continued to increase rapidly between the time of the 2008 user survey and the 2010 user survey, indicating that many employers and jurisdictions view E-Verify to be a successful program. Since E-Verify's inception, there has been a strong upward trend in the number of cases transmitted to the Program.[57] The nearly 4.6 million cases submitted to E-Verify in April through June 2010 represent more than 2.5 times the 1.7 million cases submitted in April through June 2008 at the time of the administration of the 2008 E-Verify user survey.

Professional and business associations and state and local governments often act as intermediaries in distributing information about E-Verify to employers. Most employers first learned about E-Verify from a state or local government office or from a business/professional association with fewer employers reporting they learned about it through the U.S. Citizenship and Immigration Services (USCIS) website and other USCIS or Social Security Administration (SSA) materials or publications.

1.3.   Recommendation

USCIS should strengthen and/or establish formal relationships with professional employer organizations (e.g., U.S. Chamber of Commerce, National Association of Small Businesses, National Federal Contractors Association, National Association of Small Business Contractors, American

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[57] *Findings of the E-Verify Program Evaluation,* December 2009.

Hotel and Lodging Association) and with state and local governments that mandate use of E-Verify to enhance communication with these entities, increase awareness of E-Verify, and make USCIS aware of the unique needs of different types of employers. Strengthening ties with associations serving employers is key to USCIS effectively leveraging its outreach efforts. At the same time, it should provide USCIS with information and specific strategies on how best to modify the Program to make it attractive to different types of employers. Some possible strategies to explore include stakeholder meetings and working groups that could be convened periodically to address these issues and to help pretest new versions of the Program.

2. EMPLOYER BURDEN AND SATISFACTION

2.1. Introduction

The E-Verify authorizing legislation requires E-Verify to avoid undue employer burden. Since burden and satisfaction with the Program are strongly related, it should be noted that, as long as the Program is voluntary for many employers, employer satisfaction is also an important component to the growth of the Program. It is also reasonable to speculate that employer dissatisfaction contributes to employers not using E-Verify when it is mandated, or perhaps not using it correctly.

2.2. Findings

The results of the Web survey show that employers are for the most part very satisfied with the E-Verify Program. The findings also suggest that recent improvements to the E-Verify Program, many of which were recommended by previous evaluations, have increased employer satisfaction with the Program, though this latter finding is not found for all of the satisfaction questions. More specifically:

- Employers continued to express high levels of satisfaction with E-Verify in 2010. The large majority of employers continued to report that E-Verify is a highly accurate (94 percent) and effective tool for employment verification (94 percent). These results are similar to the findings of the 2008 survey in which 92 percent agreed that E-Verify is highly accurate and 96 percent agreed that E-Verify is an effective tool for employment verification.

- Fewer employers in 2010 than in 2008 reported that E-Verify was burdensome to the employer. Employers in 2010 were significantly more likely to disagree with the statement that it is impossible to fulfill all company obligations required by the E-Verify verification process. In 2010, 86 percent of employers disagreed with this statement, compared to only 80 percent of employers that disagreed with it in 2008.

- Many employers are more satisfied with the tutorial in 2010 and have needed less assistance from the USCIS Help Desk and Customer Service.

Although most employers reported being very satisfied with E-Verify, some subgroups of employers reported that E-Verify is burdensome:[58]

- **Small employers** were more likely to report that the Tentative Nonconfirmation (TNC) process was a burden on staff.

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[58] Over the long-term, the implementation of the E-Verify self-check should help minimize employer burden.

- **Employers in industries with high percentages of undocumented workers** were more likely than other employers to report that the E-Verify process is burdensome to their staff and that it was impossible to fulfill E-Verify obligations, and were less satisfied with E-Verify than employers in other industries.

- **Mandated users** found E-Verify training materials more burdensome and less helpful than voluntary users.[59] Employers that reported a mandate as their only reason for using E-Verify were more likely to report that the tutorial takes too long to complete and that it is a burden to pass the mastery test before submitting cases through E-Verify. Mandated employers were also less likely to agree that the online tutorial was helpful.

- Not surprisingly, many **prior E-Verify users** also reported they stopped using it because the system was too burdensome. As in 2008, the most frequently reported reason that employers stopped using E-Verify was the lack of new hires in the past six months (65 percent). However, 20 percent of employers that had previously used E-Verify reported they no longer used the system because it was too burdensome.

Employers also pointed to specific problems or requested changes to E-Verify that would increase their satisfaction and/or decrease their burden:

- **Several employers find that assisting workers who contest TNC findings is burdensome to their staff.** The percentage of employers reporting that establishing work authorization has become a burden because there are so many TNCs dropped from 10 percent in 2008 to 4 percent in 2010. However, 20 percent of employers continue to report that providing assistance to workers who contest a TNC finding is an excessive burden on staff, perhaps due to the time it takes to complete the TNC paperwork, explain the finding to the worker, and guide them through the contesting process.

- **Many employers would like to use E-Verify for job applicants and existing employees**. The majority of employers supported the recommendation for E-Verify to allow prescreening of job applicants (73 percent). Furthermore, 9 percent of employers reported in 2010 that they were, in fact, screening job applicants—an increase from 4 percent in 2008. Both findings are consistent with it being burdensome for employers to train workers they hire and then have to terminate their employment if they receive Final Nonconfirmations (FNCs). The majority of employers supported the recommendation for E-Verify to allow using the system for existing employees (i.e., workers hired by the company prior to when the company started using E-Verify), but the percentage supporting this change is lower than in 2008 (73 percent compared to 77 percent).

- **Although most employers found the three-day rule for entering worker information into E-Verify to be a reasonable timeframe, about a fifth of employers still found it difficult to meet this deadline.** This was especially true for small employers with limited staff, and for employers that must submit numerous E-Verify submissions during peak hiring seasons.

- **Some employers commented that updates to the tutorial were also burdensome, as they could cause difficulty with meeting the three-day deadline for entering new hire information.** When updates are made to the tutorial, users are required to complete the new portion of the tutorial upon next logging into E-Verify and are not permitted to perform verification until the tutorial is complete.

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[59] The designation of employers as either mandated or voluntary is based on their self-reported motivations for participating in E-Verify. Mandated employers refers to employers reporting that a Federal and/or state/local mandate is the *only* reason they are participating in E-Verify. Voluntary employers refers to employers reporting other reasons for participation, including some employers that may be required to participate under a Federal and/or state mandate.

Users recommended that E-Verify provide advance notification, perhaps via email, when new tutorial updates are required.

- **Employers recommended adding a formal appeal process that employers or their workers could use if they disagreed with the final case finding.** This recommendation was endorsed by 83 percent of 2010 respondents.

- **Employers would also like to see additional types of documents used with Photo Matching.** This recommendation was agreed to by 82 percent of 2010 respondents.

- **Eliminating the paper Form I-9 was also endorsed by a majority of employers.** Although the study did not specifically ask employers about their preference in using an electronic or paper Form I-9, the recommendation to eliminate the paper I-9 was of interest to 59 percent of employers in 2010.

2.3.   Recommendations

Test and evaluate a pilot program requiring E-Verify users to verify that workers are employment authorized prior to allowing them to start work. Conducting a pilot program to determine the advantages and disadvantages of requiring employers to confirm potential employees work authorization prior to start of work was recommended in the December 2009 report.[60] Although legislative changes may be necessary to implement this recommendation, it also should be possible to implement this pilot using the demonstration project authority to test alternative verification systems allowed in the Immigration Reform and Control Act of 1986.

Expand the three-day requirement to five days. Although expanding the rule to five days would require a change in implementing legislation, more employers are choosing to outsource E-Verify, and the work environment is becoming more complex (e.g., use of offsite, temporary, and part-time workers), making it more likely that the Form I-9 documents would need to be transferred to another location. Such an expansion of the three-day requirement would be likely to make the program more appealing to small employers and other types of employers such as universities and E-Verify Employer Agents (EEAs) and their clients.

The Department of Homeland Security (DHS) needs to continue efforts to improve the accuracy of E-Verify findings for employment-authorized workers. Resolving TNCs and replacing workers who are not hired or whose employment is terminated after they receive FNCs create considerable burden for employers. Although this is an inherent part of the Program when workers are not employment authorized, decreasing the extent to which employment-authorized workers receive such findings should continue to be a high priority for E-Verify.[61]

Continue to work on increasing the types of documents that can be used with Photo Matching. USCIS has recently added U.S. passports and passport cards to available documents in Photo Matching and is working on establishing a pilot program with one state to add drivers' licenses to Photo Matching. This initiative should be pursued with some urgency.

Consider adding a formal appeal process that employers or their workers could use if they disagree with the final E-Verify finding. A formal appeal process would have the advantage of formalizing a

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[60] *Findings of the E-Verify Program Evaluation,* December 2009.

[61] See the report *Evaluation of the Accuracy of E-Verify Findings*, June 2011.

process that is now used informally and would decrease the negative impact of E-Verify on employment-authorized workers who are not aware of the informal procedures. However, it would likely require additional legislation and has the potential disadvantage of prolonging the time that unauthorized workers can be employed by a given employer.

USCIS should continue to identify the specialized needs of different subgroups. In conjunction with its outreach efforts to business and professional associations, USCIS should identify the needs of groups such as small employers or hospitality and/or construction industry groups. Other strategies such as stakeholder meetings should also be explored as ways to establish ongoing, systematic communication between USCIS and professional organizations.

USCIS should create materials targeted to subgroups of employers and should consider their needs in modifying E-Verify procedures. The increase in the use of E-Verify results in increases in the size of many employer subgroups, making such targeting more cost-effective than it was in the past. Subgroups most in need of attention are:

- **Small employers:** Developing means of providing succinct just-in-time training for handling cases, such as pop-up notifications providing immediately relevant instructions or referring users to the appropriate videos or documents, would be an initiative that would be particularly helpful to small employers. Since this group of employers tends to be less satisfied with E-Verify and finds it difficult to fulfill all their obligations, specialized training to help them understand E-Verify may increase their satisfaction with the Program. It is also likely that they would benefit from greater knowledge about EEAs.[62]

- **Employers in industries with high percentages of undocumented workers:** Employers in industries employing a relatively high percentage of undocumented workers presumably have relatively large numbers of workers receiving TNCs and FNCs—types of cases that are most burdensome to employers. This situation would be alleviated if employers were permitted or required to screen workers prior to their starting work.

- **Mandated employers:** USCIS needs a systematic approach for notifying employers of the mandate and how they can enroll in E-Verify when they become required to use the Program. This may be done in conjunction with states or localities that impose the mandate.

It would be helpful if USCIS provided advance notification when refresher tutorials or tutorial updates on new features are required. In addition to providing advance notice of tutorial updates, as requested by some employers, it would seem reasonable to permit them to complete the tutorial updates prior to the implementation date to ensure that taking the tutorial will not affect the employers' ability to adhere to the three-day requirement[63].

USCIS should develop software that allows employers to complete the Form I-9 electronically without completing a paper Form I-9. The USCIS software should extract the information needed for E-Verify and translate it into the proper format for electronic submission to E-Verify.

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[62] See the report *Findings of the Case Study of E-Verify Employer Agents and Their Clients*, June 2011.

[63] USCIS is addressing this issue through a news articles feature in E-Verify, which was implemented in June 2010, and the planned bulk e-mail feature.

3. EMPLOYER COMPLIANCE AND DATA ENTRY ACCURACY

3.1. Introduction

Employer compliance with E-Verify procedures is critical to program success. Employer noncompliance limits the effectiveness of E-Verify in reducing unauthorized employment and makes it more likely that employment-authorized workers will receive FNCs.

3.2. Findings

Employer compliance with E-Verify procedures related to the Form I-9 continues to be a challenge for E-Verify. Specific examples of employer noncompliance include:

- About a fifth of employers reported that they are more likely to ask noncitizens for specific immigration documents during the Form I-9 process, which is prohibited by the statute.

- When verifying existing employees, about one-third of Federal contractors required to use E-Verify under the Federal Acquisition Regulation (FAR) did not require workers to either complete a new Form I-9 or update their old forms.

- Although almost all employers reported comparing the picture provided by the Photo Matching response to the documents provided by the worker, there was a significant increase in the percentage of employers that compare the picture provided by the Photo Matching response to the actual person (from 60 percent in 2008 to 76 percent in 2010).

The accurate entry of data was also a challenge for some employers, increasing the chances of inaccurate findings. Approximately 40 percent of employers agreed that they are unsure how to enter certain types of names in E-Verify, including single names, compound or hyphenated last names, or very long names.

3.3. Recommendations

Adapt and/or supplement current training materials, tutorials, webinars, and on-screen help to place further emphasis on instructing employers about procedures known to lead to violations of E-Verify and Form I-9 requirements (e.g., 3-day rule, prescreening). Additionally, supplemental materials, such as question and answer documents similar to the one USCIS developed for Federal contractors, should also be developed and maintained.

Provide additional guidance and instruction to employers for entering names.[64] The Form I-9 and instructions for completing it need to be improved to help workers and employers enter names correctly (e.g., expanded help to employers for workers with single names, compound or hyphenated last names, or very long names, and discrepancies between compound names listed on documents from SSA and the Department of Homeland Security). Additional instructions available in a pull-down menu would also be helpful in providing guidance on how to enter specific types of unusual names into E-Verify.

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[64] See the report *Evaluation of the Accuracy of E-Verify Findings*, June 2011.

Evaluate the impact of the E-Verify self-check on prescreening to determine what, if any, effect this new initiative has on reducing the practice of prescreening.[65]

USCIS may wish to explore the feasibility of developing software and making it available without charge to employers to produce electronic Form I-9s and encourage them to use this service. Congress approved the use of electronic Form I-9s in 2004. While several commercial companies have developed electronic I-9s meeting the regulatory standard, USCIS has not yet developed one that would be available free of charge to any employer. Electronic Form I-9s are beneficial in that they reduce illegible or ambiguous handwriting and provide an opportunity for review for accuracy prior to completion and submission of information to E-Verify. It is also likely that at least in some cases the worker's electronic Form I-9 information would be part of general human resources data input for new hires and would be checked more closely for accuracy.

USCIS should enforce a strong monitoring and compliance program. Although some employer noncompliance is attributable to employer misunderstanding of procedures and can be best addressed through improved education and training, it is also necessary to have a way of identifying and acting upon serious program violations that occur for reasons other than a lack of knowledge. Without a monitoring and compliance effort that is stronger and more targeted than the current effort, intentional employer noncompliance with program procedures is likely to continue and increase, diluting the ability of the Program to meet its goals.

4.   FUTURE RESEARCH

The evaluation team believes that the following recommendations should be given priority in light of the findings of the user survey:

USCIS should evaluate the results of the E-Verify self-check service to assess its cost-effectiveness and its impact on employer prescreening. The self-check service has the potential to protect workers against employers not hiring them because of errors in their records. However, it is possible that unintended consequences will result, such as some employers believing that the self-check program justifies the use of prescreening. Therefore, it needs to be evaluated to determine its impact on cost-effectiveness as well as prescreening. USCIS's decision to implement the program in pilot states makes the implementation of such an evaluation in the near future critical to assist in determining its future use and expansion.

Test and pilot a program permitting or requiring prescreening once the self-check service has been fully implemented. Employers have often requested that they be permitted to prescreen job applicants. Their continued dissatisfaction with the current prohibition on prescreening is reflected in the reported increase in this practice from 4 percent in 2008 to 9 percent in 2010. The major argument against prescreening has been the need to protect employment-authorized workers from not being hired without the opportunity to correct their records. The self-check program provides an opportunity for workers to correct their records before applying for a job. Conducting a pilot program in which the self-check program is widely publicized among potential job applicants would permit an assessment of the feasibility of permitting or requiring prescreening. Although legislative changes would be necessary to fully implement this recommendation, this pilot would be possible, presumably using the demonstration

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[65]For more information, see:
http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=9feb59984b9de210VgnVCM100000082ca60aRCRD&vgnextchannel=8a2f6d26d17df110VgnVCM1000004718190aRCRD.

project authority to test alternative verification systems allowed in the Immigration Reform and Control Act of 1986.

USCIS, in conjunction with professional or similar associations, should conduct focus groups and/or surveys of employer subgroups to better understand their unique E-Verify needs. These small-scale studies would be helpful in increasing the awareness of E-Verify among associations as well as individual employers and will be helpful to USCIS in targeting their informational and training materials to meet the unique needs of these employers. Both E-Verify users and nonusers should be consulted. One approach to this effort would be to develop targeted materials based on the information in this report and then have focus groups comprised of specific groups react to them.

Add a formal appeal process that employers or their workers could use if they disagree with the final E-Verify finding. A formal appeal process is consistent with E-Verify's goals of protecting workers' rights. Implementing such a process would require additional legislation, and would need to take into consideration the potential disadvantage of prolonging the time that unauthorized workers can be employed by a given employer. However, developing, testing, and evaluating a pilot program would help determine how best to balance the advantages and disadvantages.

USCIS should continue its practice of evaluating E-Verify periodically as long as major changes continue to be made. Among other things, these evaluations should look specifically at trends in employer satisfaction and compliance resulting from implementation of any of this report's recommendations and other significant program changes.

