FINDINGS OF THE E-VERIFY USER SURVEY

April 30, 2014

This page intentionally left blank.

Contents

Contents
(continued)

Contents
(continued)

Contents
(continued)

Contents
(continued)

Contents
(continued)

Contents
(continued)

Contents
(continued)

Contents
(continued)

Contents
(continued)

EXECUTIVE SUMMARY

1. BACKGROUND

1.1 Purpose of the Study

This study is part of an ongoing evaluation of E-Verify. The Program was created under statutory direction to provide U.S. employers with an electronic tool to verify employment eligibility of workers. 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 that are available on the U.S. Citizenship and Immigration Services (USCIS) website. [1]

This report describes the major findings and recommendations from a survey of E-Verify users conducted in 2013 to gather information on employers' opinions and experiences with using the Program.[2] When possible, this report presents comparable data from the 2010 and 2008 surveys. It also focuses on findings related to new topics included in the 2013 user survey.

The report's primary goals are to address research questions surrounding four major topic areas:

- The extent to which E-Verify is used and employers' reasons for using the Program.

- The extent to which E-Verify is meeting the goals set by IIRIRA and the extent to which employers comply with requirements of the Program.

- Employer satisfaction with E-Verify and the cost of E-Verify for employers.

- Recommendations for changes to E-Verify.

As with previous evaluations of E-Verify, the information collected on these topics 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 E-Verify between August 2010 and March 2013 administrations of the user survey. Among the improvements implemented during this time, the following changes may have directly affected how employers and workers interact with E-Verify:

---

[1] See Westat, *Findings of The E-Verify® Program Evaluation, December 2009* (http://www.uscis.gov/sites/default/files/USCIS/E-Verify/ E-Verify/Final%20E-Verify%20Report%2012-16-09_2.pdf).

[2] Throughout this report, the phrase "E-Verify users" refers to registered employers or designated employees (e.g., human resources personnel) that use the Program on behalf of employers. In addition, the term "employers" refers to "companies," "firms," or other types of E-Verify participants (e.g., government entities, unincorporated employers, and sole proprietors).

- **Passport Photo (September 2010).** E-Verify expanded Photo Matching to include U.S. passports or passport cards.

- **E-Verify Spanish Web Pages (May 2011).** USCIS translated many of the E-Verify web pages into Spanish. USCIS plans to expand the E-Verify Spanish web pages with additional sections on an ongoing basis.

- **E-Verify upgrades (June 2011).** The procedure for entering the hire date in E-Verify was modified so that the date entered now matches the worker's first day of employment listed in Section 2 on Form I-9. Employers can enter a hire date in the future (as long as the worker has already accepted an offer of employment). Other changes were made to enhance "user-friendliness" of E-Verify; these include:

  - Updating the "Case Details" screen and adding new fields to improve reporting capabilities and to make it easier for users to locate detailed information for each case created.[3] More than 30 new and revised help text items were added.

  - Making it easier to change passwords. If a user enters a password that does not meet E-Verify requirements, the user is informed which requirements were not met and what has to be done to create an acceptable password.

  - Creating a permanent fix for easier entry of U.S. Passport and Visa numbers.

- **Launching and expanding Self Check (2011 and 2012).** E-Verify Self Check is a voluntary, fast, free and simple service that allows individuals to check their employment eligibility in the United States. In 2011, it was expanded to residents of 21 states. In November 2011, USCIS launched the Spanish Self Check website. In 2012, USCIS announced the nationwide expansion of Self Check, allowing workers anywhere in the United States to check their own work eligibility. This expansion also became available in Washington, D.C., Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

- **RIDE Program (2011-2013).** USCIS initiated the Records and Information from the Department of Motor Vehicles (RIDE) for E-Verify. RIDE enables states to validate the authenticity of driver's licenses presented as Form I-9 identity documents. Mississippi was the first state to make its driver's license data available to E-Verify. Since 2011, three more states joined the RIDE program: Florida, Idaho, and Iowa.

- **E-Verify Employee Rights Toolkit (2012).** The Employee Rights Toolkit provides useful information for workers and the public about worker rights, anti-discrimination protections, and proper procedures for employers to follow when completing Form I-9 and using E-Verify. The online toolkit contains fliers, posters and videos about worker rights and employer responsibilities. DVDs/CDs can be ordered from the USCIS Forms Center.

- **E-Verify Monitoring and Compliance (2012) Self-Assessment Guides.** E-Verify published Self-Assessment Guides to help employers implement a voluntary self-appraisal of how they are using E-Verify and how they can improve their internal procedures.

---

[3] A case is a query created in E-Verify to confirm the identity and determine the work eligibility status of a worker.

- **E-Verify upgrades (September 2012)**

  — **New Features for Corporate Administrators.** A new web-based tutorial replaces the live webinar training required of new Corporate Administrators. The tutorial also serves as a resource for existing Corporate Administrators. A new E-Verify User Manual for Corporate Administrators is now available.

  — **Web Browser Enhancements.** E-Verify expanded its capabilities to support Firefox, Chrome, and Safari web browsers in addition to its current support for Internet Explorer.

  — **Foreign Passport Number and Country of Issuance Entry.** Employers can now enter the country of issuance and foreign passport number written on Form I-9 when they create a case in E-Verify.

  — **Quick Audit Report.** Employers can now quickly review their E-Verify summary case data through this report, which displays case data but does not include sensitive worker information.

Major changes that occurred before August 2010 are also likely to have had a continued impact on E-Verify users during the 2010 and 2013 survey administrations. Major changes to the E-Verify user interface and the online tutorial and knowledge test were implemented with the **launch of the Usability Release 3**.**0**. These changes included a redesigned user interface to enhance navigation and communication, and revisions to the online tutorial and knowledge test that streamlined the content presented in the tutorial and used more conversational language. In addition, new closure codes became available in June 2010 to help employers choose more accurate reasons for closing cases, while Tentative Nonconfirmation (TNC) notices and referral letters were made available in seven new languages in summer 2010.