APPENDIX A

DESIGN OF E-VERIFY

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DESIGN OF E-VERIFY

This appendix discusses the E-Verify Program as it existed as of June 2010. For the sake of simplicity, the process described is for "regular employers" that constitute approximately 90 percent of E-Verify users.

1. ENROLLING IN E-VERIFY

The first step toward using the E-Verify Program is to enroll online. During this enrollment process, the employer prints out a copy of a Memorandum of Understanding (MOU) agreeing to adhere to E-Verify program requirements.

Once the employer has signed and submitted the MOU electronically, the employer's program administrator must complete an online tutorial and pass a mastery test before being granted access to the verification system or being able to enroll additional users.[1] All other E-Verify users must also complete the tutorial and pass the mastery test before their user names and passwords will be issued to grant them access to the system.[2] The tutorial covers both how to use the online verification system and the employer's responsibilities under the Program, including the proper ways of handling the various verification outcomes and the need to post a notice of the employer's participation in E-Verify where job applicants can see it.

2. THE FORM I-9 VERIFICATION PROCESS

The starting point for verifying cases under E-Verify is the existing Form I-9 process used by all employers, including those *not* enrolled in E-Verify. When workers are hired, they are required to complete Section 1 of the Form I-9 and provide the employer with documentation of their identity and work-authorization status. Depending on the worker's citizenship or immigration status, a wide variety of documents are acceptable for these purposes. However, when workers present List B and C documents, employers participating in E-Verify may only accept documents from List B that have a photograph. In Section 1 of the Form I-9, the worker records personal information, attests to citizenship status, and signs the form.

The employer completes Section 2 of the form, recording the type of documents presented as proof of identity and work authorization, the document number(s), and any expiration dates on immigration documents. It is mandatory for workers hired by employers participating in E-Verify to provide a Social Security number (SSN) on the Form I-9. After reviewing the documents presented by the worker, the employer records the date of hire. The employer also signs the Form I-9 to certify having examined the documents presented by the worker and finding them to appear valid and to appear to belong to the person presenting them. Under the Form I-9 process, the verification responsibility rests solely with the employer. Depending on the employer's familiarity with various immigration and other documents and skills in the detection of fraudulent identity and employment eligibility documents, a worker without employment authorization may or may not be denied employment; similarly, an employer unfamiliar with

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[1] The program administrator is the person who has responsibility for handling passwords and other administrative tasks related to E-Verify for the employer.

[2] The mastery test consists of 31 multiple-choice and true/false questions about the requirements and correct procedures for using E-Verify. Users must answer 22 questions correctly (71 percent) to pass the test. Once the mastery test has been successfully completed, the employer is granted access to the verification system.

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a particular document may erroneously assume that the worker presenting the unfamiliar document is not work authorized.[3]

Finally, employers must retain completed Forms I-9 for all workers for three years after the hire date or one year after the date the worker is terminated, whichever is later. For more detailed information about the Form I-9 process, see the *Handbook for Employers, Instructions for Completing Form I-9.*[4]

3. THE E-VERIFY VERIFICATION PROCESS

This section provides an overview of the E-Verify verification process. The process is presented as a series of phases that cases <u>may</u> go through.[5] Where appropriate, differences between processes for workers claiming to be citizens and those claiming to be noncitizens are specified.

3.1. Phase 1—Data Entry

The first step in the E-Verify process consists of employers' inputting workers' information from the Form I-9 into the E-Verify system.[6] The Form I-9 data entered include the worker's name, date of birth, and SSN; attested citizenship status; Alien or Nonimmigrant Admission Number (for noncitizens); type of document(s) presented with the Form I-9 and certain document numbers; and any document expiration dates for immigration documents. If an immigration document with a photograph is used by the worker for verification purposes, the employer is also required to photocopy it. After the employer electronically submits the information, all cases go to the automatic verification step.

3.2. Phase 2—Automatic Verification

Immediately after the employer submits the Form I-9 information to E-Verify, the E-Verify system automatically sends the information to the Social Security Administration (SSA) to compare the employer-input information against the information in SSA records. The first step of the automatic verification process is the same for all workers—the Form I-9 information is checked against SSA information to determine if a valid SSN was submitted and, if so, if the SSN, name, and date of birth match SSA's records. If the case information and SSA information *are not* consistent, the case is sent to Phase 3 (Pre-Tentative Nonconfirmation check, or Pre-TNC check). If the case information and SSA information *are* consistent, the next step is determining whether Federal records show that the worker has employment authorization. This employment-authorization check differs for workers attesting on the Form I-9 to be citizens and those attesting to be noncitizens.

3.2.1. Workers Attesting to Be Citizens

For workers attesting to be U.S. citizens, the SSA database is checked to determine the worker's citizenship status as recorded in SSA records. If SSA records *can* confirm that the person is a U.S. citizen or permanent legal resident, the E-Verify system issues a finding that the worker is work authorized. If

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[3] The employer is prohibited from asking the worker for additional documentation than provided, assuming that the worker has provided documentation consistent with the Form I-9 process and the documentation appears to be valid and to belong to the worker.

[4] http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=31b3ab0a43b5d010VgnVCM10000048f3d6 a1RCRD&vgnextchannel=7d316c0b4c3bf110VgnVCM1000004718190aRCRD.

[5] A case refers to a specific hiring event, i.e., a query sent by a specific employer to check the employment eligibility of a specific worker at a specific point in time. During the database cleaning process, multiple records for a given case are merged or deleted.

[6] The description here assumes manual data input, which is, by far, the most common input process; however, there are also options available for electronic abstractions from electronic Forms I-9 or employer databases.

SSA records *cannot* confirm U.S. citizenship or permanent legal resident status, E-Verify checks U.S. Citizenship and Immigration Services (USCIS) and Department of State databases[7] to determine whether the worker is a naturalized citizen. If these databases confirm that the worker is a naturalized citizen, the system issues a finding that the worker is work authorized.

If E-Verify issues a finding that the citizen is work authorized, the employer is electronically notified and no further effort on the part of workers, employers, or Federal staff is required other than the requirement that employers close these cases and retain the required verification information with their Form I-9 files. If the E-Verify system cannot confirm work authorization, the case proceeds to Phase 3 (Pre-TNC check).

3.2.2. Workers Attesting to Be Noncitizens

If the worker attests to being a noncitizen on the Form I-9 and his or her SSN, name, and date of birth match SSA's records, the case is sent to USCIS to be electronically checked against the USCIS Verification Information System (VIS) database. The VIS database contains information from several Department of Homeland Security (DHS) databases. If USCIS can confirm that the worker is work authorized and DHS files contain a copy of a document used by the worker that contains a photograph of the worker, the case proceeds to Phase 5 (Photo Matching Tool). If USCIS can confirm that the worker is work authorized but DHS files do not contain a copy of a document used by the worker that contains a photograph of the worker, the employer is immediately notified electronically through the E-Verify system that the worker is authorized to work. If USCIS cannot verify that the worker is employment authorized, the case proceeds to Phase 3 (Pre-TNC check) described below.

3.3. Phase 3—Pre-TNC Check

If the automated match cannot confirm that Form I-9 information is consistent with Federal information and that the worker is employment authorized, the system immediately asks the employer to recheck the data input. This is referred to as a pre-TNC check (see Exhibit I-1). If the employer submits changed information, the revised information is checked, using the same automated procedures described above. The next step immediately following the pre-TNC check may differ for workers attesting on the Form I-9 to be citizens and those attesting to be noncitizens, as described below.

3.3.1. Workers Attesting to Be Citizens

If the employer does not submit changed information or if the changed information still does not permit verification of the worker's employment-authorization status, an SSA Tentative Nonconfirmation (TNC) is issued and the citizen case goes to Phase 6 (TNC).

3.3.2. Workers Attesting to Be Noncitizens

If SSA information and Form I-9 information for a noncitizen are not consistent after the employer has had an opportunity to revise the information input into E-Verify, an SSA TNC is issued to the noncitizen. If the case has already been transferred to USCIS for verification and USCIS cannot confirm work authorization after the employer has had an opportunity to revise the information, E-Verify indicates to the employer that the "verification is in process" and the case is automatically sent to Phase 4 (USCIS Secondary Review).

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[7] U.S. passport data are checked only if the worker presents a U.S. passport.

3.4. Phase 4—USCIS Secondary Review

The USCIS secondary check is performed by a Management Program Assistant (MPA). The MPA searches DHS databases to determine whether work-authorization status can be confirmed using additional information—a process that typically takes a day or less from receipt of the electronic information to a decision on whether USCIS can confirm work-authorization status without requiring worker action. If the MPA is able to confirm work authorization, the employer is notified that the worker is employment authorized. If the MPA does not have sufficient information to confirm work-authorization status, a TNC is issued and the case proceeds to Phase 6 (TNC).

3.5. Phase 5—Photo Matching Tool Check

When a case enters the Photo Matching Tool phase, a copy of the DHS document with the photograph is provided electronically to the employer. In cases where the employer finds that the photo on the immigration document matches the photo provided in the E-Verify response, the E-Verify system confirms to the employer that the worker is employment authorized. If the employer finds that the photo on the immigration document presented by the worker does not match the photo provided in the E-Verify response, the case is sent to Phase 6 (TNC).

3.6. Phase 6—TNC

When neither the automated check or, for noncitizens, a secondary review, is able to confirm that the worker is employment authorized, a TNC is issued. Employers are then required to provide the affected worker with a system-generated written notification of the finding and give the worker the opportunity to contest it. Workers are required to indicate on the written notification whether or not they wish to contest TNC findings and to sign the notification letter. Employers are supposed to retain a copy of the signed notice in the file.

When workers say they do not want to contest the TNC, the case goes directly to Phase 7 (Final Nonconfirmation, or FNC). When workers say they wish to contest TNCs, employers are instructed to record the referral date in E-Verify by selecting the "referral" button. The E-Verify system then provides a referral form that explains the worker's rights and responsibilities during the contesting period and includes case-specific information about how to correct the discrepancy. Workers then have eight Federal working days to contact SSA or USCIS to resolve the discrepancy. If an SSA TNC is issued, workers other than certain naturalized citizens must go to an SSA field office. If a USCIS TNC is issued, the worker is instructed to contact USCIS by telephone and, if requested to do so, fax copies of documents to USCIS.[8] As of May 2008, naturalized citizens who have received an SSA TNC because Federal records could not confirm their citizenship status may either visit an SSA field office or call USCIS to resolve the TNC.

If the worker contacts SSA or USCIS within eight Federal working days but the Federal government cannot resolve the case within 10 Federal working days, SSA or USCIS places the case "in continuance" until it can be resolved. This may happen, for example, when SSA needs to see an original birth certificate to confirm citizenship but the worker needs to request a copy of the birth certificate by mail from the issuing source.

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[8] Although workers are given eight Federal working days to resolve TNCs, in accordance with the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), workers who contact USCIS on the ninth or 10th day after referral may be able to resolve their cases before an FNC is issued.

While the TNC is being contested, employers may not take adverse actions against workers based on the issuance of the TNC. Prohibited adverse actions include not hiring the worker, firing the worker, not allowing the worker to work until the TNC is resolved, delaying training, assigning different work, or reducing pay while contesting.

If the worker successfully resolves the TNC, the employer is informed that the worker is employment authorized. If the worker does not successfully contest the TNC, the case proceeds to Phase 7 (FNC).

3.7. Phase 7—FNC

If workers indicate they do not wish to contest TNC findings, their cases are classified as Final Nonconfirmations (FNCs). If they indicate they want to contest but do not follow through by contacting SSA or USCIS to correct the discrepancy in their records, their cases are considered "no shows" after 10 Federal working days and FNCs are issued.

When the system issues FNCs, employers then must terminate the employment of these workers to comply with the law. If employers do not terminate the employment of workers who cannot be verified as work authorized, they are required by law to notify USCIS that they are continuing to employ the worker.

The major steps of the E-Verify verification process are illustrated in Exhibits I-1 and I-2.

Exhibit I-1. Verification Process for Persons Attesting to Be U.S. Citizens on Form I-9 [9]
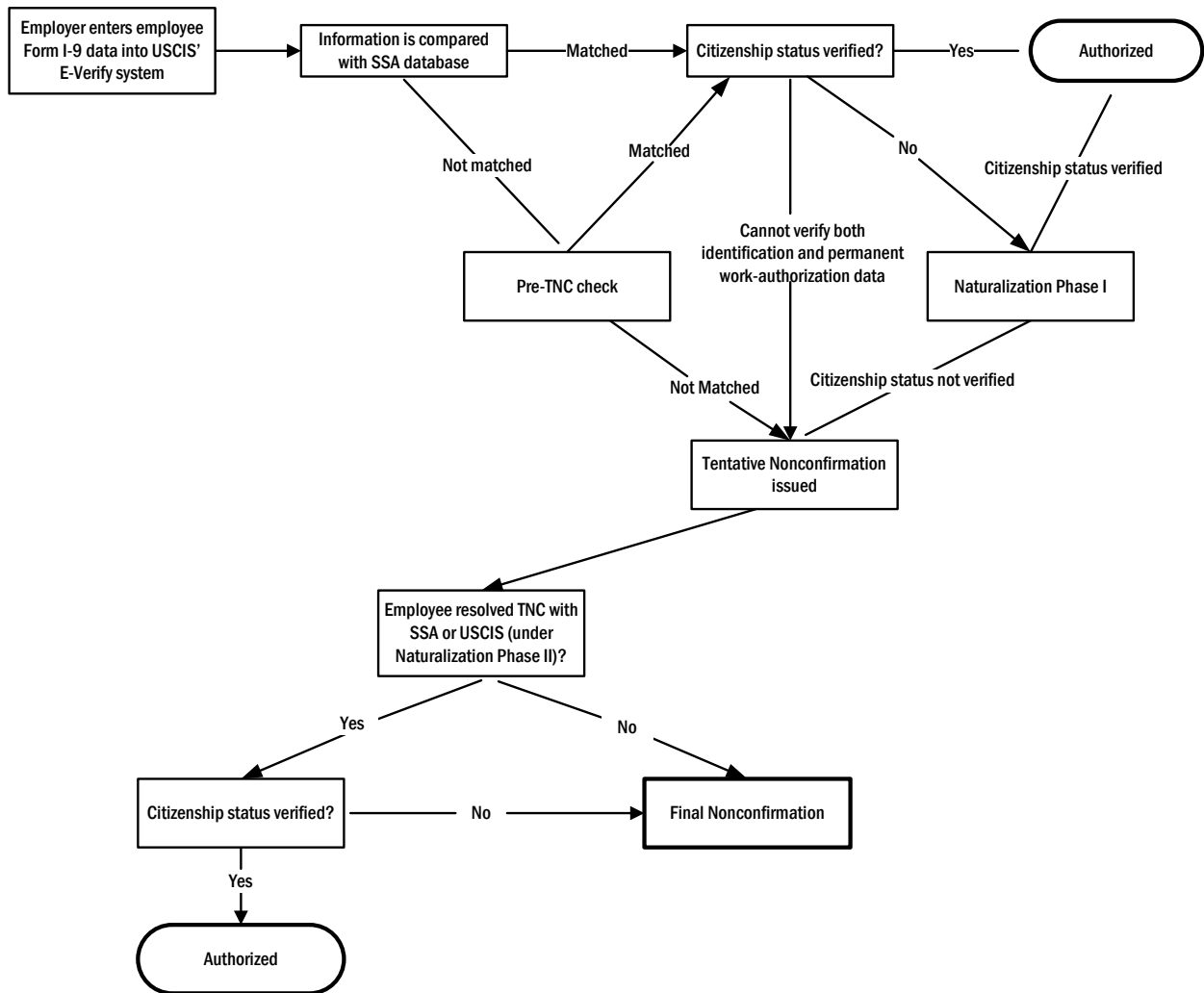
NOTE: This is the process that was in effect on June 30, 2010.

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[9] This chart does not include the passport check.

Exhibit I-2. Verification Process for Persons Attesting to Be Noncitizens on Form I-9
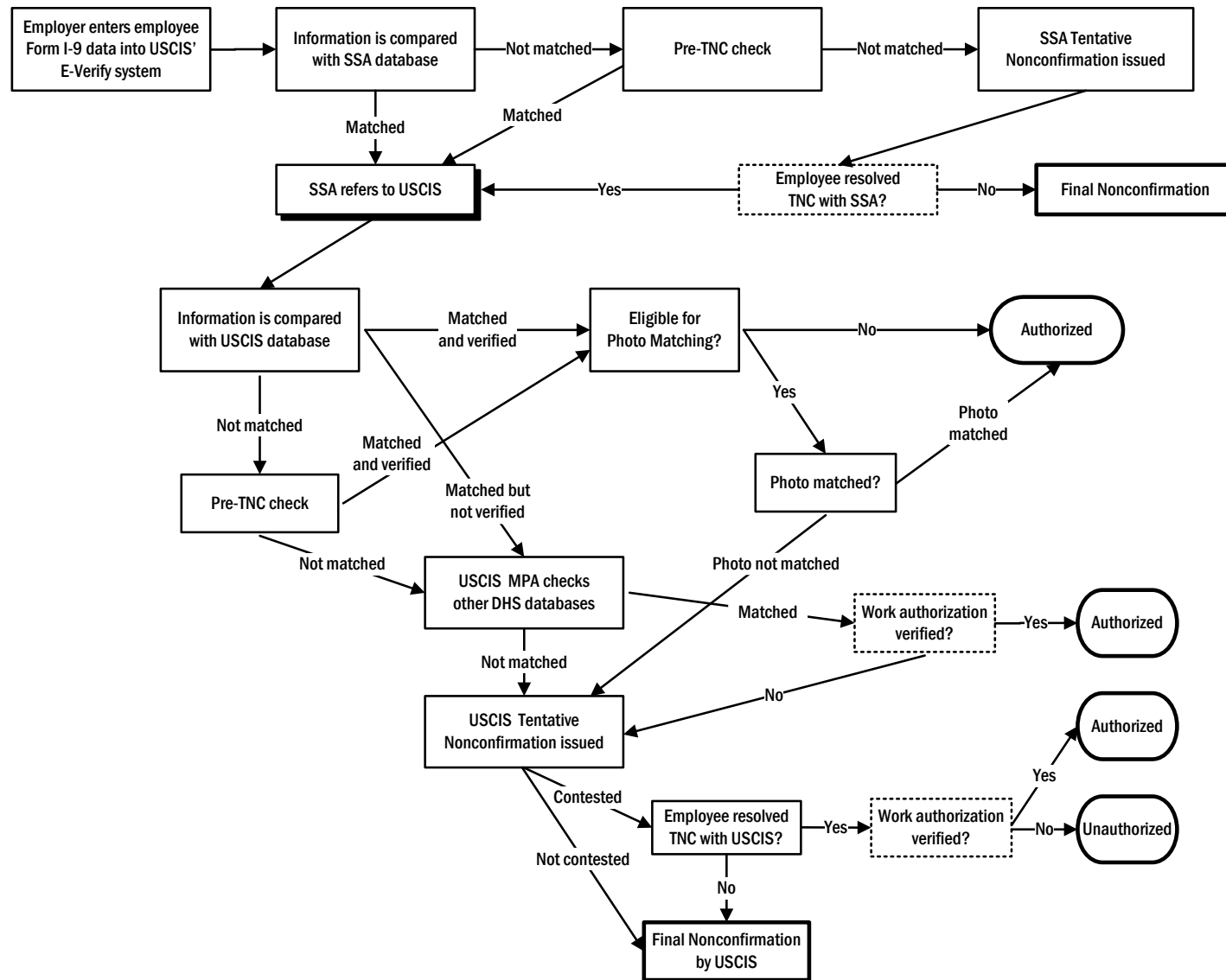
NOTE: This is the process that was in effect on June 30, 2010.

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APPENDIX B.

STATUS OF STATE LEGISLATION RELATED TO E-VERIFY
FOR COMPARISONS BETWEEN MARCH 31, 2008, AND OCTOBER 31, 2010

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Status of State Legislation Related to E-Verify for Comparisons Between March 31, 2008, and October 31, 2010

State	2008 Requirement			2010 Requirement		
	State employees	State contractors	All employers	State employees	State contractors	All employers
Arizona	✓	✓	✓	✓	✓	✓
Arkansas						
Colorado		✓			✓	
Georgia	✓	✓		✓	✓	
Idaho	✓			✓		
Minnesota	✓	✓		✓	✓	
Mississippi	✓	✓	✓[1]	✓	✓	✓[1]
Missouri				✓	✓	
Nebraska				✓	✓	
North Carolina	✓			✓		
Oklahoma	✓	✓		✓	✓	
Pennsylvania						
Rhode Island	✓	✓		✓	✓	
South Carolina						
Tennessee						
Utah	✓			✓	✓	✓[2]
Virginia				✓		

[1]For private employers, E-Verify implementation phased in by size.
[2]Mandate is for all private employers with 15 or more employees.

NOTE: Since 2008, four states adopted legislation that influences the use of E-Verify without mandating participation: Arkansas' legislation forbids state agencies and contractors from hiring illegal workers. Pennsylvania's legislation forbids state agencies and contractors from hiring illegal workers and provides that E-Verify participation protects public contractor employers from prosecution. South Carolina's legislation requires that contractors and their subcontractors seeking to do business with state agencies must register for E-Verify or only employ workers with a valid South Carolina driver's license or an out-of-state driver's license issued by a state as strict as South Carolina; it also requires all employers with more than 100 employees (and their contractors and subcontractors) to, by July 1, 2009, either use E-Verify or timely and properly complete Form I-9 documents on each employee (which is already required under current Federal law). Tennessee's legislation suspends an employer's business license if they knowingly hire an unauthorized alien and provides that E-Verify participation protects public contractor employers from prosecution.

SOURCE: USCIS, Verification Division, E-Verify State Legislative Updates, March 2008 and October 2010.

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APPENDIX C.

STATISTICS ON IMPACT OF CHANGES IN
SAMPLING METHODOLOGY

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Exhibit C-1. Percentage of Employers Agreeing With Questionnaire Statement: Original 2008 Statistic and Revised 2008 Statistic to Include Headquarters Only

Statement	2008 establish- ment statistic	Revised 2008 (head- quarters only) statistic	Difference
The online registration process was easy to complete	93.6	93.1	0.5
The online registration process was too time-consuming	29.9	32.8	-2.9
The content of the online tutorial was easy to understand	94.3	95.3	-1.0
The tutorial adequately prepared us	94.9	95.5	-0.6
The tutorial answers all of our questions	89.4	91.4	-2.0
The tutorial takes too long to complete	41.3	44.9	-3.6
It is a burden to have to pass the mastery test	27.4	34.5	-7.1
It is easy for system users to obtain a lost or forgotten password	80.4	79.6	0.8
The available E-Verify system reports cover all of our reporting needs	93.0	95.1	-2.1
Overall E-Verify is an effective tool for employment verification	95.5	94.1	1.4
E-Verify reduces the chances of getting a mismatched SSA earnings letter	95.4	94.0	1.4
It is easy to make errors when entering employee information	27.7	23.5	4.2
Frequent technical assistance is required from the Help Desk to use the E-Verify Program	6.4	7.8	-1.4
At times it is impossible to submit the information required by the deadline	20.0	18.9	1.1
We believe E-Verify is highly accurate	91.4	90.0	1.4

NOTE: The statistics above use the original 2008 survey weights. The revised headquarter-only statistics were not reweighted to reflect the revised survey population.

SOURCE: E-Verify Web Survey: 2008.

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APPENDIX D.

2010 WEB QUESTIONNAIRE

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2010 Survey for E-Verify Evaluation

If you would like to complete this survey **online**, please go to
https://www.EVerifyStudy.org
Your user login and password are listed below.

User Login:	
Password:	

Introduction:

The questions in this survey ask about your opinions and your experiences with how the E-Verify program works for your company. Your answers will be used to help us understand how well E-Verify is working and may lead to improvements in the program.

Confidentiality - Your answers in this survey are confidential to the extent allowed by law. Your individual responses will not be shared with the Government nor will you be identified in any way to anyone not on Westat's evaluation team.

Your Answers - This survey includes questions about employment verification at your company. The accuracy of your answers is very important to us. In completing the questions, please respond based on your company's current practices and consider all of the business locations, branches, and divisions of your company as you answer questions. If there are any items you are unable to answer, we would appreciate your obtaining the necessary information.

After completing your survey, feel free to make a copy of it for your records. Please send your completed questionnaire back to us in the enclosed prepaid Federal Express envelope. If you have any questions about this evaluation, please feel free to call us at 1-888-390-4340, or send us an email to OKtoWorkSurvey@westat.com.

Thank you for your help.

OMB # 1615-0115   Expires: 07 / 31 / 2013

SECTION A: Respondent Information

A1.   **Please enter your company address information below.**

Company name: _____

Address: _____

City _____ State _____ Zip Code_____

The identifying information below will only be used by Westat staff in case we need to contact you. Your information will not be given to the Government.

A4.   **Please enter your contact information below.**

Your Name: FIRST _____   LAST _____

Your Title: _____

Your telephone: (_____) - _____-_____   Extension _____

Your email address: _____

A5.   **Which description below best fits your company?**
(Please check only one response)

1 ☐   Single location company

2 ☐   Multiple location company

3 ☐   Don't know

A6.   **Are you located at your company headquarters/central office?**
(Please check only one response)

1 ☐   Yes

2 ☐   No

A7. Which of the following statements describe the current situation of this company? Note: Your answers here will determine which questions you will be asked as you go through the rest of this survey. *(Please check one response for each item)*	Yes	No
a This company has signed up for E-Verify but has never used it	☐	☐
b This company has used E-Verify in the past but no longer uses it	☐	☐
c This company does not currently use E-Verify but plans to use E-Verify in the future	☐	☐
d This company is a Designated Agent, a company that provides E-Verify and other services to other companies for a fee	☐	☐
e This company uses a Designated Agent from another company to provide E-Verify services and possibly other services to us for a fee	☐	☐
f This company is a temporary staffing agency; it provides workers on our payroll to work at our client's sites	☐	☐
g This company is an Employment Agency; it refers workers seeking employment to companies seeking workers	☐	☐
h This company has signed up for and currently uses E-Verify	☐	☐

IF A7a OR A7b = 'yes' THEN:
> Please call us at 1-888-390-4340 to request a different version of this survey.
> **END**

IF A7d = 'yes' THEN:
> This survey is only for companies that use the E-Verify Program for their own workers. We are conducting a separate study of companies that provide E-Verify service for other companies. If you are selected for that study, we hope you will participate. Thank you for your help on this survey. The information you have provided is greatly appreciated.
> **END**

IF A7e = 'yes' THEN:
> This survey is only for companies that use the E-Verify Program themselves as opposed to having another company provide this service. We are conducting a separate study of companies that use a service provider for the E-Verify Program. If you are selected for that study, we hope you will participate. Thank you for your help on this survey. The information you have provided is greatly appreciated.
> **END**

ALL OTHERS, CONTINUE.

A8. **Which of the following best describes how your company uses E-Verify?**
(Please check only one response)

1 ☐ One location handles all E-Verify submissions for all locations

2 ☐ Company policy is that all locations use E-Verify, but at multiple locations

3 ☐ Individual locations may use or not use E-Verify at their own discretion

4 ☐ Certain locations use E-Verify (e.g., because of federal, state, or local mandates) but it is not used company-wide

5 ☐ Other (specify): _____

SECTION B: System Implementation

These questions are about implementing the E-Verify system.

B1. **Have you personally completed the E-Verify online tutorial?**
(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

B2. **Which staff members at this company who currently conduct verifications using E-Verify have completed the E-Verify online tutorial?**
(Please check only one response)

1 ☐ I am the only E-Verify user at this company

2 ☐ All of the other current users have completed the tutorial

3 ☐ Some of the other current users have completed the tutorial

4 ☐ None of the other current E-Verify users have completed the tutorial

B3. Thinking about E-Verify system user IDs, at this company which of the following applies?

(Please check only one response)

1 ☐   All users have their own unique user IDs (or there is only one user)

2 ☐   Some users share a user ID

B4. For each of the statements below, select the answer that best represents your company's experience with the system registration and start-up process. *(Please check one response for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. The online registration process was easy to complete	☐	☐	☐	☐	☐
b. The online registration process was too time consuming	☐	☐	☐	☐	☐
c. The content of the online tutorial was easy to understand	☐	☐	☐	☐	☐
d. The tutorial adequately prepared us to use the online verification system	☐	☐	☐	☐	☐
e. The tutorial answers all of our questions about using the online verification system	☐	☐	☐	☐	☐
f. The tutorial takes too long to complete	☐	☐	☐	☐	☐
g. It is a burden to have to pass the Mastery Test before being allowed to use the online verification system	☐	☐	☐	☐	☐
h. It is easy for system users to obtain a lost or forgotten password	☐	☐	☐	☐	☐
i. The available E-Verify system reports cover all of our reporting needs	☐	☐	☐	☐	☐

B5. For your company, how helpful are each of the following resources and features that are provided as part of the E-Verify system? *(Please check one response for each item)*	Very Helpful	Helpful	Not Very Helpful	Not At All Helpful	Not Aware of Item	Never Used Item
a. The online E-Verify User Manual	☐	☐	☐	☐	☐	☐
b. The online tutorial	☐	☐	☐	☐	☐	☐
c. Online Webinars	☐	☐	☐	☐	☐	☐
d. Other online resources	☐	☐	☐	☐	☐	☐
e. Reports to monitor the status of employee cases	☐	☐	☐	☐	☐	☐
f. Reports to monitor our company's use of the system and the use of individual users in our company	☐	☐	☐	☐	☐	☐
g. Mouse-over features on data entry fields	☐	☐	☐	☐	☐	☐
h. Any other features (specify): _____ _____	☐	☐	☐	☐	☐	☐

B6. **Thinking about system navigation and data entry issues, how user-friendly is the E-Verify system?** *(Please check only one response)*

1 ☐ Very user-friendly

2 ☐ Somewhat user-friendly

3 ☐ Not very user-friendly

4 ☐ Not at all user-friendly

B7. **Have you, personally, ever tried calling the E-Verify Technical Help Desk (800-741-5023) or the E-Verify Customer Service number (888-464-4218)?**

(Please check only one response)

1 ☐ Yes

2 ☐ No, we had problems but did not know the number to call

3 ☐ No, we have not had any need to call

4 ☐ Don't know

IF B7 = 'Yes' THEN CONTINUE WITH QUESTION B8.

ALL OTHERS, SKIP TO SECTION C (PAGE 9).

(ALL COMPANIES THAT TRIED TO CALL HELP DESK OR CUSTOMER SERVICE)

B8. **Which service did you try to contact?** *(Please check only one response)*

    1 ☐ E-Verify Technical Help Desk (800-741-5023) only

    2 ☐ E-Verify Customer Service number (888-464-4218) only

    3 ☐ Both the Technical Help Desk and the Customer Service numbers

    4 ☐ Not sure which number

IF YOU TRIED TO CALL The E-Verify Technical Help Desk, ANSWER B9.

B9. **Generally, how satisfied were you with your experience in contacting the E-Verify Technical Help Desk?**   *(Please check only one response)*

    1 ☐ Very satisfied

    2 ☐ Satisfied

    3 ☐ Unsatisfied

    4 ☐ Very unsatisfied

IF YOU TRIED TO CALL The E-Verify Customer Service number, ANSWER B10.

B10. **Generally, how satisfied were you with your experience in contacting the E-Verify Customer Service number?** *(Please check only one response)*

    1 ☐ Very satisfied

    2 ☐ Satisfied

    3 ☐ Unsatisfied

    4 ☐ Very unsatisfied

IF YOU TRIED TO CALL BUT ARE NOT SURE WHICH NUMBER, ANSWER B11.

B11. **Generally, how satisfied were you with your experience in contacting either the E-Verify Technical Help Desk or the Customer Service number?** *(Please check only one response)*

    1 ☐ Very satisfied

    2 ☐ Satisfied

    3 ☐ Unsatisfied

    4 ☐ Very unsatisfied

IF YOU WERE "unsatisfied" OR "very unsatisfied" CONTACTING EITHER THE E-VERIFY TECHNICAL HELP DESK OR THE CUSTOMER SERVICE NUMBER, ANSWER B12.

ALL OTHERS, SKIP TO SECTION C (PAGE 9).

B12. Have you ever had any of the following problems with the E-Verify Technical Help Desk or the E-Verify Customer Service number? *(Please check one response for each item)*	Yes	No	Not applicable
a. I was given information that turned out to be incorrect	☐	☐	☐
b. They were unable to answer my question	☐	☐	☐
c. Their answer was hard to understand	☐	☐	☐
d. They were rude or discourteous	☐	☐	☐
e. I was unable to get through to a person	☐	☐	☐
f. I was referred to another phone number to get help	☐	☐	☐
g. I was given information that conflicted with another source (specify the other source): _____	☐	☐	☐
h. Other (specify): _____ _____	☐	☐	☐

SECTION C: Setup and Maintenance Costs

The next set of questions is about costs involved in setup and maintenance of the E-Verify Program.