Changes aimed at educating potential and current E-Verify users were implemented with the **Multimedia approach** in March 2010 through webinars (beginning in 2009) and online videos. **In addition, worker rights initiatives** were implemented in March 2010 through several vehicles for educating employers and workers about worker rights as they relate to E-Verify. In addition to two informational videos, a new E-Verify worker hotline was established to provide workers with general E-Verify information, including completing the Form I-9, contesting a TNC finding, and filing a complaint regarding discrimination for employer misuse of E-Verify.

1.3   Legislative Changes

Executive Order 12989, as amended on June 6, 2008, directs federal agencies to require that federal contractors and their subcontractors electronically verify the employment eligibility of their newly hired workers and workers performing work on a Federal contract. 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 requirement only affects federal contractors that are awarded a new contract on or after September 8, 2009, that includes the Federal Acquisition Regulation (FAR) E-Verify clause (73 FR 67704).[4]

---

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

Federal contractors participating in E-Verify under the FAR clause must follow most of the same E-Verify rules and procedures as general employers. However, unlike general employers, covered federal contractors are required to use E-Verify to electronically verify existing employees that will be working on federal contracts that include the FAR clause. Covered Federal contractors are also permitted to electronically verify work authorization for all existing employees, if they choose to do so.

Since the administration of the 2010 E-Verify user survey, more states have enacted legislation requiring all or some employers to use E-Verify. A list of state legislation showing the use of E-Verify at the time of the 2008 and 2010 user surveys, as well as the mandated status as of March 2014, can be found in Appendix B. In 2012, Congress authorized the extension of E-Verify through September 2015.

2. METHODOLOGY

The 2013 E-Verify User Web Survey sample consisted of 3,723 employers from a sampling list of 76,828 eligible employers from the E-Verify Transaction Database. The survey required recent use of E-Verify so that respondents would be informed about the Program's current features. The Web survey sample was grouped by participation status in E-Verify, industry type, the number of E-Verify TNCs, and the number of workers. Within each subgroup, the employers were selected using probability proportional to size (PPS) sampling.

Many of the questions asked in the 2013 Web survey were adapted directly from the Web survey used in the 2010 and 2008 evaluations. Focus groups were used to pretest the survey and were conducted with three small groups of employers (i.e., employment agencies, large employers, and medium-sized companies) to verify that the questions were clear and that the survey did not take an excessive amount of time to complete.[5] Focus group employers were also asked to complete the draft survey and return it to Westat for our review. The research team conducted these focus groups using WebEx, a Web hosting service for integrated teleconferencing. The team then modified the survey based on input from these focus groups. Additionally, survey methodologists from Westat's usability testing group reviewed and revised the survey instructions for clarity, accuracy, and succinctness.

Data collection occurred during a four-month period starting in March 2013 and ending in June 2013. A minimum of 80 percent of all eligible data items had to be completed in order for the questionnaire to be considered completed. Of the 3,723 employers in the survey sample, 299 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 3,424 eligible employers, 2,819 (82 percent) completed the survey. The weighted response rate was 84 percent.

3. FINDINGS

This section highlights key findings from the user surveys in the following four areas: overview of E-Verify usage, meeting E-Verify goals and employer compliance with program policies, employer satisfaction with E-Verify, and financial burden of E-Verify to companies.

---

[5] Each focus group included six to eight 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.

3.1 Overview of E-Verify Usage

3.1.1 Findings From the Transaction Database: Extent of E-Verify Usage

Since the inception of E-Verify, there has been a strong upward trend in the number of employers using the Program to confirm employment eligibility of workers and in the number of individual cases transmitted to the E-Verify system.[6] Consistent with this trend, the number of E-Verify employers that *submitted* cases increased sharply between administrations of the 2008, 2010, and 2013 E-Verify user surveys: from 28,865 employers between April and June 2008 to 68,261 employers between July and September 2010 and 114,828 employers between January and March 2013. In addition, the nearly 5.3 million cases submitted to E-Verify from January through March 2013 represent a substantial increase (25 percent) from the 4.2 million cases submitted from July through September 2010 at the time of the administration of the 2010 E-Verify User Survey.[7] The rate of increase in the number of cases transmitted to E-Verify was, however, much slower than the almost 150 percent increase between the time periods corresponding to the 2008 and 2010 surveys (from 1.7 million in April through June 2008 to 4.2 million in July through September 2010).

The E-Verify user population changed since the 2008 user survey. Data from the Transaction Database show that the percentage of E-Verify employers that were employment agencies decreased between the administration of the 2008 and 2010 surveys but remained somewhat stable between the 2010 and 2013 surveys.[8] In addition, the percentage of E-Verify employers that were in industries with typically high numbers of undocumented workers,[9] which have had large representation in E-Verify in the past, also had decreased representation at the time of the 2010 survey but remained somewhat stable between the 2010 and 2013 surveys. In contrast, the percentage of E-Verify employers that were categorized as "other industries" increased from 66 percent at the time of the 2008 survey to 75 percent at the time of the 2010 survey and 76 percent at the time of the 2013 survey.[10] This trend reflects the growing numbers of employers under state and federal mandates to use E-Verify.

3.1.2 Findings From the E-Verify User Surveys: Profile of E-Verify Users

Employers first learned about E-Verify primarily through non-federal sources. Fourteen percent of employers in the 2013 survey reported that their companies first learned about E-Verify from USCIS or

---

[6] *Findings of the E-Verify Program Evaluation, December 2009* (http://www.uscis.gov/USCIS/E-Verify/E-Verify/Final%20 E-Verify%20Report%2012-16-09_2.pdf).

[7] The Transaction Database findings are described during the fiscal quarters that approximately corresponded to the survey administrations of the user surveys in 2008 (April through June), 2010 (August through November), and 2013 (March through June). Fiscal quarters were chosen to approximate the windows of user survey data collections as closely as possible. The 2008 survey data collection window is approximated as the fiscal quarter April through June 2008 in the Transaction Database, the 2010 data collection window is approximated as the fiscal quarter July through September 2010, and the 2013 data collection window is approximated as the fiscal quarter January through March 2013.

[8] Employers that registered to use E-Verify but did not transmit cases are not included in this discussion, and all percentages of employers reflect only those employers that had transmitted cases. Employment agencies are self-identified in the E-Verify Transaction Database based on a North American Industry Classification System (NAICS) code of 5613 (employment services). These companies include employment placement agencies, executive search services, temporary help services, and professional employer organizations.

[9] These industries are 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 and D'Vera Cohn, Pew Hispanic Center, *A Portrait of Unauthorized Immigrants in the United States,* April 14, 2009.

[10] Employers that transmitted cases to E-Verify were grouped into three categories: (1) employment agencies, (2) industries with typically high numbers of undocumented workers, and (3) other industries. The "other industries" category included such industries as the financial services industry; professional, scientific, and technical services; and the healthcare industry.

Social Security Administration (SSA) materials, 2 percent learned about it from U.S. Immigration and Customs Enforcement (ICE) while another 15 percent first learned about E-Verify from a state or local government office. Close to half (45 percent) reported that they first learned about E-Verify from non-government sources, ranging from 6 percent from media coverage to 14 percent from clients' requests to participate in E-Verify.[11]

When asked about their motivation to participate in E-Verify, the majority of employers in the 2013 survey (61 percent) reported that they were motivated to use E-Verify to improve their ability to verify work authorization. In addition, almost half of employers reported they were motivated to enroll in E-Verify because the state/local government (49 percent) or the federal government (47 percent) required participation.

The percentage of employers mandated to use E-Verify increased significantly between 2010 and 2013. Close to two-thirds (62 percent) of current E-Verify users surveyed in 2013 reported that they were required to use E-Verify compared with 53 percent of users in 2010.

3.1.3 Sources of Change in E-Verify Usage and Profile of Users

Authority 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.[12]

As indicated in the section on legislative changes, since the administration of the 2010 E-Verify user survey, more states have enacted legislation requiring all or some employers to use E-Verify (see Appendix B). These changes have resulted in large increases in the numbers of employers using E-Verify and the number of cases being transmitted.

---

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

[12] 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.

3.2. E-Verify Goals and Employer Compliance

3.2.1. General Findings

This section presents key findings for the extent to which E-Verify is meeting its program goals and the extent to which employers comply with E-Verify policies. Both sets of indicators address the overarching question of program effectiveness and accuracy.

In 2013, almost all E-Verify users believed that E-Verify is effective (92 percent) and highly accurate (89 percent). These results are similar to the findings from both 2008 and 2010, indicating that current users' perceptions of program effectiveness and accuracy have not wavered over time despite programmatic and legislative changes.

3.2.1.1. Effectiveness in Meeting E-Verify Goals

E-Verify has made considerable progress in meeting its goals of reducing the employment of individuals unauthorized to work, reducing verification-related discrimination, preventing undue burden on employers, and protecting privacy and workers' civil liberties.

- **Employers' responses to questions about the impact of E-Verify suggest that their use of the Program has contributed to a reduction in unauthorized employment.** For example, 19 percent of E-Verify users in 2013 agreed that the number of unauthorized workers who applied for jobs decreased because E-Verify was used.[13] In addition, among companies that ever had a worker receive a TNC, almost two-thirds (64 percent) agreed that workers at least sometimes decide to quit rather than contest their TNC findings, and one-fourth of the employers agreed that their workers at least sometimes decide to quit before being informed about the TNC. Although workers with TNCs may choose to stop working for many reasons, it is reasonable to assume that some workers may quit because they are not eligible to work.

- **Although most E-Verify employers did not report discriminatory hiring practices, a few continued to do so.** For example, among employers that use E-Verify for workers prior to their first day of paid work, a small percentage reported that they required only *some* of these workers, to be verified prior to starting work, either through prescreening practices or selective screening of workers who have already accepted job offers. [14] In addition, among E-Verify employers that had ever received a TNC finding for a worker, some reported taking adverse action against such workers including restricting work assignments (15 percent) and delaying training until work authorization could be confirmed (11 percent). Moreover, a few E-Verify users reported that their companies were now less willing to hire job applicants who appeared to be foreign-born than they were prior to using E-Verify. [15]

---

[13] This statement is based on employers' perceptions related to the impact that E-Verify had on their companies; this survey did not gather information about the number of unauthorized workers who applied for jobs.

[14] Using E-Verify for workers who have already accepted a job offer is discriminatory only if the employer selectively uses E-Verify for some but not all workers. However, there is no policy that prevents the clients of employment agencies from requesting that only work-authorized workers be referred to them. Thus, employment agencies may require some but not all workers to be found work authorized by E-Verify prior to starting work.

[15] Since employers are self-reporting, it is reasonable to assume that the actual percentage of employers taking discriminatory actions against workers is somewhat higher than the results of this study indicate.

- **While most E-Verify users reported positive experiences across various measures of E-Verify burden, some employers reported negative experiences.** For example, small percentages of E-Verify employers in 2013 *agreed* that it was sometimes impossible to fulfill E-Verify process obligations (11 percent) or submit case information within deadlines (14 percent). In addition, a few E-Verify employers (ranging 2 to 6 percent) agreed that using E-Verify has made it difficult to attract qualified and work-authorized job applicants, has resulted in some existing employees choosing to leave the employer or in the termination of some existing employees' employment,[16] or has reduced the employer's competitiveness.

Findings related to the goal of protecting privacy and workers' civil liberties are presented in the discussion below on employer compliance with informing workers about TNC results and not taking adverse action against those workers.