Setup Costs:

C1. **What direct costs did this company incur in *setting up* the E-Verify Program? Do not include costs for equipment that you had prior to setting up the Program.** *(Please check one response for each item)*	Yes	No
a Training	☐	☐
b Computer hardware	☐	☐
c Telephone line to access the internet	☐	☐
d Internet connection and access charges	☐	☐
e Filing cabinets or other office equipment	☐	☐
f Remodeling or restructuring of the physical plant	☐	☐
g Other (specify): _____	☐	☐

C2. **Please provide an estimate of the total direct expenditures for each of the following items associated with *setting up* the E-Verify Program.**

      a $_____   Training

      b $_____   Computer hardware

      c $_____   Telephone line to access the internet

      d $_____   Internet connection and access charges

      e $_____   Filing cabinets or other office equipment

      f $_____   Remodeling or restructuring of the physical plant

      g $_____   Other

C3. **Were the *indirect* costs associated with *setting up* the E-Verify Program, such as reassignment of employees, additional recruitment, delayed production and so on:**
(Please check only one response)

      1 ☐   An extreme burden

      2 ☐   A moderate burden

      3 ☐   A slight burden

      4 ☐   Not a burden at all

Maintenance Costs:

C4. *What* are the annual direct costs incurred by this company to *maintain* the E-Verify Program? *(Please check one response for each item)*	Yes	No
a Computer maintenance	☐	☐
b Telephone fees for internet access	☐	☐
c Internet access fees	☐	☐
d Training of replacement staff	☐	☐
e Wages for verification specialist(s)	☐	☐
f Other (specify): _____	☐	☐

C5. Please provide an estimate of the total annual direct expenditures associated with *maintaining* the E-Verify Program for each item below.

a $_____ Computer maintenance

b $_____ Telephone fees for internet access

c $_____ Internet access fees

d $_____ Training of replacement staff

e $_____ Wages for verification specialist(s)

f $_____ Other

C6. Have the *indirect* costs associated with *maintaining* the E-Verify Program been: *(Please check only one response)*

1 ☐ An extreme burden

2 ☐ A moderate burden

3 ☐ A slight burden

4 ☐ Not a burden at all

SECTION D: Experiences with E-Verify

The following set of questions asks about your views of and your experiences with the E-Verify Program.

D1. **How did this company *first* learn about the E-Verify Program?**
(Please check only one response)

   a ☐   USCIS web site

   b ☐   Other USCIS or SSA materials, publications, or presentations

   c ☐   U.S. Immigration and Customs Enforcement (ICE) audit or visit

   d ☐   Information from a state or local office

   e ☐   Media coverage

   f ☐   Request from client to participate

   g ☐   Information from a business/professional association

   h ☐   Heard about it from other companies

   i ☐   Other (specify): _____

   j ☐   Don't know

D2. **Which of the following were reasons this company agreed to participate in the E-Verify Program?** *(Please check one response for each item)*	Yes	No
a State or local government required participation	☐	☐
b Federal government required participation	☐	☐
c To satisfy a client's request	☐	☐
d Believed that using E-Verify would allow us to avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine	☐	☐
e To improve ability to verify work authorization	☐	☐
f Believed it would make us more competitive with others in our industry	☐	☐
g Trusted recommendation from someone at another company/ organization	☐	☐
h Other (specify) _____	☐	☐

Some states and localities have mandated the use of E-Verify for some or all companies in their state or locality.   E-Verify has also been mandated for most federal contractors.

D3. Has any part of your company been required to use E-Verify for the following reasons? *(Please check one response for each item)*	Yes	No	Don't Know
a We have federal contract(s) requiring participation	☐	☐	☐
b We have federal contract(s) but NONE require participation	☐	☐	☐
c We do business in a state or locality that requires our participation in E-Verify	☐	☐	☐
d Other (specify): _____	☐	☐	☐

IF ANY PART OF YOUR COMPANY HAS BEEN REQUIRED TO USE E-VERIFY, THEN CONTINUE WITH QUESTION D4.

ALL OTHERS, SKIP TO QUESTION D13 (MIDDLE OF PAGE 15).

(ALL COMPANIES REQUIRED TO USE E-VERIFY)
D4. Are *all locations* of your company required by a federal, state, or local mandate to use E-Verify?   *(Please check only one response)*

    1 ☐   Yes

    2 ☐   No

    3 ☐   Don't know

(ALL COMPANIES REQUIRED TO USE E-VERIFY)
D5. How did you *first* learn that you were *required* to use E-Verify?
(Please check only one response)

    1 ☐   News article

    2 ☐   Advertisement

    3 ☐   Government mailing

    4 ☐   Written into contract or Request for Proposal

    5 ☐   Business/Professional association

    6 ☐   Other (specify) _____

    7 ☐   Don't know

(ALL COMPANIES REQUIRED TO USE E-VERIFY)

D6. **If your company was no longer required to use E-Verify, how likely is it that you would continue to use it?** *(Please check only one response)*

1 ☐ Very likely

2 ☐ Likely

3 ☐ Maybe

4 ☐ Unlikely

5 ☐ Very unlikely

IF D6 = "Very likely" OR "Likely" THEN CONTINUE WITH QUESTION D7.
ALL OTHERS, SKIP TO THE INSTRUCTIONS BEFORE QUESTION D8.

D7. **Why would you be likely to continue using E-Verify?** *(Please check one response for each item)*	Yes	No	Not Applicable
a To possibly avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine	☐	☐	☐
b To improve our ability to verify work authorizations	☐	☐	☐
c To remain more competitive with other companies in our industry	☐	☐	☐
d Our clients like that we use E-Verify	☐	☐	☐
e Other (specify): _____	☐	☐	☐

IF D6 = "Unlikely" or "Very unlikely" THEN CONTINUE WITH QUESTION D8.
ALL OTHERS, SKIP TO THE INSTRUCTIONS BEFORE QUESTION D9.

D8. **Why would you be unlikely to continue using E-Verify?** *(Please check one response for each item)*	Yes	No	Not Applicable
a Using E-Verify makes it difficult to attract qualified workers	☐	☐	☐
b E-Verify is burdensome to use	☐	☐	☐
c Using E-Verify makes us less competitive with other companies in our industry	☐	☐	☐
d We seldom have any new hires	☐	☐	☐
e Other (specify): _____	☐	☐	☐

**IF D3a = "Yes" (ANY PART OF YOUR COMPANY HAS BEEN REQUIRED TO USE E-VERIFY FOR FEDERAL CONTRACTS), THEN CONTINUE WITH QUESTION D9.
ALL OTHERS, SKIP TO QUESTION D13 (MIDDLE OF PAGE 15).**

The following set of questions is for companies that have had federal contracts requiring participation.

D9. **In response to the federal mandate, are you verifying any of your existing employees who were working at this company prior to when the company began using E-Verify?**
(Please check only one response)

1 ☐ Yes, but only those working on federal contracts requiring E-Verify

2 ☐ Yes, including existing employees who are not required to be verified (e.g., because they do not work on federal contracts)

3 ☐ No

4 ☐ Other (specify) _____

**IF D9 = "Yes" (CODE '1' OR '2'), THEN CONTINUE WITH QUESTION D10.
ALL OTHERS, SKIP TO QUESTION D13 (MIDDLE OF PAGE 15).**

D10. **How did you inform your existing employees of the new requirement?** *(Please check one response for each item)*	Yes	No	Not Applicable
a Displayed posters in areas where they would be easily seen	☐	☐	☐
b Sent a memo to each existing employee	☐	☐	☐
c Other (specify): _____	☐	☐	☐

D11. **For your existing employees who worked at this company prior to when the company began using E-Verify, did you ask those employees to complete new Form I-9s or to update old ones?**
(Please check only one response)

a ☐ All completed new Form I-9s

b ☐ All updated old Form I-9s

c ☐ Some completed new forms and some updated old ones

d ☐ None of the above

(ALL CURRENT USERS REQUIRED TO USE E-VERIFY BECAUSE OF FEDERAL CONTRACTS WHO ARE VERIFYING EXISTING WORKERS) **D12. Are you aware of any of the following reactions from your existing employees in response to the new requirement?** *(Please check one response for each item)*	Yes	No	Not Applicable or not aware
a Some employees left rather than be verified	☐	☐	☐
b Some employees expressed concern about the requirement	☐	☐	☐
c Some employees complained about being teased or harassed about the possibility they would not be found work-authorized	☐	☐	☐
d Other (specify): _____	☐	☐	☐

D13. Please indicate your own perceptions related to the impact that E-Verify has had on this company. *(Please check one response for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. The number of work-authorized persons who applied for jobs decreased because E-Verify was used	☐	☐	☐	☐	☐
b. The number of unauthorized workers who applied for jobs decreased because E-Verify was used	☐	☐	☐	☐	☐
c. Qualified workers were difficult to recruit because E-Verify was used	☐	☐	☐	☐	☐
d. Using E-Verify resulted in some existing employees choosing to leave (e.g., resignation or retirement)	☐	☐	☐	☐	☐
e. Using E-Verify resulted in the firing or termination of some existing employees	☐	☐	☐	☐	☐
f. Using E-Verify damaged the employee/ management relationship	☐	☐	☐	☐	☐
g. Using E-Verify created a competitive advantage for this company	☐	☐	☐	☐	☐
h. Using E-Verify caused this company to be less competitive	☐	☐	☐	☐	☐

D14. Please consider each of the following statements related to E-Verify and select the choice that best represents the experiences at this company. *(Please check one response for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. It is impossible to fulfill all the company obligations required by the E-Verify verification process	☐	☐	☐	☐	☐
b. Overall, E-Verify is an effective tool for employment verification	☐	☐	☐	☐	☐
c. E-Verify reduces the chances of getting a mismatched SSA earnings letter	☐	☐	☐	☐	☐
d. It is easy to make errors when entering employee information into the E-Verify system	☐	☐	☐	☐	☐
e. We are sometimes unsure about how to enter certain types of names (e.g., single names, compound/hyphenated last names, very long names, etc.)	☐	☐	☐	☐	☐
f. Frequent technical assistance is required from the Help Desk to use the E-Verify Program	☐	☐	☐	☐	☐
g. At times, the number of employees hired is so great that it is impossible to submit the information required by the deadline	☐	☐	☐	☐	☐
h. E-Verify is difficult to use for hiring seasonal workers	☐	☐	☐	☐	☐
i. USCIS usually provides adequate training when introducing new Program features	☐	☐	☐	☐	☐
j. E-Verify is not always available because the Federal system is 'down'	☐	☐	☐	☐	☐
k. E-Verify is not always available because our internet system is unreliable	☐	☐	☐	☐	☐
l. System time-outs require us to re-enter information previously entered	☐	☐	☐	☐	☐
m. We believe E-Verify is highly accurate	☐	☐	☐	☐	☐

D15. The E-Verify Photo Tool allows you to compare the picture on the person's Form I-9 immigration documents to the one that is in the E-Verify data base.

Has your company ever used the E-Verify Photo Tool?

(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

IF D15 = "Yes" THEN CONTINUE WITH QUESTION D16.
ALL OTHERS, SKIP TO QUESTION D21 (PAGE 19).

D16. Please consider the following statements related to the E-Verify Photo Tool and select the choice that best represents the experiences at this company. *(Please check one response for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. We would like to have the Photo Tool include more types of documents	☐	☐	☐	☐	☐
b. Using the Photo Tool reduces our responsibility to be certain that the person presenting the document is the right person	☐	☐	☐	☐	☐
c. Needing to have a photocopier and fax capability is burdensome	☐	☐	☐	☐	☐
d. We have experienced technical difficulties with using Photo Tool	☐	☐	☐	☐	☐
e. Photo Tool makes E-Verify more burdensome and time-consuming to use	☐	☐	☐	☐	☐
f. The use of Photo Tool has helped us identify cases of potential fraud	☐	☐	☐	☐	☐
g. Other (specify): _____	☐	☐	☐	☐	☐

D17. **When E-Verify returns a Tentative Nonconfirmation finding, there are two ways a company can submit a Photo Tool case to USCIS. One is by Express Mail which the company pays for and the other is by a scan and upload system.**
Which method does your company use when Photo Tool returns a TNC?
(Please check only one response)

a ☐ Usually submit a copy of the document and referral letter by Express Mail

b ☐ Usually submit a copy of the document by the scan and upload system

c ☐ Use both methods about equally

d ☐ Have not used either method

e ☐ Have not had a Photo Tool Tentative Nonconfirmation

D18. **Since the start of the Photo Tool, has your company been more likely to ask non-citizens for immigration documents during the verification process?**
(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

D19. **Does this company compare the picture provided in the E-Verify Photo Tool response to the person?**
(Please check only one response)

1 ☐ Yes

2 ☐ No – this is not part of our procedures

D20. **Does this company compare the photo provided in the E-Verify Photo Tool response to the picture on the document the worker provided?**
(Please check only one response)

1 ☐ Yes

2 ☐ No – this is not part of our procedures

D21. **How frequently during the Form I-9 and E-Verify process does this company compare the *picture on the document(s) used for verification* to the *person presenting them?***

(Pleae check only one response)

1 ☐   Always

2 ☐   Only when there is not an E-Verify photo to compare to the person

3 ☐   Sometimes, even when there is an E-Verify photo

4 ☐   Never

5 ☐   Don't know

D22. **In the past few years, have you noticed any decrease in the use of immigration documents (Employment Authorized Documents or Permanent Resident Green Cards) provided by employees during the verification process?**

(Please check only one response)

1 ☐   Yes

2 ☐   No

3 ☐   Don't know

D23. **Do you think that this company is more willing or less willing to consider hiring job applicants who appear to be foreign-born *now* than it was *prior to starting* the use of automated employment verification?**

(Please check only one response)

Note: Your responses will not be individually shared with the Government, nor will you be identified in any way to anyone not on Westat's evaluation team.

1 ☐   More willing

2 ☐   Less willing

3 ☐   Neither

4 ☐   Don't know

IF D23 = "More willing" (CODE '1') OR IF D23 = "Less willing" (CODE '2'), THEN CONTINUE WITH QUESTION D24.
ALL OTHERS, SKIP TO SECTION E (PAGE 21).

D24. Why do you think that this company is (more willing / less willing) now to consider hiring job applicants who appear to be foreign-born? *(Please check one response for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. Using E-Verify is easier than using the Form I-9 to tell who is work-authorized	☐	☐	☐	☐	☐
b. Using E-Verify takes the guess work out of determining the validity of the documents presented	☐	☐	☐	☐	☐
c. Using E-Verify can be disruptive if we first hire someone and then later have to let that person go	☐	☐	☐	☐	☐
d. Using E-Verify provides immediate results	☐	☐	☐	☐	☐
e. Using E-Verify reassures us that we are not hiring unauthorized workers	☐	☐	☐	☐	☐
f. Using E-Verify creates extra work when someone is not work authorized	☐	☐	☐	☐	☐
g. Using E-Verify gives us confidence that all the workers we hire are legally authorized to work	☐	☐	☐	☐	☐
h. Using E-Verify is more difficult with foreign-born applicants	☐	☐	☐	☐	☐
i. Using E-Verify shows a good-faith effort that we are complying with the law	☐	☐	☐	☐	☐

SECTION E: Employment Agencies

PLEASE ANSWER THIS SECTION IF YOUR COMPANY IS AN EMPLOYMENT AGENCY. IF NOT AN EMPLOYMENT AGENCY, THEN SKIP TO SECTION F (PAGE 23).

This section asks questions about your experiences in referring job candidates to companies wishing to hire new employees. Please answer these questions based ONLY on your experiences with these workers. We will ask about the workers currently on your own payroll later.

(EMPLOYMENT AGENCIES) **E1 For which referrals does your company require the following pre-employment checks (other than E-Verify) _before_ referring workers for employment?** *(Please check one response for each item)*	All referrals	Some referrals	No referrals
a. Tests of drugs and/or alcohol abuse	☐	☐	☐
b. Criminal record check	☐	☐	☐
a. Reference checks	☐	☐	☐
b. Check on the accuracy of education and prior experience claims of the worker	☐	☐	☐
c. Other background checks (driving records, credit history, etc.)	☐	☐	☐
d. Skills tests (typing tests, etc.)	☐	☐	☐
e. Other (specify): _____	☐	☐	☐

(EMPLOYMENT AGENCIES)
E2. How long does it typically take to complete these checks, that is, from the time you decide the worker should have them until all checks/tests are completed?
(Please check only one response)

- 1 ☐   One to two days
- 2 ☐   Three to six days
- 3 ☐   One to two weeks
- 4 ☐   More than two weeks

(EMPLOYMENT AGENCIES)

E3. Which *job candidates* do you require to be found work-authorized before referring them?

(Please check only one response)

1 ☐ All job candidates

2 ☐ Some job candidates

3 ☐ None of the job candidates

(EMPLOYMENT AGENCIES)

E4. Have any of your clients ever asked you to only refer potential employees that E-Verify has found to be work-authorized?

(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

SECTION F: Verification Procedures

IF EMPLOYMENT AGENCY: This section asks questions about your verification procedures for *your own employees, that is, the employees on your payroll even if they are working off site or as temporary help for another company.*

ALL OTHER COMPANY TYPES: The following questions are about your verification procedures for *your employees*. Do NOT include information about employees working at your company who are from temporary help agencies or contractors.   Do include employees on your payroll who work off-site.