3.2.1.2. Employer Compliance With E-Verify Policies

Overall, users continued to report high levels of compliance with E-Verify policies, including meeting E-Verify tutorial and system ID requirements, verifying only the workers who should be verified according to the Program and within the stipulated time period, using Photo Matching appropriately in the verification process, and adhering to required TNC procedures. However, some challenges remain for employers that continue to engage in practices that constitute a violation of such policies.

- **While most E-Verify users completed the mandatory online tutorial and held unique passwords for accessing E-Verify, some users did not meet these requirements.** The percentage of survey respondents who admitted that they did not complete the tutorial ranged from 12 percent in 2008 to 9 percent in 2013. In addition, among companies with multiple E-Verify users, survey respondents reported that the online tutorial was *not* completed by all other users at the company (ranging from 22 percent in 2008 to 32 percent in 2010 and 24 percent in 2013). These companies also reported that there was some sharing of E-Verify IDs and passwords among users (ranging from 11 to 13 percent over the survey years); these percentages did not change significantly over time. The tutorial covers the proper use of E-Verify and the protection of worker rights.

- **Almost all E-Verify employers reported using the Program for *all* new hires; however, small percentages of employers continued to selectively verify work authorization status for *some* categories of workers.** For example, some employers self-reported that they used E-Verify for workers they believed to be not work authorized (9 percent in 2013 and 8 percent in 2010), and some employers that were not federal contractors used it for existing employees (14 percent in 2013 and 10 percent in 2010); these percentages did not change significantly over time. Using E-Verify only on workers believed to be not work authorized likely constitutes discrimination based upon ethnicity or national origin, or citizenship or immigration status, in violation of the Immigration and Nationality Act's anti-discrimination provision and Title VII of the Civil Rights Act of 1964.

---

[16] Employers were asked if they agreed with the following statements: "Using E-Verify resulted in the firing of some existing employees," and "using E-Verify resulted in some existing companies choosing to leave the company (e.g., resignation or retirement)." "Existing employees" refers to workers who were hired prior to the use of E-Verify. Only federal contractors are permitted to use E-Verify to confirm work authorization of existing employees; federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the FAR clause, and federal contractors are also permitted to use E-Verify for all existing employees, if they choose. Non-federal contractors are not permitted to use E-Verify in this manner.

- **Although most E-Verify users continue to verify newly hired employees within three days of hire, there has been an increase in prescreening and a decline in adherence to the three-day rule.** The percentage of E-Verify employers that used the system prior to the job offer being made and accepted increased from 4 percent in 2008 to 9 percent in 2013 while the percentage that adhered to the three-day rule decreased from 92 percent to 86 percent during the same time period.

- **Employers continue to report very high levels of compliance with the requirement to compare the photograph returned by E-Verify to the photograph on the documents that the worker presents.** Almost all employers that used Photo Matching adhered to this requirement in 2013 (97 percent) and 2010 (95 percent).

- **In 2013, almost all employers with workers ever receiving TNCs reported that they always informed workers about the TNC findings in private (93 percent) and most indicated that they always notified workers about TNCs in writing (84 percent).** While the percentage of employers informing workers in writing remained relatively stable between 2008 and 2013, the percentage informing workers in private increased from 89 percent to 93 percent. However, small percentages of E-Verify employers with workers receiving TNCs agreed that, in the experience of their companies, contesting TNCs is discouraged because it takes too much time, or that contesting TNCs is discouraged because it rarely results in work authorization (ranging from 3 to 4 percent across survey years).

- **Most employers with workers who ever received Final Nonconfirmations (FNCs) reported that they immediately terminated these workers' employment.** In 2013, most E-Verify companies with workers receiving FNCs reported that their companies *always* terminated the workers' employment immediately (83 percent) while a few (8 percent) indicated that they *sometimes* terminated workers' employment immediately.[17]

- **Employers reported that they had ever received TNC findings due to data entry mistakes less frequently in 2013 (24 percent) than in 2008 (42 percent),** reflecting increased efforts to streamline the process of entering and checking the Form I-9 information entered into the system. While a large majority of employers with TNCs (73 percent) reported compliance with E-Verify requirements for closing TNC cases that resulted from data entry mistakes, this percentage did not change significantly from 2008.

- **In 2013, a small percentage (16 percent) of current E-Verify employers reported that they had heard about Self Check.** Almost all of the employers that heard about Self Check indicated that they did *not* require anyone to use the service (95 percent), and a large majority (77 percent) indicated that they did not inform anyone about the service. Program guidelines prohibit employers from requiring workers to use Self Check.

3.2.2   Potential Causes of Change in Meeting E-Verify Goals and in Employer Compliance

Improvements in E-Verify user training likely led to increases in employer compliance with several E-Verify requirements. With the addition of new vehicles for training, including webinars and videos, and Self-Assessment Guides for employers to evaluate how they are using E-Verify and improving

---

[17] According to E-Verify policies, employers may terminate the employment of workers who receive FNCs. If a worker receives an FNC, the employer is required to close the case and to indicate whether the worker continues to work or was terminated.

internal procedures, it is reasonable to expect increased compliance with E-Verify requirements. The survey results supported these expectations.

Changes in compliance might be also linked to an increase in mandated employers. While it could be argued that mandated employers would be more motivated by the legal requirements to engage in practices that are aligned with E-Verify goals, a counter-argument is that companies that participated in E-Verify on a voluntary basis might have more positive attitudes towards the Program and be less likely to perceive requirements as burdensome. **However, the data showed little support for this expectation.** With a few exceptions, mandated users were no more or less likely to comply with procedures compared to voluntary users.

- An exception to these findings was in the percentage of E-Verify users that reported ever receiving a TNC finding due to a data entry mistake. Voluntary users of E-Verify were more likely than mandated users to report ever making a data entry mistake that led to a TNC (31 percent versus 23 percent).

- Another exception was that, compared with voluntary E-Verify users, those with a federal or state/local mandate to use E-Verify were more likely to agree that it was impossible to meet E-Verify requirements for processing cases.

Other than these exceptions, mandated and voluntary users were generally similar in their responses.

Prescreening increased despite improvements to training materials.[18] 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 2013. However, survey findings show that the overall percentage of employers prescreening job applicants increased from 4 percent in 2008 to 9 percent in 2013. Mandated users were just as likely as voluntary employers to prescreen job applicants in 2013.

In 2013, approximately one-third of federal contractors took advantage of the option under FAR to use E-Verify for existing employees.

3.2.3 Variations by Industry Type and Company Size

The 2013 survey data revealed some variation in the extent to which E-Verify goals are met by employer characteristics:

- Compared with companies in all other types of industries, employment agencies were more likely to agree that the number of unauthorized and work-authorized persons who applied for jobs decreased

---

[18] Throughout this report, 'prescreening' is defined as misusing E-Verify to confirm work authorization prior to a job offer being made and accepted. Program rules prohibit this practice.

because E-Verify was used,[19] that it was sometimes 'impossible' to submit information by E-Verify's deadlines, and that the use of E-Verify resulted in the firing of some existing employees.[20]

- Compared with large companies, small companies were less likely to agree that E-Verify is highly accurate and an effective tool. Small companies were also less likely to agree that the number of unauthorized workers who applied for jobs decreased because E-Verify was used, to agree that using E-Verify resulted in the firing of some existing employees,[21] and to agree that it was sometimes impossible to submit case information by the required deadline. Among companies that have ever had workers who received a TNC, small companies were also more likely than medium-sized and large companies to indicate that assisting workers with TNCs was a burden.[22]

The 2013 survey data also showed some variation in compliance by company size. Compared with large employers, small companies were less likely to be in compliance with E-Verify procedures regarding when E-Verify is used to confirm work authorization. For example, small companies were more likely to report practices that constitute prescreening of workers, and they were less likely to report that they used E-Verify to confirm work authorization within three days of hire. However, small companies were more likely to follow the E-Verify prompts to compare the photo provided in the E-Verify Photo Matching response to the photo on the document some workers provided.[23]

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, many of which would require legislative action.** A majority of E-Verify users in 2013 indicated support for allowing verification of job applicants, requiring all employers in the United States to use E-Verify, allowing for verification of all existing employees, and increasing the types of documents that can be used with Photo Matching. Close to half of E-Verify users indicated support for adding a formal appeal process for cases with an FNC.

- **All survey respondents were given the opportunity to provide additional comments or suggestions for improvements to E-Verify.** Common suggestions were giving E-Verify users more than three days to verify work authorization, allowing employers to verify job applicants, simplifying

---

[19] This statement is based on employers' perceptions related to the impact that E-Verify had on their companies; this survey did not gather information about the number of unauthorized or work-authorized workers who applied for jobs.

[20] Employers were asked if they agreed with the following statements: "Using E-Verify resulted in the firing of some existing employees," and "using E-Verify resulted in some existing companies choosing to leave the company (e.g., resignation or retirement)." "Existing employees" refers to workers who were hired prior to the use of E-Verify. Only federal contractors are permitted to use E-Verify to confirm work authorization of existing employees; federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the FAR clause, and federal contractors are also permitted to use E-Verify for all existing employees, if they choose. Non-federal contractors are not permitted to use E-Verify in this manner.

[21] Only federal contractors are permitted to use E-Verify to confirm work authorization of existing employees; federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the FAR clause, and federal contractors are also permitted to use E-Verify for all existing employees, if they choose. Non-federal contractors are not permitted to use E-Verify in this manner.

[22] There is no requirement that employers assist workers with TNCs beyond informing them about the finding in writing and explaining the finding in private.

[23] This question was asked of current E-Verify users whose companies had used Photo Matching. All other questions in this paragraph were asked of current E-Verify users.

the TNC process,[24] informing employers by email when additional action on a case is needed, adding more documents to Photo Matching, and providing additional training, guidance, or email updates from USCIS on how to address problems such as entering compound names into E-Verify. As noted earlier, addressing recommendations for prescreening and the timeframe for verifying workers would require legislative action.

- **Employers also provided additional suggestions for reducing employer burden.** A few employers suggested that all data entry fields be accessible by the 'tab' key, that the necessity for mouse clicks during data entry be eliminated, and that the fields for dates be numeric. In addition, a few employers requested that correcting data entry errors in E-Verify be made easier, and several asked that system time-outs during data entry be reduced.

3.3. Employer Satisfaction With E-Verify

3.3.1 General Findings

In 2013, employers continued to express high levels of satisfaction with various E-Verify features and processes including satisfaction with the E-Verify enrollment[25] and start-up, system navigation, system reliability, program resources, and technical help.

As in previous survey years, E-Verify users generally expressed satisfaction with their experiences in registering for the Program although some employers viewed the process as too time-consuming. In 2013, most employers (87 percent) agreed with a positive statement about the E-Verify enrollment process; however, in response to a negative statement about this process, some (28 percent) agreed that it was too time-consuming.

E-Verify users expressed increased satisfaction with the online tutorial, although a sizeable percentage agreed that it took too long to complete. In 2013, almost all E-Verify users agreed that the tutorial adequately prepared them to use E-Verify (93 percent) and that its content was easy to understand (91 percent), while most (87 percent) agreed that the tutorial answered all of their questions. However, in response to statements about burden, 35 percent of E-Verify users reported that the tutorial took too long to complete, although this represented a decline from 47 percent in 2010 and 40 percent in 2008.

E-Verify users expressed greater satisfaction with system availability in 2013 than in 2008. Only 5 percent of employers reported availability problems in 2013 compared to 13 percent in 2008. Users in 2013 also experienced fewer problems with system timeouts requiring data reentry (14 percent in 2013 compared to 20 percent in 2008).