		Yes	No	Not Applicable
F1.	**For which of the following does this company verify work-authorization using E-Verify?** *(Please check one response for each item)*			
a	All applicants for jobs with our company	☐	☐	☐
b	Those job applicants we plan to hire	☐	☐	☐
c	Those job applicants that will be working off-site	☐	☐	☐
d	All new hires	☐	☐	☐
e	Employees that started working for this company because of a merger or buy-out	☐	☐	☐
f	Existing employees who worked at this company prior to when the company began using E-Verify	☐	☐	☐
g	Existing employees with work-authorizations that are about to expire	☐	☐	☐
h	Existing employees not believed to be work-authorized	☐	☐	☐
i	Other types (specify):_____	☐	☐	☐

[EMPLOYMENT AGENCIES: You already answered this question for job candidates that you refer to other companies. Now we are asking about tests/checks you do as part of the hiring process for your own employees, that is, all of the employees on your payroll.] **F2. Which of the following do you require from some or all prospective new employees before they can start work?** *(Please check one response for each item)*	For all hires	For some hires	Not for any hires
a Tests of drugs and/or alcohol abuse	☐	☐	☐
b Criminal record check	☐	☐	☐
c Reference checks	☐	☐	☐
d Check on the accuracy of education and prior experience claims of the worker	☐	☐	☐
e Other background checks (driving records, credit history, etc.)	☐	☐	☐
f Tests of skills (e.g., typing tests)	☐	☐	☐
g Other (specify):_____	☐	☐	☐

F3. How long does it typically take to complete these checks, that is, from the time you decide the worker should have them until all checks/tests are completed?

(Please check only one response)

1 ☐ One to two days

2 ☐ Three to six days

3 ☐ One to two weeks

4 ☐ More than two weeks

F4. When is the E-Verify Program *typically* used to verify work authorization?

(Please check only one response)

1 ☐ Before a job offer is made

2 ☐ After a job offer but before the worker has accepted

3 ☐ After a job offer has been accepted but before the employee's first day of paid work

4 ☐ On the first day of paid work

5 ☐ On the second or third day of paid work

6 ☐ More than three days after starting paid work

7 ☐ Other times (specify) _____

F5. **Which of the following best describes your company's procedures for when workers can start work?**

(Please check only one response)

1 ☐ All workers must be found work-authorized by E-Verify prior to starting work

2 ☐ Some types of workers must be found work-authorized by E-Verify prior to starting work (specify types) _____

3 ☐ No workers need to be found work-authorized by E-Verify prior to starting work

F6. **As far as you know, did your company receive any Tentative Nonconfirmation findings because of a 'data entry' mistake when entering the I-9 information into E-Verify?**

(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

IF F6 = "Yes" THEN CONTINUE WITH QUESTION F7.
ALL OTHERS, SKIP TO QUESTION F10 (BOTTOM OF PAGE 26).

F7. **Did those 'data entry' mistakes when entering the I-9 information into E-Verify occur during the past 12 months?**

(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

F8. Which of the following describe experiences your company has had with Tentative Nonconfirmation findings due to data entry mistakes made at your company: (*Please check one response for each item*)	Yes	No	Not Applicable
a. We found the error ourselves and corrected it without telling the employee	☐	☐	☐
b. The employee found the error when told about the finding and we corrected it without the employee having to contest the finding	☐	☐	☐
c. The employee contested the finding and USCIS or SSA discovered the error	☐	☐	☐
d. The error was caused by our having difficulty reading the worker's handwriting on the Form I-9	☐	☐	☐

F9. When a data entry error is found, how do you *typically* correct it?

(Please check only one response)

1 ☐ We close the original case as an invalid query and also enter the corrected information as a new case

2 ☐ We enter the correct information as a new case but do not close the original case as an invalid query

3 ☐ We submit the case as a revision of the original case when prompted by the system

4 ☐ Other (specify) _____

F10. Did your company have any Tentative Nonconfirmation findings that were *NOT* the result of data entry errors?

(Please check only one response)

1 ☐ Yes
2 ☐ No
3 ☐ Don't know

IF F10 = "Yes" THEN CONTINUE WITH QUESTION F11.
ALL OTHERS, SKIP TO QUESTION F17 (PAGE 30).

(ALL COMPANIES THAT HAD A TNC)

F11. How often do each of the following situations apply to this company's use of the E-Verify Program for persons receiving Tentative Nonconfirmations? *(Please check one response for each item)* Note: Select 'Not Applicable' if the situation has never arisen	Never	Sometimes	Often	Always	Not Applicable
a. Employees who fail *initial verification* are informed privately	☐	☐	☐	☐	☐
b. *Written* notification of a Tentative Nonconfirmation is given to employees	☐	☐	☐	☐	☐
c. *In-person* notification of Tentative Nonconfirmation is given to employees	☐	☐	☐	☐	☐
d. We have difficulty locating employees to notify them of the Tentative Nonconfirmation finding	☐	☐	☐	☐	☐
e. Employees do not return to work when a Tentative Nonconfirmation is received	☐	☐	☐	☐	☐
f. Employees are unable to contest a Tentative Nonconfirmation because of barriers such as language or bureaucracy/'red tape'	☐	☐	☐	☐	☐
g. Employees tell us that they plan to contest	☐	☐	☐	☐	☐
h. Employees decide to quit rather than to contest the findings	☐	☐	☐	☐	☐
i. Employees quit before we have a chance to tell them about the finding	☐	☐	☐	☐	☐
j. We don't tell employees about the Tentative Nonconfirmations but let them continue to work for us	☐	☐	☐	☐	☐
k. We decide not to hire employees receiving Tentative Nonconfirmations without telling them about the finding	☐	☐	☐	☐	☐
l. We decide to fire employees receiving Tentative Nonconfirmations without telling them about the finding	☐	☐	☐	☐	☐

F12. **How soon after a Tentative Nonconfirmation is received does your company *typically* notify the employee?**

(Please check only one response)

1 ☐ A day or less

2 ☐ Within three days

3 ☐ Within a week

4 ☐ More than a week

5 ☐ We do not usually notify the employee

F13. **Has your company ever had a worker receive a Final Nonconfirmation (unauthorized to work)?**

(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

IF F13 = "Yes" THEN CONTINUE WITH QUESTION F14.
ALL OTHERS, SKIP TO QUESTION F16 (MIDDLE OF PAGE 29).

F14. Which of the following affect how long a worker could remain on the job after receiving a Final Nonconfirmation? *(Please check one response for each item)*	Yes, always	Yes, sometimes	No	Not Applicable
a. The worker is terminated immediately	☐	☐	☐	☐
b. The worker's departure is linked to the company's pay period (e.g., the end of the month)	☐	☐	☐	☐
c. We keep the worker until a replacement can be found	☐	☐	☐	☐
d. We keep the worker until a specific project is completed	☐	☐	☐	☐
e. When the position requires travel, we wait until a trip has been completed before we let the worker go	☐	☐	☐	☐
f. We time the departure to fall within a certain amount of time after receiving the Final Nonconfirmation (e.g., within 3 or 5 days)	☐	☐	☐	☐
g. Other (specify) _____	☐	☐	☐	☐

F15. **On average, how long do you usually let a person continue to work after the Final Nonconfirmation (or unauthorized) has been received?**

_____ Average number of work days

OR ☐ We do not usually terminate employment for workers with FNCs

(ALL COMPANIES THAT HAD A TNC)

F16. **Please consider each of the following statements related to *Tentative Nonconfirmations* received during employment verification using the E-Verify system. Select the answer that best represents the experiences of this company.** *(Please check one response for each item)* *Note: Select 'Not Applicable' if the situation has never occurred*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. Contesting a Tentative Nonconfirmation is not encouraged because the process requires too much time	☐	☐	☐	☐	☐
b. Providing assistance to employees who contest a Tentative Nonconfirmation is an excessive burden on staff	☐	☐	☐	☐	☐
c. Contesting a Tentative Nonconfirmation is not encouraged because employment authorization rarely results	☐	☐	☐	☐	☐
d. Establishing employment authorization has become a burden because there are so many Tentative Nonconfirmations	☐	☐	☐	☐	☐
e. Work assignments must be restricted until employment authorization is confirmed	☐	☐	☐	☐	☐
f. Pay is reduced until employment authorization is confirmed	☐	☐	☐	☐	☐
g. Training is delayed until after employment authorization is confirmed	☐	☐	☐	☐	☐

F17. The following statements describe possible *changes that could be made* to the E-Verify procedures. Please select the answer that best describes your views for each of these possible changes. *(Please check one response for each item)*	Strongly Support	Support	Oppose	Strongly Oppose	No Opinion
a. Allowing verification of job applicants	☐	☐	☐	☐	☐
b. Allowing all companies to verify existing employees	☐	☐	☐	☐	☐
c. Requiring all companies in the United States to use E-Verify	☐	☐	☐	☐	☐
d. Eliminating the paper Form I-9	☐	☐	☐	☐	☐
e. Including the ability to take and verify finger prints	☐	☐	☐	☐	☐
f. Increasing the types of documents that can be used with the Photo Tool	☐	☐	☐	☐	☐
g. Making Tentative Nonconfirmation notices and referral letters available in more languages	☐	☐	☐	☐	☐
h. Adding a formal appeal process that employers or their employees could use if they disagree with the final case finding	☐	☐	☐	☐	☐
i. Any other changes you might want to suggest (specify): _____	☐	☐	☐	☐	☐

F18. Do you now use any form of electronic I-9?

(Please check only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

APPENDIX **D**

SECTION G: Company Characteristics

G1. **Please estimate the total number of current employees of *your company as of today*. Be sure to include all employees on your company's payroll regardless of whether they work full-time or part-time, and whether they are permanent or temporary employees.   Employees that are paid by another company should NOT be included.**

(_____) total employees at *all locations* of this company

G2. **During the past 12 months, approximately how many people were hired by *this company*?**

(_____) employees hired in last 12 months

G3. **During the past 12 months, approximately how many employees were terminated or quit?**

(_____) employees terminated or quit in last 12 months

G4. **Approximately what percent of current employees of *this company* are…?**

A. (_____) % Salaried (e.g., managers, professionals, and technical staff)

B. (_____) % Skilled Hourly (e.g., sales, office, clerical, and craft workers)

C. (_____) % Unskilled Hourly (e.g., operatives, laborers, and service workers)

100 %   Total employees at this company

G5. **Approximately what percent of current employees of *this company* would you say are immigrants, that is, they were born outside the U.S.?**

(Please check only one response)

Note: Your responses will not be individually shared with the Government, nor will you be identified in any way to anyone not on Westat's evaluation team.

1 ☐   5 percent or less

2 ☐   6-20 percent

3 ☐   21-40 percent

4 ☐   41-80 percent

5 ☐   81 percent or more

G6. **What additional comments or suggestions for improvement do you have regarding the E-Verify Program?**

_____

_____

_____

_____

_____

_____

_____

_____

_____

> Feel free to make a copy of this questionnaire for your records.
>
> Please send this completed questionnaire back to us
> in the enclosed prepaid Federal Express envelope.
>
> Thank you for taking the time to answer this survey.
> Your effort and the information you have provided are greatly appreciated.

APPENDIX E.

2008 WEB QUESTIONNAIRE

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2008 Survey for E-Verify Evaluation

Survey ID: _____

The questions in this survey are about this establishment and its experiences with the E-Verify (or Web-based Basic Pilot) program. These questions are designed to provide us with an understanding of how well the pilot program is working and how it can be improved.

All information collected in this survey will be treated as highly confidential, to the extent allowed by law. In completing the questions please respond based on your establishment's current practices rather than how you think you should answer. Your responses will not be individually shared with the Government, nor will you be identified in any way to anyone not on Westat's evaluation team.

In answering the questions, please consider *only **this establishment**. **By that, we mean the business location, branch or division at your current address.** Please do not include information about other offices or sites of this firm <u>unless specifically asked to do so in individual questions</u>.

This survey includes a number of questions about employment verification at your establishment. Your answers and their accuracy are very important to us. If there are any items that you are unable to answer, we would appreciate your obtaining the necessary information from others who may be better able to answer those questions.

After completing your survey, please send your completed questionnaire back to us in the enclosed prepaid envelope. If you have any questions about this evaluation, please feel free to call us at 1-888-502-9797, or send us an email to uscis-see@westat.com.

Thank you for your help.

OMB # 1615-0077   Expires: 09 / 30 / 2010

SECTION A: Respondent Information

The identifying information below will only be used by Westat staff in case we need to contact you to further discuss any issues you may have mentioned in this survey. The information will not be given to the Government.

A1. Please enter the following information about <u>this establishment</u>.   By *this establishment*, we mean the business location, branch or division indicated in the cover letter.

Establishment name: _____

Address: _____

                            _____

City: _____

State: _____

Zip code: _____

A2. Enter the name of your <u>parent company</u>, or mark the box if there is no parent company,

Parent Company name: _____

      OR   ☐   No Parent Company

A3. Please provide your name, title, telephone number and email address:

First name: _____

Last name: _____

Title: _____

Telephone: _____   Ext: _____

Email address: _____

A5. **Which of the following describe the current situation for this business location or establishment regarding your use of E-Verify:**
(Please check all that apply)

1 ☐ **We have never used E-Verify**' (NEVER USED)

2 ☐ **We used E-Verify in the past but no longer do so**' (PRIOR USER)

3 ☐ **We registered for E-Verify as a Designated Agent, that is, as an employer that provides E-Verify services to other employers for a fee**' (DESIGNATED AGENT)

4 ☐ **We registered for E-Verify as the** *user of a Designated Agent*, **that is, hired another employer to provide E-Verify services for our location**' (USER OF A DESIGNATED AGENT)

5 ☐ **We provide permanent staffing services to other employers, that is, place permanent employees with other employers'** (EMPLOYMENT AGENCY)

6 ☐ **We provide temporary staffing services to other employers, that is, place temporary workers with other employers'** (TEMPORARY AGENCY)

7 ☐ **We currently use E-Verify'** (CURRENT USER)

[IF 'NEVER USED' OR 'PRIOR USER' THEN SKIP TO A8]

[IF 'DESIGNATED AGENT' AND 'CURRENT USER' THEN SKIP TO A9]

[IF 'USER OF A DESIGNATED AGENT' AND 'CURRENT USER' THEN SKIP TO A10]

[ALL OTHERS SKIP TO SECTION B]

A8. **Why isn't this establishment using E-Verify?**
(Please check all that apply)

A ☐   The person who originally wanted to use the program has left the company

B ☐   We decided it would be too burdensome to use the system

C ☐   We decided that there was a better way to improve our verification process

D ☐   We decided to have another company do our verifications for us

E ☐   Verification is now being done for us by another establishment (business location) of our company

F ☐   We have had no new hires in the past 6 months

G ☐   Other (specify): _____

[FROM A8 SKIP TO SECTION B]

A9. **Are the Designated Agency services you provide limited to being a Web Services provider (that is, you only provide software services to clients)?**

1 ☐   Yes

2 ☐   No

3 ☐   Don't Know

[FROM A9 SKIP TO SECTION B]

A10. Which of the following services does your Designated Agent provide for you?
(Please check all that apply)

a ☐ Providing an electronic version of the Form I-9 for us to use

b ☐ Providing software that we can use to enter information into E-Verify

c ☐ Conducting the paper Form I-9 process, including document review

d ☐ Entering the Form I-9 information into E-Verify

e ☐ Comparing pictures on employee documents to pictures from Photo Tool

f ☐ Providing tentative nonconfirmation letters and/or referral letters to us

g ☐ Notifying us when our employees receive tentative nonconfirmations

h ☐ Notifying our employees who have received tentative nonconfirmations

i ☐ Inputting follow-up information into E-Verify for those receiving tentative nonconfirmations (such as whether we referred the employee to SSA or USCIS)

j ☐ Providing the E-Verify Users' Manual to us

k ☐ Providing the poster indicating that we are participating in E-Verify

l ☐ Providing the USCIS pamphlet, *I AM an Employer…How Do I Use E-Verify?*

m ☐ Providing other information explaining our responsibility with respect to E-Verify

n ☐ Registering us for E-Verify

o ☐ Other (specify): _____

SECTION B: System Implementation

These questions are about implementing the E-Verify (or the Web Basic Pilot) system.

B1. Have you completed the E-Verify (or Web Basic Pilot) online tutorial?

1 ☐ Yes

2 ☐ No

3 ☐ Don't Know

[IF NEVER USED, THEN SKIP TO SECTION D]

[IF PRIOR USER OR IF USER OF A DESIGNATED AGENT, THEN SKIP TO B3]

[OTHERWISE, ANSWER B2]

B2. How many other staff members at this establishment who currently conduct verifications using E-Verify have completed the E-Verify (or Web Basic Pilot) online tutorial?

1 ☐ I am the only E-Verify user at this establishment

2 ☐ All of the other current users have completed the tutorial

3 ☐ Some of the other current users have completed the tutorial

4 ☐ None of the other current E-Verify users have completed the tutorial

B3. For each of the statements below, check the answer that best represents your establishment's experience with the system registration and start-up process. *(Please check one for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. The online registration process was easy to complete.	☐	☐	☐	☐	☐
b. The online registration process was too time consuming.	☐	☐	☐	☐	☐
c. The content of the online tutorial was easy to understand.	☐	☐	☐	☐	☐
d. The tutorial adequately prepared us to use the online verification system.	☐	☐	☐	☐	☐
e. The tutorial answers all of our questions about using the online verification system.	☐	☐	☐	☐	☐
f. The tutorial takes too long to complete.	☐	☐	☐	☐	☐
g. It is a burden to have to pass the Mastery Test before being allowed to use the online verification system.	☐	☐	☐	☐	☐
h. It is easy for system users to obtain a lost or forgotten password.	☐	☐	☐	☐	☐
i. The available E-Verify system reports cover all of our reporting needs.	☐	☐	☐	☐	☐

[IF PRIOR USER OR IF DESIGNATED AGENT, THEN SKIP TO SECTION C]

B4. For your establishment, how helpful are each of the following resources and features that are provided as part of the E-Verify system? *(Please check one for each item)* *Note: Check 'Not Applicable' if the item has never been used*	Very Helpful	Helpful	Not Very Helpful	Not At All Helpful	Not Applicable
a. The online E-Verify User Manual	☐	☐	☐	☐	☐
b. The online tutorial	☐	☐	☐	☐	☐
c. Other online resources	☐	☐	☐	☐	☐
d. Reports to monitor the status of employee cases	☐	☐	☐	☐	☐
e. Reports to monitor our establishment's use of the system and the use of individual users in our establishment	☐	☐	☐	☐	☐
f. Mouse-over features on data entry fields	☐	☐	☐	☐	☐
g. Obtaining technical help from the Helpdesk	☐	☐	☐	☐	☐
h. Obtaining help with E-Verify procedures and policies other than technical issues	☐	☐	☐	☐	☐

B5. Thinking about system navigation and data entry issues, how user-friendly is the E-Verify system?

1 ☐ Very user-friendly

2 ☐ Somewhat user-friendly

3 ☐ Not very user-friendly

4 ☐ Not at all user-friendly

B6. Thinking about E-Verify system user IDs, at this establishment, which of the following applies?

1 ☐ All users have their own unique user IDs

2 ☐ Some users share a user ID

SECTION C: Setup and Maintenance Costs

The next set of questions is about costs involved in setup and maintenance of the E-Verify program.

Setup Costs:

C1. What direct costs did this establishment incur in *setting up* the E-Verify (or Web Basic Pilot) program? Do not include costs for equipment that you had prior to setting up the program.
(Please check all that apply)

a ☐ Training
b ☐ Computer hardware
c ☐ Telephone line to access the internet
d ☐ Internet connection and access charges
e ☐ Filing cabinets or other office equipment
f ☐ Remodeling or restructuring of the physical plant
g ☐ Obtaining the services of a Designated Agent
h ☐ No direct costs for set up
i ☐ Other (specify): _____

[IF C1 = 'h, No direct costs for set up', THEN SKIP TO C3]

C2. Please provide an estimate of the total *direct* expenditures for each item you checked in C1 associated with *setting up* the E-Verify (or Web Basic Pilot) program.
[ONLY ANSWER FOR ITEMS THAT WERE CHECKED IN C1]

a $_____ Training
b $_____ Computer hardware
c $_____ Telephone line to access the internet
d $_____ Internet connection and access charges
e $_____ Filing cabinets or other office equipment
f $_____ Remodeling or restructuring of the physical plant
g $_____ Obtaining the services of a Designated Agent
h $_____ Other

C3. Were the *indirect* costs associated with *setting up* the E-Verify program, such as reassignment of employees, additional recruitment, delayed production and so on:

1 ☐ An extreme burden
2 ☐ A moderate burden
3 ☐ A slight burden
4 ☐ Not a burden at all

[IF PRIOR USER, THEN SKIP TO C7]

Maintenance Costs:

C4. What are the annual direct costs incurred by this establishment to *maintain* the E-Verify (or Web Basic Pilot) program? *(Please check all that apply)*

a ☐ Computer maintenance
b ☐ Telephone fees for internet access
c ☐ Internet access fees
d ☐ Training of replacement staff
e ☐ Wages for the verification specialist(s)
f ☐ Costs for using a Designated Agent
g ☐ No direct costs for maintenance
h ☐ Other (specify): _____

[IF C4 = 'g, No direct costs for maintenance', THEN SKIP TO C6]

C5. Please provide an estimate of the total annual *direct* expenditures associated with *maintaining* the E-Verify (or Web Basic Pilot) program for each item you checked in C4. *(Please include any costs paid to a Designated Agent)*

[ONLY ANSWER FOR ITEMS THAT WERE CHECKED IN C4]
a $_____ Computer maintenance
b $_____ Telephone fees for internet access
c $_____ Internet access fees
d $_____ Training of replacement staff
e $_____ Wages for the verification specialist(s)
f $_____ Costs for using a Designated Agent
h $_____ Other

C6. Have the *indirect* costs associated with *maintaining* the E-Verify (or Web Basic Pilot) program been:

1 ☐ An extreme burden
2 ☐ A moderate burden
3 ☐ A slight burden
4 ☐ Not a burden at all

Overall Costs:

C7. How do the overall direct and indirect costs compare to what you expected to spend prior to setting up the E-Verify (or Web Basic Pilot) program?

1 ☐ Less than expected
2 ☐ About what expected
3 ☐ More than expected
4 ☐ No expectations

SECTION D: Views of E-Verify

The following set of questions asks about your views of the E-Verify Program.

D1. How did this establishment first *learn* about the E-Verify (or Web Basic Pilot) program? *(By 'this establishment' we mean the business location, branch, or division specified at this address)*
(Please check all that apply)

a ☐ USCIS or SSA materials or publications

b ☐ USCIS or SSA presentation

c ☐ U.S. Immigration and Customs Enforcement (ICE) audit or visit

d ☐ USCIS web site

e ☐ Media coverage

f ☐ Request from client to participate

g ☐ Information from company headquarters or other establishments of this company

h ☐ Heard about it from other employers not in this company

i ☐ Informed of a legal requirement to participate

j ☐ Information from a professional association

k ☐ Other (specify): _____

D2. What was the <u>main</u> reason this establishment agreed to participate in the E-Verify (or Web Basic Pilot) program?
(Please check only one response)

1 ☐ Parent company required participation

2 ☐ State or local government required participation

3 ☐ Federal government required participation

4 ☐ To satisfy a client's request

5 ☐ To avoid U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine

6 ☐ To improve ability to verify work authorization

7 ☐ Believed it would make us more competitive with others in our industry

8 ☐ Other (specify) _____

[IF CURRENT USER, THEN SKIP TO D4]
[IF PRIOR USER OR IF NEVER USED, THEN ANSWER D3]

D3. Please consider each of the following statements related to the impact of E-Verify and check the answer that best represents the views of this establishment. *(Please check one for each item)*	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
a. The number of work-authorized persons who apply for jobs would decrease if E-Verify was used.	☐	☐	☐	☐	☐
b. The number of unauthorized workers who apply for jobs would decrease if E-Verify was used.	☐	☐	☐	☐	☐
c. Qualified workers would be difficult to recruit when using E-Verify.	☐	☐	☐	☐	☐
d. Using E-Verify would result in the resignation of existing employees.	☐	☐	☐	☐	☐
e. Using E-Verify would damage the employee/ management relationship.	☐	☐	☐	☐	☐
f. Using E-Verify would create a competitive advantage for this establishment.	☐	☐	☐	☐	☐
g. Using E-Verify would cause this establishment to be less competitive.	☐	☐	☐	☐	☐

[IF NOT A CURRENT USER, THEN SKIP TO I24]

D4. Since this establishment started using E-Verify (or Web Basic Pilot) software, has there ever been a month or more when no employees were verified, using E-Verify?

1 ☐ Yes

2 ☐ No

3 ☐ Don't Know

[IF D4 = Yes THEN ANSWER D5.   OTHERWISE, SKIP TO D6]

D5. Which of the following were reasons for not using the E-Verify (or Web Basic Pilot) system? *(Please check all that apply)*

a ☐ Hired no new employees

b ☐ No trained staff available to conduct verifications

c ☐ Experienced technical difficulties

d ☐ Lack of confidence in databases

e ☐ The system is burdensome and time-consuming

f ☐ Developed other ways to ensure work eligibility of newly hired employees

g ☐ Decided to have a Designated Agent verify employees for this establishment

h ☐ Decided to use employees of temporary help or other contract agencies

i ☐ Other (specify): _____

D6. Please consider each of the following statements related to E-Verify and check the choice that best represents the experiences at this establishment. *(Please check one for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. It is impossible to fulfill all the employer obligations required by the E-Verify verification process	☐	☐	☐	☐	☐
b. Overall, E-Verify is an effective tool for employment verification	☐	☐	☐	☐	☐
c. E-Verify reduces the chances of getting a mismatched SSA earnings letter	☐	☐	☐	☐	☐
d. It is easy to make errors when entering employee information into the E-Verify system	☐	☐	☐	☐	☐
e. Frequent technical assistance is required from the Help Desk to use the E-Verify program	☐	☐	☐	☐	☐
f. At times, the number of employees hired is so great that it is impossible to submit the information required by the deadline	☐	☐	☐	☐	☐
g. USCIS usually provides adequate training when introducing new program features	☐	☐	☐	☐	☐
h. E-Verify not always being available is a problem	☐	☐	☐	☐	☐
i. System time-outs require us to re-enter information previously entered	☐	☐	☐	☐	☐
j. We believe E-Verify is highly accurate	☐	☐	☐	☐	☐

[IF USER OF A DESIGNATED AGENT, THEN SKIP TO D10]

D7. Is this establishment using the Photo Tool?

1 ☐ Yes

2 ☐ No

3 ☐ Don't Know

[IF D7 = Yes THEN SKIP TO D9.   OTHERWISE, ANSWER D8]

D8. Which of the following were reasons for not using the Photo Tool?
(Please check all that apply)

A ☐ Have never heard about it

B ☐ Have never had someone present the documents required to use it

C ☐ Don't have a photocopier or fax capability at the hiring site

D ☐ Thought it would be burdensome to use it

E ☐ Experienced technical difficulties with using it

F ☐ We have not taken the Photo Tool tutorial

G ☐ It does not fit into our business practices

H ☐ Other (specify): _____

[FROM D8 SKIP TO D10]

D9. Please consider each of the following statements related to the E-Verify Photo Tool and check the choice that best represents the experiences at this establishment. *(Please check one for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. The training provided by USCIS for the Photo Tool was adequate	☐	☐	☐	☐	☐
b. It was difficult to implement the Photo Tool procedures because there was inadequate notice that there would be new procedures	☐	☐	☐	☐	☐
c. The Photo Tool is easy to use	☐	☐	☐	☐	☐
d. The Photo Tool makes it more likely that we can identify persons using fraudulent documents	☐	☐	☐	☐	☐
e. The Photo Tool would be more useful if it were available for more employees	☐	☐	☐	☐	☐
f. The Photo Tool has created an additional burden for employers because of the need to photocopy or scan documents.	☐	☐	☐	☐	☐
g. The quality of the photo provided by E-Verify is always clear	☐	☐	☐	☐	☐
h. The quality of the picture that we compare to the E-Verify photo is always clear	☐	☐	☐	☐	☐
i. Using the Photo Tool makes it impossible to enter Form I-9 information into the system within 3 work days of hire	☐	☐	☐	☐	☐
i. Using the Photo Tool reduces our responsibility to compare employees to the documents they present	☐	☐	☐	☐	☐

D10. Do you think that this establishment is more willing or less willing to consider hiring job applicants who appear to be foreign-born *now* than it was *prior to starting* the use of automated employment verification?

1 ☐ More willing

2 ☐ Less willing

3 ☐ Neither

4 ☐ Don't Know

[IF DESIGNATED AGENT, THEN SKIP TO SECTION G]
[IF USER OF A DESIGNATED AGENT, THEN SKIP TO SECTION H]
[IF EMPLOYMENT AGENCY, THEN SKIP TO SECTION E]
[IF TEMPORARY HELP AGENCY, THEN SKIP TO SECTION F]
[ALL OTHERS, SKIP TO SECTION I]

SECTION E: Staffing Agencies Providing Other Employers with Direct-Hire Staff

This section asks questions about your experiences in referring job applicants to employers wishing to hire new employees.   Please answer these questions based ONLY on your experiences with these workers.

E1. **For which *job applicants* does this establishment <u>typically</u> use E-Verify before referring them to employers wishing to hire new employees?**

1 ☐ All job applicants that we might refer for employment
2 ☐ Only job applicants who claim to be noncitizens
3 ☐ Only job applicants who claim to be citizens
4 ☐ Do not use E-Verify with any job applicants
5 ☐ Only those placed with certain customers
6 ☐ Those filling specific jobs such as nurses or unskilled laborers (specify):

_____

7 ☐ Other (specify):_____

[IF E1 = '4, Do not use E-Verify with any job applicants', THEN SKIP TO E4]

E2. **Which of the following do you <u>at least sometimes</u> require from job applicants <u>before referring</u> them?**
(Please check all that apply)

a ☐ Tests of drugs and/or alcohol
b ☐ Found to be work-authorized by E-Verify
c ☐ Other background tests (e.g., checking job references, driving records, credit checks)
d ☐ Tests of skills (e.g., typing tests)
e ☐ Other (specify):_____

E3. **[ANSWER IF 'b, Found to be work-authorized by E-Verify' IS CHECKED IN E2] Which job applicants do you *require* be found to be work-authorized by E-Verify before referring them?**
(Please check all that apply)

a ☐ All job applicants
b ☐ Only job applicants who claim to be noncitizens
c ☐ Only job applicants who claim to be citizens
d ☐ Only those placed with certain customers
e ☐ Those filling specific jobs such as nurses or unskilled laborers (specify)

_____

f ☐ Other (specify):_____

E4. What are your <u>usual</u> procedures for referring persons receiving a tentative nonconfirmation (TNC) to your clients?

1 ☐ We never refer anyone who has received a TNC

2 ☐ We only refer those receiving TNCs after the TNCs are resolved

3 ☐ We refer persons with TNCs during the time allotted for resolution

4 ☐ Other (specify):_____

E5. [ANSWER IF 'b' IS NOT CHECKED IN E2] Have any of the employers wishing to hire new employees ever asked you to only refer potential employees that E-Verify has found to be work-authorized?

1 ☐ Yes
2 ☐ No
3 ☐ Don't know

E6. How satisfied are you with the way the E-Verify process works for you as an employer that refers job applicants to other employers?

1 ☐ Very satisfied
2 ☐ Satisfied
3 ☐ Dissatisfied
4 ☐ Very dissatisfied
5 ☐ Don't know

[FROM E6 SKIP TO SECTION I]

SECTION F: Employment Services Providing Off-Site Workers

The following questions are about your experiences in providing workers on your payroll to work at your clients' sites.   Please answer ONLY about these employees.

F1.   When verifying off-site workers, for which of the following does this establishment (or its Designated Agent) <u>at least sometimes</u> use E-Verify?
(Please check all that apply)

a ☐   Job applicants

b ☐   New hires

c ☐   Employees who worked at this establishment prior to the establishment's participation in E-Verify

d ☐   Other types (specify):_____

**F2.   [ANSWER IF 'a, Job applicants' IS CHECKED IN F1]
For which job applicants does this establishment <u>at least sometimes</u> use E-Verify when verifying off-site workers?**

1 ☐   All job applicants that we might be able to place

2 ☐   Only job applicants who claim to be noncitizens

3 ☐   Only job applicants who claim to be citizens

4 ☐   Do not use E-Verify with any job applicants

5 ☐   Only those placed with certain customers

6 ☐   Those filling specific jobs such as nurses or unskilled laborers (specify):
       _____

7 ☐   Other (specify):_____

F3. **[ANSWER IF 'b, New hires' IS CHECKED IN F1]**
For which of the following does this establishment (or its Designated Agent) <u>at least sometimes</u> use E-Verify when verifying off-site workers?
(Please check all that apply)

a ☐ All new hires
b ☐ Only new hires who claim to be noncitizens
c ☐ Only new hires who claim to be citizens
d ☐ Only those placed with certain customers
e ☐ Those filling specific jobs such as nurses or unskilled laborers (specify)
_____
f ☐ Other (specify):_____

F4. **[ANSWER IF 'c, Employees who worked at this establishment prior to the establishment's participation in E-Verify' IS CHECKED IN F1]**
For which of the following does this establishment (or its Designated Agent) <u>at least sometimes</u> use E-Verify when verifying off-site workers hired before the establishment signed up for E-Verify?
(Please check all that apply)

a ☐ All employees hired prior to E-Verify participation
b ☐ Employees with work-authorizations that are about to expire
c ☐ Employees believed not to be work-authorized
d ☐ Only noncitizens
e ☐ Other (specify):_____

[IF 'a, Job applicants' IS NOT CHECKED IN F1, THEN SKIP TO F6]

F5. **Which of the following do you <u>at least sometimes</u> require from job applicants before placing them?**
(Please check all that apply)

a ☐ Tests of drugs and/or alcohol
b ☐ Found to be work-authorized by E-Verify
c ☐ Other background tests (e.g., checking job references, driving records, credit checks)
d ☐ Tests of skills (e.g., typing tests)
e ☐ Other (specify):_____

F6. **[ANSWER IF 'b, Found to be work-authorized by E-Verify' IS CHECKED IN F5]**
Which job applicants do you require to be found work-authorized by E-Verify before placing them?
(Please check all that apply)

a ☐ All job applicants

b ☐ Only job applicants who claim to be noncitizens

c ☐ Only job applicants who claim to be citizens

d ☐ Those filling specific jobs such as nurses or unskilled laborers (specify):
_____

e ☐ Other (specify):_____

F7. **What are your <u>usual</u> placement procedures for persons receiving tentative nonconfirmations (TNCs)?**

1 ☐ We never place anyone who has received a TNC

2 ☐ We only place them after the TNCs are resolved

3 ☐ We place them during the time allotted for resolution <u>after</u> notifying our client of the TNC

4 ☐ We place them during the time allotted for resolution <u>without</u> notifying our client of the TNC

5 ☐ Other (specify):_____

F8. **[ANSWER IF 'b, Found to be work-authorized by E-Verify' IS NOT CHECKED IN F5]   Have any of the clients (with which you place employees) ever requested that you only provide workers that E-Verify has found to be work-authorized?**

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

F9. **How satisfied are you with the way the E-Verify process works for you as an employer providing workers on your payroll to work at your clients' site?**

1 ☐ Very satisfied
2 ☐ Satisfied
3 ☐ Dissatisfied
4 ☐ Very dissatisfied
5 ☐ Don't know

[FROM F9 SKIP TO SECTION I]

SECTION G: Designated Agents

G1. How long have you been a Designated Agent for the E-Verify or Web Basic Pilot program?