In 2013, almost all E-Verify users reported that the E-Verify system was user-friendly although some data entry challenges remain. About one-third (34 percent) of E-Verify users experienced difficulty in entering some names into the system, and this percentage did not change significantly from 2010 despite USCIS efforts to clarify instructions for this data entry task. However, while some users (20 percent) indicated that it was easy to make errors when entering worker information into the E-Verify

---

[24] Some of these suggestions may be addressed by USCIS' recent update to the TNC process; as of September 8, 2013, the TNC Notice and Referral Letter was replaced by the Further Action Notice, and the TNC process was streamlined. On February 23, 2014, E-Verify released an updated DHS TNC Further Action Notice to include information on correcting immigration records.

[25] Throughout this report, the terms "enrollment" and "registration" are used interchangeably.

system, this represents an improvement from 2008 when 27 percent of the employers reported this difficulty.

E-Verify users held positive views of program resources including the online User Manual, webinars, mouse-over features on data entry fields, and reports generated by E-Verify; however, sizeable percentages of users reported that they either had not used these resources or were unaware of them. For example, in 2013, while a majority of E-Verify users (59 percent) found the online User Manual to be helpful, more than one-third of the respondents either had not used this resource (32 percent) or were unaware of it (5 percent). Similarly, while some E-Verify users found the E-Verify webinars to be helpful (21 percent), a large majority of the respondents either had not used this resource (62 percent) or were unaware of it (13 percent). In addition, while some E-Verify users indicated that the reports generated by the E-Verify system were helpful, substantial percentages of the respondents either had not used these reports or were unaware of them.

While a majority of E-Verify users reported that they had no need to call the E-Verify Technical Help Desk or Customer Service number, most of the respondents who did call these resources reported being satisfied with their experience. In 2013, about two-thirds of E-Verify users reported that they had no need to call the E-Verify Help Desk or Customer Service. Almost all employers that requested assistance reported satisfaction with contacting the Help Desk (89 percent), Customer Service (90 percent), or either the Help Desk or Customer Service (89 percent).

Among the few respondents who were dissatisfied with their contacts with the E-Verify Technical Help Desk or Customer Service, the most frequently cited reasons were that the individual they contacted was unable to answer the questions, and that it was difficult to understand the answer provided. Some respondents also felt that the Help Desk or Customer Service USCIS representative was rude or discourteous while some others reported that they were referred to another phone number.

A majority of mandated employers (60 percent) reported that they would be likely to continue using E-Verify, even if they were not required to do so. The most frequently cited reasons were to improve the company's ability to verify work authorization; to avoid a possible ICE audit, raid, or fine; to satisfy clients who like that they use E-Verify; and to remain more competitive with other companies.

3.3.2 Potential Causes of Change in Employer Satisfaction with E-Verify

Ongoing upgrades to enhance user-friendliness of E-Verify can be linked to high and/or increased levels of employer satisfaction with the Program's system features and resources. While the most recent of these upgrades occurred in June 2011, improvements through Usability Release 3.0 in June 2010 continued to have a positive impact on employer satisfaction through the administration of the 2013 survey. For example:

- In 2013, almost all E-Verify users continued to agree that the tutorial adequately prepared them to use the online verification system (93 percent) and that the content of the online tutorial was easy to understand (91 percent). These percentages remained fairly consistent since 2008, suggesting that high levels of satisfaction have not wavered despite increases in the number of employers that are mandated to use the Program. Moreover, the percentage of users reporting that the tutorial took too long to complete decreased from 2010 and 2008, and the percentage of E-Verify users that agreed that passing the knowledge test was a burden dropped from 2010 although it did not change significantly from 2008.

- Compared to E-Verify users in 2008, those in 2010 and 2013 were less likely to agree that E-Verify system timeouts required the employer to reenter information and that it was easy to make errors when entering worker information into the system.

3.3.3. Variations by Industry Type and Company Size

The 2013 survey revealed some variation in satisfaction by industry type and company size. For example:

- Compared with companies in high-risk industries (i.e., industries with traditionally high percentages of undocumented workers) and companies in other types of industries, employment agencies were more likely to report satisfaction with E-Verify, including the user-friendliness of the Program, the online User Manual, system-generated reports to monitor the status of cases and the company's use of E-Verify, mouse-over features, and USCIS training on new E-Verify features. However, perhaps due to their higher hiring volume, employment agencies were more likely to report problems with entering certain types of names into the system and with E-Verify system timeouts that require reentry of information.

- Companies in high-risk industries were more likely to express satisfaction with the online webinars and system-generated reports to monitor the status of cases and the company's use of E-Verify, compared to companies in other types of industries (but not employment agencies).

- Compared with medium-sized and large companies, small companies were less likely to express satisfaction with the E-Verify enrollment process, the online tutorial, and the knowledge test. They were also less likely to report that E-Verify was user-friendly, and to view E-Verify resources, such as the online webinars, as being helpful. However, small companies were also less likely to report that it was easy to make errors when entering worker information into the E-Verify system and to indicate that they were unsure about how to enter certain types of names into E-Verify.

3.4. Cost

3.4.1. General Findings

About one in five current and prior E-Verify employers reported direct costs associated with setting up E-Verify in 2010 and 2013. This percentage was not significantly different from 2008 when 26 percent of the employers reported such costs. The most frequently reported cost was for training employer staff to use E-Verify. Significantly more employers reported training costs in 2013 and 2010 than in 2008 (22 percent compared to 17 percent).

The cost for employers to set up E-Verify has remained fairly stable. The median cost among employers reporting costs to set up E-Verify was $100 in all three survey years.[26]

In the 2013 survey year, 15 percent of E-Verify users reported direct annual costs to maintain E-Verify, representing a decrease from 2008 when 23 percent of users reported such costs. In 2013, the percentage of current E-Verify users that reported specific types of direct costs ranged from 5 percent for telephone fees for internet access to 9 percent for training replacement staff.