_____ Years AND _____ Months

G2. How many companies use your service as a Designated Agent?

_____ Number of Companies

G3. What do you feel are the advantages to employers of using your service to perform E-Verify services?
(Please check all that apply)

a ☐   They don't need to learn how to use the E-Verify system

b ☐   Saves them the burden of acquiring an Internet connection

c ☐   Provides help during large 'seasonal' hiring periods

d ☐   Provides them with assurance that they are complying with the Federal laws

e ☐   Reduces their liability for not using the system correctly

f ☐   They don't have to input the same information to E-Verify and to their own Human Resources system

g ☐   Provides additional reporting capabilities

h ☐   Converts paper Form I-9 to electronic version

i ☐   Other [specify] _____

G4. Which E-Verify services do you offer to your clients?
(Please check all that apply)

a ☐ Providing an electronic version of the Form I-9 for the employer's use

b ☐ Providing software that they can use to enter information into E-Verify

c ☐ Conducting paper Form I-9 process, including document review

d ☐ Entering the Form I-9 information into E-Verify

e ☐ Comparing pictures on employee documents to pictures from the Photo Tool

f ☐ Providing tentative nonconfirmation letters and/or referral letters to the employer

g ☐ Notifying employers that their employees have received tentative nonconfirmations

h ☐ Inputting follow-up information into E-Verify for those receiving tentative nonconfirmations (e.g., whether the employer referred the employee to SSA/USCIS)

i ☐ Providing the E-Verify Users' manual to the employer

j ☐ Providing the poster indicating that the employer is participating in E-Verify

k ☐ Providing the USCIS pamphlet, *I Am an Employer…How Do I Use E-Verify*?

l ☐ Providing other information explaining the employer's responsibility with respect to E-Verify

m ☐ Registering them for E-Verify

n ☐ Other (specify): _____

G5. [ANSWER IF 'c, Conducting paper Form I-9 process, including document review' IS CHECKED IN G4 OR 'd, Entering the Form I-9 information into E-Verify' IS CHECKED IN G4]
How do you <u>typically</u> receive Form I-9 information from your clients?
(Please check all that apply)

a ☐ Electronically (such as web, email, file transfer, etc.)

b ☐ Fax

c ☐ FedEx/DHL or similar service

d ☐ Regular mail

e ☐ Hand carry it ourselves

f ☐ Have a messenger deliver it

g ☐ Other (specify):_____

G6. **[ANSWER IF 'c, Conducting paper Form I-9 process, including document review' IS CHECKED IN G4 OR 'd, Entering the Form I-9 information into E-Verify' IS CHECKED IN G4]**
Which of the following do you <u>typically</u> receive from your clients in order to do the Form I-9 and document review? *(Please check all that apply)*

a ☐ Original documents
b ☐ Photocopies of original documents
c ☐ Scanned copies of original documents
d ☐ Scanned copies of photocopies of original documents
e ☐ Faxes
f ☐ Other (specify): _____

G7. **[ANSWER IF 'e, Comparing pictures on employee documents to pictures from the Photo Tool' IS CHECKED IN G4 AND 'c, Conducting paper Form I-9 process, including document review' IS NOT CHECKED IN G4]**
How do you <u>typically</u> receive document photographs from your clients?
(Please check all that apply)

a ☐ Electronically (such as web, email, file transfer, etc.)
b ☐ Fax
c ☐ FedEx/DHL or similar service
d ☐ Regular mail
e ☐ Hand carry it ourselves
f ☐ Have a messenger deliver it
g ☐ Other (specify):_____

G8. **[ANSWER IF 'f, Providing tentative nonconfirmation letters and/or referral letters to the employer' OR 'g, Notifying employers that their employees have received tentative nonconfirmations' IS CHECKED IN G4]**
How do you <u>typically</u> inform your clients when tentative nonconfirmations are issued? *(Please check all that apply)*

a ☐ Electronically (such as web, email, file transfer, etc.)
b ☐ Fax
c ☐ FedEx/DHL or similar service
d ☐ Regular mail
e ☐ Hand carry it
f ☐ Have a messenger deliver it
g ☐ Phone
h ☐ Do not inform them
i ☐ Other (specify):_____

[IF G8 = 'h, Do not inform them', THEN SKIP TO G10]

G9. How long does it <u>typically</u> take from the time you receive Form I-9 information from your clients until you send them information about tentative nonconfirmations?

1 ☐ A day or less
2 ☐ Within three days
3 ☐ Within a week
4 ☐ More than a week
5 ☐ Have never received notification of a tentative nonconfirmation from the E-Verify or Web Basic Pilot program

G10. How long does it <u>typically</u> take from the time employees sign tentative nonconfirmation notices indicating they wish to contest a tentative nonconfirmation to the time you initiate a referral through the E-Verify system?

1 ☐ A day or less
2 ☐ Within two days
3 ☐ Within three days
4 ☐ More than three days
5 ☐ Have never had a case that needed to be referred through the system
6 ☐ Don't know

G11. Do you believe that USCIS has provided you with adequate training on how to be a Designated Agent?

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

G12. [ANSWER IF 'No' IS CHECKED IN G11]
   What additional training do you believe USCIS should provide to DAs?
   (Please check all that apply)

a ☐ More information on how to handle seasonal hires and rehires

b ☐ More <u>advance</u> information on expected changes in the system (such as Photo Tool)

c ☐ The standard tutorial needs to be tailored for DAs and for Users of DAs

d ☐ Other [specify] _____

G13. **Do you believe that DAs should be certified prior to being permitted to obtain clients and conduct verifications?**

   1 ☐   Yes
   2 ☐   No
   3 ☐   Don't know

G14. **[ANSWER IF 'Yes' IS CHECKED IN G13]**
     What do you believe should be the criteria for certification?
     (Please check all that apply)

   a ☐   Verify that the DA is a real business

   b ☐   Verify that the DA understands the E-Verify process

   c ☐   Do security audits to ensure that proper security procedures are being followed

   d ☐   Other [specify] _____

G15. **Generally, how satisfied are you with the provisions of E-Verify for Designated Agents?**

   1 ☐   Very satisfied
   2 ☐   Satisfied
   3 ☐   Dissatisfied
   4 ☐   Very dissatisfied
   5 ☐   No opinion

[FROM G15 SKIP TO SECTION I]

SECTION H: Users of Designated Agents

H1.   How long have you been using a Designated Agent for the E-Verify or Web Basic Pilot program?

_____ Years AND _____ Months

H2. Did you ever use the E-Verify or Web Basic program on your own?

1 ☐   Yes
2 ☐   No
3 ☐   Don't know

H3.   [ANSWER IF 'Yes' IS CHECKED IN H2]
Why did you decide to switch to a Designated Agent?
(Please check all that apply)

a ☐   Avoid excess paperwork
b ☐   Reduce amount of copies that need to be made
c ☐   Reduce cycle time (from hire to verify)
d ☐   Designated Agent explains what to do next after a TNC
e ☐   Reduce the number of electronic errors
f ☐   Other [specify] _____

H4.   What do you see as the advantages of using a Designated Agent to perform E-Verify?   *(Please check all that apply)*

a ☐   We don't need to learn how to use the E-Verify system
b ☐   Saves us the burden of acquiring an Internet connection
c ☐   Provides help during large 'seasonal' hiring periods
d ☐   Provides us with assurance that we are complying with Federal laws
e ☐   Reduces our liability for not using the system correctly
f ☐   We don't have to input the same information to E-Verify and to our own Human Resources system
g ☐   Provides additional reporting capabilities
h ☐   Converts paper Form I-9 to electronic version
i ☐   Other [specify] _____

H5. **Do you use the E-Verify services provided by your Designated Agent for all your verifications?**

1 ☐ Yes
2 ☐ No
3 ☐ Don't know

H6. **[ANSWER IF 'c, Conducting the paper Form I-9 process, including document review' IS CHECKED IN A10 OR 'd, Entering the Form I-9 information into E-Verify' IS CHECKED IN A10]**
How do you <u>typically</u> transfer Form I-9 information to your Designated Agent?

1 ☐ Electronically (such as web, email, file transfer, etc.)
2 ☐ Fax
3 ☐ FedEx/DHL or similar service
4 ☐ Regular mail
5 ☐ Hand carry it ourselves
6 ☐ Have a messenger deliver it
7 ☐ Other (specify):_____

H7. **[ANSWER IF 'c, Conducting the paper Form I-9 process, including document review' IS CHECKED IN A10 OR 'd, Entering the Form I-9 information into E-Verify' IS CHECKED IN A10]**
Which of the following do you <u>usually</u> give your Designated Agent in order to do the Form I-9 and document review?

1 ☐ Original documents
2 ☐ Photocopies of original documents
3 ☐ Scanned copies of original documents
4 ☐ Scanned copies of photocopies of original documents
5 ☐ Faxes
6 ☐ Other (specify):_____

H8. **[ANSWER IF 'e, Comparing pictures on employee documents to pictures from Photo Tool' IS CHECKED IN A10 AND 'c, Conducting the paper Form I-9 process, including document review' IS NOT CHECKED IN A10]**
How do you <u>typically</u> transfer document photographs to your Designated Agent?

1 ☐ Electronically (such as web, email, file transfer, etc.)
2 ☐ Fax
3 ☐ FedEx/DHL or similar service
4 ☐ Regular mail
5 ☐ Hand carry it ourselves
6 ☐ Have a messenger deliver it
7 ☐ Other (specify):_____

H9. **How does your Designated Agent typically inform you when tentative nonconfirmations are issued?**

1 ☐ Electronically (such as web, email, file transfer, etc.)
2 ☐ Fax
3 ☐ FedEx/DHL or similar service
4 ☐ Regular mail
5 ☐ Hand carry it
6 ☐ Has a messenger deliver it
8 ☐ Phone
9 ☐ Does not inform us
10 ☐ Other (specify):_____

H10. **How long does it <u>typically</u> take from the time you send employee information to your Designated Agent until you receive notice of tentative nonconfirmations?**

1 ☐ A day or less
2 ☐ Within three days
3 ☐ Within a week
4 ☐ More than a week
5 ☐ Have never received notification of a tentative nonconfirmation

H11. **Generally, how satisfied are you with using a Designated Agent for E-Verify?**

1 ☐ Very satisfied
2 ☐ Satisfied
3 ☐ Dissatisfied
4 ☐ Very dissatisfied
5 ☐ No opinion

SECTION I: Verification Procedures

The following questions are about your verification procedures for your workers at your site. Do NOT include information about employees working at your establishment who are employees of temporary help agencies or contractors.

[IF DESIGNATED AGENT OR IF EMPLOYMENT AGENCY OR IF TEMPORARY HELP AGENCY, THEN SKIP TO I7]

I1.   Which of the following does this establishment (or its Designated Agent) normally verify using E-Verify?
(Please check all that apply)

a ☐   Job applicants
b ☐   New hires
c ☐   Employees who worked at this establishment prior to the institution of E-Verify
d ☐   Other types (specify):_____

I2.   [ANSWER IF 'a, Job applicants' IS CHECKED IN I1]
Which of the following does this establishment (or its Designated Agent) normally verify using E-Verify?
(Please check all that apply)

a ☐   All job applicants
b ☐   Only job applicants who claim to be noncitizens
c ☐   Only job applicants who claim to be citizens
d ☐   Those filling specific jobs such as nurses or unskilled laborers (specify):
_____
e ☐   Other (specify):_____

I3.   [ANSWER IF 'b, New hires' IS CHECKED IN I1]
Which of the following does this establishment (or its Designated Agent) normally verify using E-Verify?
(Please check all that apply)

a ☐   All new hires
b ☐   Only new hires who claim to be noncitizens
c ☐   Only new hires who claim to be citizens
d ☐   Those filling specific jobs such as nurses or unskilled laborers (specify):
_____
e ☐   Other (specify):_____

I4. **[ANSWER IF 'c, Employees who worked at this establishment prior to the institution of E-Verify' CHECKED IN I1]**
Which of the following has this establishment (or its Designated Agent) verified using E-Verify?
(Please check all that apply)

a ☐   All existing employees
b ☐   Employees with work-authorizations that are expiring
c ☐   Employees believed not to be work-authorized
d ☐   Only noncitizens
e ☐   Other (specify):_____

I5. **Which of the following do you require from some or all prospective new employees before they can start working?**
(Please check all that apply)

a ☐   Tests for drug and/or alcohol use
b ☐   Found to be work-authorized by E-Verify
c ☐   Other background tests (e.g., checking job references, driving records, credit checks)
d ☐   Tests of skills (e.g., typing tests)
e ☐   Other (specify):_____

I6. **[ANSWER IF 'b, Found to be work-authorized by E-Verify' IS CHECKED IN I5]**
Which prospective employees do you require to be found to be work-authorized by E-Verify before they start work?
(Please check all that apply)

a ☐   All prospective employees
b ☐   Only prospective employees who claim to be noncitizens
c ☐   Only prospective employees who claim to be citizens
d ☐   Those filling specific jobs such as nurses or unskilled laborers (specify):
_____
e ☐   Other (specify):_____

I7. **How do you define a 'new hire'?**

1 ☐   A person who has been offered a job whether or not they have accepted it
2 ☐   A person who has been offered a job, has accepted it, but hasn't started to work yet
3 ☐   A person who has started work
4 ☐   Other (specify):_____

**[IF DESIGNATED AGENT OR IF EMPLOYMENT AGENCY OR IF TEMPORARY HELP AGENCY, THEN SKIP TO I24.
OTHERWISE ANSWER I8]**

I8.   **When is the E-Verify program *typically* used to verify work authorization?**

1 ☐   Before a job offer is made
2 ☐   After a job offer but before the employee's first day of paid work
3 ☐   On the first day of paid work
4 ☐   On the second or third day of paid work
5 ☐   More than three days after starting paid work

I9.   **Does this establishment compare the photo on the document(s) used for verification to the person providing it?**

1 ☐   Yes
2 ☐   No – someone in another establishment has responsibility for this
3 ☐   No – this is not part of our procedures

I10.   **[ANSWER IF 'Yes' IS CHECKED IN I9]**
How often has this establishment experienced any difficulties in deciding if the picture on the document represents the person providing it?

1 ☐   Never
2 ☐   Sometimes
3 ☐   Often
4 ☐   Don't know

I11.   **Does this establishment compare the photo provided in the E-Verify Photo Tool response to the photo on the corresponding document?**

1 ☐   Yes
2 ☐   No – we have never received a photo to verify from E-Verify
3 ☐   No – someone in another establishment has responsibility for this
4 ☐   No – this is not part of our procedures

[If I11 = '2, 3, OR 4, No', THEN SKIP TO I14]

I12. How often does this establishment experience any difficulties in deciding if the two pictures match?

1 ☐ Never
2 ☐ Sometimes
3 ☐ Often
4 ☐ Don't know

I13. Does this establishment compare the photo provided in the E-Verify response to the person?

1 ☐ Yes
2 ☐ No – someone in another establishment has responsibility for this
3 ☐ No – this is not part of our procedures

I14. Since the start of the Photo Tool, have you noticed any decreases in the use of immigration documents provided by employees during the verification process?

1 ☐ Yes
2 ☐ No
3 ☐ Don't know

I15. Since the start of the Photo Tool, has your establishment been more likely to ask for immigration documents during the verification process?

1 ☐ Yes
2 ☐ No
3 ☐ Don't know

I16. As far as you know, did your establishment receive any tentative nonconfirmation findings because someone made a 'data entry' mistake when entering the I-9 information into the E-Verify (or Web Basic Pilot) program?

1 ☐ Yes
2 ☐ No
3 ☐ Don't Know

[IF 'Yes' IS CHECKED IN I16, THEN ANSWER I17 AND I18.   OTHERWISE SKIP TO I19]

I17. Which of the following describe experiences your establishment has had with tentative nonconfirmation findings due to data entry mistakes made at your establishment?
(Please check all that apply)

a ☐ We found the error ourselves and corrected it without telling the employee.

b ☐ The employee found the error when told about the finding and we corrected it without the employee having to contest the finding.

c ☐ The employee contested the finding and USCIS or SSA discovered the error.