---

[26] Because of the high costs reported by a small number of employers, the median (rather than mean) costs have been used for the survey years. All cost estimates include only companies who reported costs. Companies who reported zero costs are not included in this estimate.

Among employers reporting costs, the annual cost for employers to maintain E-Verify in 2013 increased from 2010 but decreased from 2008. Employers that reported direct maintenance costs spent a median of $300 annually to maintain E-Verify in 2013, which is higher than the median cost reported in 2010 ($200) but lower than the median direct maintenance cost of $350 reported in 2008.

As in 2008 and 2010, a large majority of E-Verify users and prior users in 2013 reported that the indirect costs associated with setting up E-Verify were not a burden and most users reported that the indirect costs for maintaining E-Verify were not a burden at all. However, across years, some reported that these costs were a slight, moderate, or extreme burden.

3.4.2. Variation in Cost by Employer Type

There was some variation in costs reported by 2013 employers by employer type:

- Employers that were mandated to use E-Verify were more likely than voluntary users to perceive indirect setup costs for E-Verify as a burden (27 versus 20 percent), and they were also more likely to indicate that indirect maintenance costs were a burden (19 percent versus 10 percent). In addition, mandated users reported lower median maintenance costs ($240) than those that use E-Verify voluntarily ($398).[27]

- Employment agencies were the most likely to perceive indirect maintenance costs as a burden, followed by companies in high-risk industries, and companies in other types of industries. Similarly, indirect setup and maintenance costs were higher for employment agencies than companies in high-risk and other types of industries.

- Small companies were more likely than medium-sized and large companies to perceive indirect setup costs and maintenance costs for E-Verify as a burden. However, the overall median for direct maintenance costs was lower for small companies ($300) compared with large companies ($500).

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. In addition, suggestions for future research are described.

4.1 Recommendations Regarding E-Verify Outreach and Growth

- USCIS should continue to strengthen and/or establish formal relationships with professional employer organizations (e.g., U.S. Chamber of Commerce, National Association of Small Businesses), federal agencies (e.g., Internal Revenue Service), 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).

- Additionally, USCIS might consider providing E-Verify "press" packages for dissemination of accurate information to key professional organizations as well as state and local governments. They

---

[27] All cost estimates include only companies that reported costs. Companies that reported zero costs are not included in this estimate.

might also explore incorporating into their media campaigns personal experiences or stories and quotes from employers who have found E-Verify most useful.

4.2 Recommendations Regarding E-Verify Employer Burden and Satisfaction

- Work with Congressional stakeholders to establish a small time-limited pilot program to test and evaluate a provision allowing pilot employers to verify that job applicants are employment authorized prior to hiring them. Throughout the 15-year program evaluation, employers have consistently requested that they be allowed to prescreen job applicants to eliminate the cost of hiring and training workers whom they must subsequently fire when they are found not to be work authorized. To resolve the issue of prescreening, which is prohibited by statute because of the likely discriminatory impact, a small and carefully crafted pilot program could be authorized by Congress. This pilot should be limited in time and scope and fully evaluated to determine its impacts, including on discrimination against authorized workers and employer burden. Recommendations to Congress on this issue would then be made to retain or amend the current policy prohibiting verification before hire.

- Work with Congressional stakeholders to extend the three-day requirement for creating a case for verification to five days, consistent with employer requests to extend this period.

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

- Make software available free of charge to employers that allows them to complete the Form I-9 electronically without completing a paper Form I-9 and encourage their use of this software.

- Consider conducting some testing with E-Verify employers to gain insights into specific ways in which the tutorial can be streamlined, if possible, without losing critical content and concepts.

- Continue to identify the specialized needs of different subgroups such as small employers, employment services providers, employers in industries with large percentages of undocumented workers, and mandated employers. Create materials targeted to these subgroups of employers by assessing and incorporating their needs into the development and revision of E-Verify procedures.

4.3 Recommendations Regarding Employer Compliance and Accuracy

- Add enhancements to the E-Verify system that would help increase employer compliance. For example, adding alerts for duplicate cases and creating cases without Social Security Numbers (SSNs) could help remove some of the reasons for the violation of E-Verify regulations.

- Adapt and/or supplement current training materials, tutorials, webinars, and on-screen help for employers to gain a better understanding of E-Verify requirements and Form I-9 requirements (e.g., 3-day rule, prescreening). This could include preparing specific job aids for employers to print out from the E-Verify website and post in locations where verifications are conducted to remind users about the key E-Verify requirements and their responsibility to ensure the security of user names and passwords.

- The Monitoring and Compliance branch should expand its staff and capabilities to monitor employer behaviors by randomly selecting companies for desk audits.

- The Monitoring and Compliance branch should consider the discriminatory behaviors noted in the findings of this report, as they expand their algorithms to detect program misuse. USCIS could also enhance its pop-up reminders in the E-Verify system for employers that receive TNCs to inform them again about workers' rights. Consider outreach to employers to make them more aware of the Self Check program and encourage them to advise their job applicants and workers of the availability of this program.

4.4   Future Research

- Conduct focus groups and/or surveys of employer subgroups to better understand their unique E-Verify needs. 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.

- Continue to evaluate E-Verify periodically as long as major changes continue to be made. In particular, the following recent and planned changes could have significant impact on the Program's ability to meet its goals and should be evaluated carefully:

  — **Email notifications.** USCIS' recent enhancement of providing email notifications directly to workers who have received TNCs when they supplied an email address on the Form I-9.

  — **Changes to the Form I-9** and accompanying instructions that were designed, among other things, to reduce the likelihood of name mismatches and data entry errors.

  — **The Self Check program.** The general lack of employer awareness of this program raises concerns about the effectiveness of outreach efforts, which should be explored with workers. This evaluation should also examine the impact of the E-Verify Self Check program to determine what, if any, effect this new initiative has on reducing the practice of prescreening.

  — **Adding new computer platforms (such as mobile platforms for tablets and smart phones) to access E-Verify.** This improvement should meet the needs of small employers and workers to cost-effectively access E-Verify.