I18. When a data entry error is found, how do you <u>typically </u>correct it?

1 ☐ We close the original case as an error case (IQ code) and also enter the corrected information as a new case.

2 ☐ We enter the correct information as a new case but do not close the original case as an error case.

3 ☐ We submit the case as a revision of the original case.

4 ☐ Other (specify) _____

I19. Did your establishment have any tentative nonconfirmation findings that were *NOT* the result of data entry errors?

1 ☐ Yes
2 ☐ No
3 ☐ Don't Know

[IF 'Yes' IS NOT CHECKED IN I19, THEN SKIP TO I24]

I20. How often do each of the following situations apply to this establishment's use of the E-Verify (or Web Basic Pilot) program for persons receiving tentative nonconfirmations? *(Please check one for each item)* *Note: Check 'Not Applicable' if the situation has never arisen*	Never	Sometimes	Often	Always	Not Applicable
a. Employees who fail *initial verification* are informed privately.	☐	☐	☐	☐	☐
b. *Written* notification of a tentative nonconfirmation is given to employees.	☐	☐	☐	☐	☐
c. *In-person* notification of tentative nonconfirmation is given to employees.	☐	☐	☐	☐	☐
d. We have difficulty locating employees to notify them of the tentative nonconfirmation finding.	☐	☐	☐	☐	☐
e. Employees do not return to work when a tentative nonconfirmation is received.	☐	☐	☐	☐	☐
f. Employees are unable to contest a tentative nonconfirmation because of barriers such as language or 'red tape'.	☐	☐	☐	☐	☐
g. Employees tell us that they plan to contest.	☐	☐	☐	☐	☐
h. Employees decide to quit rather than to contest the findings.	☐	☐	☐	☐	☐
i. Employees quit before we have a chance to tell them about the finding.	☐	☐	☐	☐	☐
j. We don't tell employees about the tentative nonconfirmations but let them continue to work for us.	☐	☐	☐	☐	☐
k. We decide not to hire employees receiving tentative nonconfirmations without telling them about the finding.	☐	☐	☐	☐	☐
l. We decide to fire employees receiving tentative nonconfirmations without telling them about the finding.	☐	☐	☐	☐	☐

I21. How soon after a tentative nonconfirmation is received does your establishment typically notify the employee?

1 ☐ A day or less
2 ☐ Within three days
3 ☐ Within a week
4 ☐ More than a week
5 ☐ We do not usually notify the employee

I22. How long does it usually take from the time E-Verify issues a finding of final nonconfirmation (or unauthorized) until the employee stops working for pay?

1 ☐ One day
2 ☐ Two to three days
3 ☐ Within a week
4 ☐ Within a month
5 ☐ A month or more
6 ☐ Employees never terminated
7 ☐ Have never had an employee receive a finding of final nonconfirmation or unauthorized.
8 ☐ Other (specify) _____

I23. Please consider each of the following statements related to *tentative nonconfirmations* received during employment verification using the E-Verify system. Check the answer that best represents the experiences of this establishment. *(Please check one for each item)* *Note: Check 'Not Applicable' if the situation has never occurred*	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
a. Contesting a tentative nonconfirmation is not encouraged because the process requires too much time.	☐	☐	☐	☐	☐
b. Providing assistance to employees who contest a tentative nonconfirmation is an excessive burden on staff.	☐	☐	☐	☐	☐
c. Contesting a tentative nonconfirmation is not encouraged because employment authorization rarely results.	☐	☐	☐	☐	☐
d. Establishing employment authorization has become a burden because there are so many tentative nonconfirmations.	☐	☐	☐	☐	☐
e. Work assignments must be restricted until employment authorization is confirmed.	☐	☐	☐	☐	☐
f. Pay is reduced until employment authorization is confirmed.	☐	☐	☐	☐	☐
g. Training is delayed until after employment authorization is confirmed.	☐	☐	☐	☐	☐

I24. The following statements describe possible *changes that could be made* to the E-Verify procedures. Please check the answer that best describes your views for each of these possible changes. *(Please check one for each item)*	Strongly Oppose	Oppose	Support	Strongly Support	No Opinion
a. Allowing verification of job applicants.	☐	☐	☐	☐	☐
b. Allowing verification of existing employees.	☐	☐	☐	☐	☐
c. Requiring all companies in the United States to use E-Verify.	☐	☐	☐	☐	☐
d. Eliminating the paper Form I-9.	☐	☐	☐	☐	☐
e. Increasing the types of documents that can be used with the Photo Tool.	☐	☐	☐	☐	☐
f. Making tentative nonconfirmation notices and referral letters available in more languages.	☐	☐	☐	☐	☐
g. Adding a formal appeal process that employers or their employees could use if they disagree with the final case finding.	☐	☐	☐	☐	☐
h. Any other changes you might want to suggest (specify): _____	☐	☐	☐	☐	☐

I25. Do you now use any form of electronic I-9?

1 ☐ Yes

2 ☐ No

3 ☐ Don't Know

SECTION J: Employer Characteristics

J1. **Please estimate the total number of current employees of <u>your company</u> *as of today*. Be sure to include all employees on your company's payroll regardless of whether they work full-time, and whether they are permanent employees. Employees on your site that are paid by another employer should NOT be included.**

_____ total employees at <u>all establishments</u> of this company

J2. **How many of these employees do you consider to be employed by this establishment rather than one of the other establishments of this company?**

_____ total employees at <u>this establishment</u>

OR

☐   This company only has this one establishment

J3. **During the past six months, approximately how many people were hired by <u>this establishment</u> (including people hired at this establishment to work in this establishment or elsewhere)?**

_____ employees hired <u>at this establishment</u> in last 6 months

J4. **During the past six months, approximately how many employees were terminated or quit at this establishment?**

_____ employees were terminated or quit in last 6 months

J5. **How much seasonal hiring does your establishment do?**

1 ☐ None
2 ☐ A little
3 ☐ Some
4 ☐ A moderate amount
5 ☐ A large amount
6 ☐ A very large amount
7 ☐ Don't know

J6. **Approximately what percent of current employees of <u>this establishment</u> are…?**

a. _____ % Salaried (e.g., managers, professionals, and technical staff)

b. _____ % Skilled Hourly (e.g., sales, office, clerical, and craft workers)

c. _____ % Unskilled Hourly (e.g., operatives, laborers, and service workers)

100 %   Total employees at this establishment

J7. **Approximately what percent of current employees of <u>this establishment</u> would you say are immigrants, that is, they were born outside the U.S.?**

Note: Your responses will not be individually shared with the Government, nor will you be identified in any way to anyone not on Westat's evaluation team.

1 ☐ 5 percent or less
2 ☐ 6-20 percent
3 ☐ 21-40 percent
4 ☐ 41-80 percent
5 ☐ 81 percent or more

J8.   **What additional comments or suggestions for improvement do you have regarding the E-Verify program?**

[IF DESIGNATED AGENT:] We are especially interested in your experiences and suggestions as a Designated Agent.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Thank you for taking the time to answer this survey. Your effort and the information you have provided are greatly appreciated.

Please send your completed questionnaire back to us in the enclosed prepaid envelope.

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APPENDIX F.

GLOSSARY

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Glossary

Active employers. In this report, employers that actively participated in E-Verify by submitting cases to E-Verify between January and March 2010.

Alien. Any person who is not a citizen or a national of the United States. Because the term is found objectionable by some people, it is not generally used in this report.

Alien number. A unique identification number DHS assigns to aliens (noncitizens) when any one of several DHS actions occurs that results in the creation of a file on or issuance of secure documentation for the person. Such actions include admission as a permanent resident, asylee, or refugee, and issuance of an Employment Authorization Document.

Authorized worker. An individual who is allowed to work legally in the United States. (Also see employment authorized).

Automatically. In this report, the term is used to describe processes that are completed without human intervention. It is sometimes used elsewhere to mean authorized after a Management Program Assistant review without issuing a Tentative Nonconfirmation.

Basic Pilot Program. The first of three pilot projects for employment verification mandated by Congress in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The Basic Pilot Program is now referred to as E-Verify.

Case. A case consists of one or more Transaction Database records associated with a specific employer and worker for a particular hiring event.

Case alerts. A case alerts section at the bottom of the home page that notifies the user of cases requiring action, including open cases to be closed, cases with new updates, and cases with expiring work-authorization documents.

Citizen. A person owing loyalty to the protection of a particular nation state, usually by virtue of birth or naturalization. Generally used in the report to mean a U.S. citizen.

Client of E-Verify Employer Agent. The type of E-Verify access that employers designate for themselves when registering, if they plan to have an E-Verify Employer Agent conduct part of the E-Verify process on their behalf.

Contest. The option available to workers when they receive a Tentative Nonconfirmation (TNC) and disagree with the finding to contact SSA or USCIS to resolve the problem in their records that led to the TNC.

Data entry error. An entry incorrectly keyed into an employment verification database by an employer.

Discrimination. Adverse treatment of individuals based on group identity. In employment situations, discrimination is defined as differential treatment based on individual characteristics, such as race or gender, that are unrelated to productivity or performance.

Dunn and Bradstreet Employer Check. A Dunn and Bradstreet Employer Check is performed during E-Verify enrollment for all employers. Employer information entered during the E-Verify registration process is matched with information in Dunn and Bradstreet databases. Companies that do not meet a certain confidence level through this matching process are contacted by E-Verify Customer Service. This check will help ensure that valid companies are enrolled in the Program and minimize opportunities for fraudulent companies to use E-Verify.

Employment authorized. The designation that a worker is authorized to work in the United States. Persons authorized to work include U.S. citizens and nationals and noncitizens in various employment-authorized statuses. (Also see authorized worker.)

Employment verification. Process of verifying authorization to work in the United States.

Establishment. A single location where an employer's business is conducted.

E-Verify. E-Verify is the name currently used in referring to the Basic Pilot Program initially authorized in 1996. The Program electronically verifies the employment-authorization status of newly hired employees based on Form I-9 information input by employers.

E-Verify Employer Agent (EEA). An individual or company that processes E-Verify cases on behalf of employers. Formerly known as Designated Agent or DA.

E-Verify users. Employers that are actually using the E-Verify system.

EV-STAR (E-Verify SSA Tentative Nonconfirmation Automated Response System). Implemented in October 2007, an automated tracking process for referring and contesting Tentative Nonconfirmations (TNCs) at SSA to more closely mirror the USCIS TNC tracking process.

Federal Acquisition Regulation (FAR) rule. This mandate directs all Federal departments and agencies to require Federal contractors to use E-Verify to verify the employment eligibility of employees who are performing work under a Federal contract containing the FAR E-Verify clause.

Final Nonconfirmation (FNC). A result on the Transaction Database indicating that the worker's employment authorization was not established because the worker or the employer did not take the necessary action to resolve a Tentative Nonconfirmation (TNC). The FNC is only issued by the E-Verify system after the employer has been notified of a TNC response and the time the worker has for contesting the TNC finding has elapsed.

Firm. A corporate entity that conducts business at one or more sites.

Foreign born. An individual who was born outside of the United States. American citizens can be foreign born, either because they were born abroad to at least one U.S. citizen parent or because they were naturalized or derived U.S. citizenship through their parents.

Form I-9. The USCIS form employers must use to verify the identity and employment-authorization status of all newly hired employees in the United States. The form was developed following passage of the Immigration Reform and Control Act of 1986.

Fraudulent documents. Identity and/or employment-authorization documents that are counterfeit or are legitimate but have been altered to change the identifying information or images to represent another person.

Hire date. According to the USCIS website, "The earliest the employer may initiate a query is after an individual accepts an offer of employment and after the employee and employer complete the Form I-9. The employer must initiate the query no later than the end of three business days after the new hire's actual start date."

Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). A major immigration law enacted on September 30, 1996. Among other things, IIRIRA mandated that the then Immigration and Naturalization Service conduct and evaluate three pilot electronic employment verification programs, including the Basic Pilot Program now called E-Verify.

Immigrant. A noncitizen who has been granted lawful permanent residence in the United States. Immigrants either obtain immigrant visas at consular offices overseas or, if a visa number is immediately available or unnecessary, adjust status at USCIS offices in the United States. (Also see lawful permanent resident.)

Inactive employers. In this report, this group includes both (1) employers that had formally terminated use of the system between October 2009 and March 2010, and (2) employers that had not formally terminated use of the system but had signed a Memorandum of Understanding between July and December 2009 but had not transmitted any cases to E-Verify in the three months ending in March 2010.

Indirect costs. A cost that is not identifiable with a specific function, product, or activity. For example, indirect costs associated with setting up the employment verification program can include reassignment of workers, additional recruitment, and delayed production.

Memorandum of Understanding (MOU). A signed document in which an employer choosing to participate in E-Verify agrees to abide by the provisions of E-Verify and that specifies USCIS and SSA's provision of certain materials and services.

New hire. According to USCIS, for E-Verify purposes a new hire is a person who has been offered and accepted a job offer.

No show. A result on the Transaction Database indicating that a worker referred to SSA or USCIS to resolve a Tentative Nonconfirmation (TNC) did not contact the appropriate agency to resolve the TNC within the allotted timeframe.

Nonimmigrant. A noncitizen admitted to the United States with a nonimmigrant visa or under the nonimmigrant visa waiver program for a specified temporary purpose and time period. Common examples are tourists, students, temporary workers, and foreign government officials.

Notice of Tentative Nonconfirmation (TNC). The printed form an employer provides notifying a worker that a TNC has been issued by the verification system and informing the worker of his or her rights and responsibilities with respect to resolving the TNC. The worker must sign the form, indicating whether he or she wishes to contest the finding.

Photo Matching Tool (Photo Tool). The Photo Matching Tool permits employers to compare photographs on worker documents with digital photographs stored in government systems to detect existing valid documents that have been altered to include a new photograph or that are counterfeit documents that have been created with valid information but have a photograph not belonging to the individual whose valid information is being used. The only documents currently available in the Photo Matching Tool are Permanent Resident ("green") cards, Employment Authorization Documents (EADs), and U.S. passports.

Prescreen. To evaluate the employment-authorization status of an individual before hiring the individual. This practice is prohibited by E-Verify.

Pre-TNC checks. The SSA pre-Tentative Nonconfirmation (pre-TNC) check and USCIS pre-TNC check that were implemented in September 2007. For SSA, this process consists of asking employers to review their input of worker information into E-Verify and correct any detected errors prior to the issuance of a TNC. For USCIS, employers are asked to review their input of worker information into E-Verify prior to the case going to the secondary verification process in which Management Program Assistants manually check additional DHS databases when the initial automated check does not confirm that the worker is work authorized.

Query. The action of keying information and accessing the verification database to verify employment eligibility. A single employment case may involve multiple queries. (Also see case.)

Referral letter. The official notice an employer provides to a worker who wishes to contest a Tentative Nonconfirmation finding in the verification process. It explains what procedures the worker must take to resolve his or her case.

Sample frame. The list from which a sample is selected. For the Web survey, the sample frame consisted of companies that were in business at the time of the survey and had submitted cases to E-Verify between January and March 2010, or had formally terminated involvement in E-Verify between October 2009 and March 2010, or had signed a Memorandum of Understanding for participation between July and December 2009 but had not transmitted any cases to E-Verify between January and March 2010.

Secure documents. Documents that have special security features such as bar codes, holograms, embedded images, biometric identifiers, laminates, or other features that make them difficult to counterfeit or alter. Such documents are typically issued through processes that are also secure.

Stakeholders. Individuals and organizations with an interest in a program or issue.

Survey sample. The individuals or groups selected from the sample frame for participation in the survey.

Tentative Nonconfirmation (TNC) (of work authorization). The initial response from E-Verify when a worker's employment authorization cannot be immediately confirmed. There are many possible reasons that a worker may receive a TNC, ranging from employer-keying errors to a worker's lack of employment authorization.

Transaction Database. The administrative database that captures all E-Verify transactions by employers, SSA, and USCIS.

U.S. citizen. An individual who is born in the United States or attains U.S. citizenship by being born abroad to at least one U.S citizen parent, by being naturalized, or by deriving citizenship following his or her parents' naturalization.

Unauthorized employment. Employment of workers without work authorization. (Also see unauthorized worker.)

Unauthorized worker. A noncitizen who does not have legal permission to work in the United States because of his or her immigration status or because he or she has applied and been found ineligible for work authorization. This category includes unauthorized workers who are in the country legally (e.g., visitors) but do not have authorization to work in the United States. (Also see undocumented worker.)

Undocumented worker. A noncitizen who does not have permission to enter or reside in the United States.

Unweighted response rate. The proportion of the sampled companies that responded to the survey.

Usability Release 3.0. A redesigned user interface for the E-Verify Program that focused on creating a "user-centered design" with redesigned features, such as a clean and modern design, easy and intuitive navigation, and clear and simple language.

Verification. A process by which a case is entered into E-Verify for determination of work-authorization status.

Verification Information System (VIS). The USCIS information system used by the E-Verify Program, which includes data from primary DHS databases with new information on noncitizen status.

Weighted response rate. The proportion of the total sample frame that is contributed by the weighted number of companies that responded to the survey. Weights are based on the probability of selection.