  — **Measures to prevent fraud.** Assess the effectiveness of new and ongoing methods to prevent fraud. These include monitoring SSNs used repeatedly, additional identity assurance techniques like those used in Self Check, and workers locking their SSNs in E-Verify so no one else can use them.

This page intentionally left blank.

CHAPTER I. INTRODUCTION

1.   PURPOSE OF THE STUDY

E-Verify was created under statutory direction to provide U.S. employers with an electronic tool that would enhance efforts to verify employment eligibility for new hires.[28] The Program was originally authorized under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) as the Basic Pilot Program to test the feasibility of electronically verifying the work authorization status of newly hired employees. Since then, the Basic Pilot Program was expanded in scope and extended several times, evolving into a Web version in 2004 and later renamed E-Verify. In September 2012, authorization of E-Verify was extended until September 30, 2015. Legislation for E-Verify specifies that the goals of the Program are to reduce the employment of individuals unauthorized to work, reduce verification-related discrimination, prevent undue burden on employers, and protect privacy and workers' civil liberties.

This report is part of a multiyear evaluation of E-Verify. It presents the results of a survey of E-Verify users conducted in 2013 that collected data on E-Verify employers' opinions and experiences with using E-Verify for their companies. When possible, this report compares the findings of the 2013 user survey to the results of Westat's prior E-Verify user surveys conducted in 2008 and 2010. This report also focuses on findings related to new topics included in the 2013 user survey.

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

- What are the characteristics of E-Verify users and what are their motivations for using the Program?[29]

- To what extent is E-Verify meeting the goals set by IIRIRA to reduce discrimination and unauthorized employment while preventing undue burden on employers?

- How well do employers understand the program requirements and comply with the Program?

- How satisfied are employers with current E-Verify features and resources, and communication with U.S. Citizenship and Immigration Services (USCIS)?

- What are the financial and nonfinancial implications of E-Verify?

- To what extent are employers aware of and satisfied with Self Check?

- What are recommended future program changes?

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

---

[28] Throughout the report, the term "E-Verify" may refer to the overall program or the electronic system used to operate it.

[29] Throughout this report, the phrase "E-Verify users" refers to registered employers or designated employees (e.g., human resources personnel) that use the Program on behalf of companies.

2.   DESCRIPTION OF E-VERIFY

Under IIRIRA, all workers hired after November 6, 1986, along with their employers, are required to complete the Form I-9, Employment Eligibility Verification, which is used by employers to document verification of the identity and employment authorization of new hires. As part of this process, employers examine original 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 is a free program that provides employers with an Internet-based system that compares information from a worker's Form I-9 to data available from U.S. Department of Homeland Security (DHS) and Social Security Administration (SSA) databases to confirm identity and employment eligibility. As applicable, Form I-9 data may also be checked against databases from the Department of State (DOS) and participating state departments of motor vehicles (DMVs) to confirm identity.[30] E-Verify is voluntary for most employers but mandatory for some employers such as those with federal contracts that contain the Federal Acquisition Regulation E-Verify clause.

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 Form I-9 into the E-Verify system, the information is automatically sent to SSA for comparison with data in SSA records. Data for most noncitizens and some citizens are also compared with data in DHS records. Other data may be compared with DOS or state DMV data. Most often employers receive immediate notification that the new hires are authorized to work; however, in some cases, the records do not permit immediate confirmation of the worker's work 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 USCIS. Employers are required to inform workers about TNCs in writing and give them the opportunity to contest these findings by contacting SSA in person or USCIS by telephone and resolving any problems with their records. If a worker fails to contact SSA or USCIS within eight federal workdays of the case[31] being referred to SSA or USCIS, the E-Verify system issues a Final Nonconfirmation (FNC) finding and employers may terminate the worker's employment. If a worker is allowed to continue working after receiving an FNC, the employer is required to notify DHS of this decision.

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

3.   LEGAL REQUIREMENTS TO USE E-VERIFY

3.1   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. Executive Order 12989, as amended on June 6, 2008, directs federal agencies to require that federal contractors and their subcontractors electronically verify the employment eligibility of their

---

[30] These additional databases are checked if the worker presents a U.S. passport or passport card, or a driver's license or ID card from a state participating in the Records and Information from DMVs for E-Verify (RIDE) initiative, respectively.

[31] A case is a query created in E-Verify to confirm the identity and determine the work eligibility status of a worker.

workers. 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 that are awarded a new contract on or after September 8, 2009, that includes the Federal Acquisition Regulation (FAR) E-Verify clause (73 FR 67704).[32]

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, federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the FAR clause. Federal contractors must create E-Verify cases for new employees and existing employees assigned to the contract within the first 90 days of program enrollment or within 90 days of the contract award date if the employer is already a user.[33] Federal contractors are also permitted to use E-Verify for all existing employees, if they choose. New E-Verify users must do so within 180 days of enrollment and current E-Verify users must create cases on these workers within 180 days of notifying DHS by updating their company profiles. During the enrollment process, these employers must indicate which group(s) of workers they plan to verify.[34]

3.2 State and Local Requirements

Legal action requiring the use of E-Verify has also taken place at the state level. The number of states enacting legislation requiring all or some employers to use E-Verify increased between 2008 and 2013. A list of state legislation showing the use of E-Verify at the time of the 2008 and 2010 user surveys, as well as the mandated status as of March 2014, can be found in Appendix B.

4. REPORT ORGANIZATION

The report is organized into eight sections. Chapter I provides background on the study. Chapter II discusses the methodology. Chapter III profiles the E-Verify user population, including employers' motivations for participating in E-Verify. Chapter IV examines the extent to which E-Verify is meeting its goals based on the perceptions and experiences of employers. Chapter V examines how well employers have generally complied with the requirements of E-Verify. Chapter VI presents E-Verify from the employers' perspective, addressing issues of satisfaction and presenting employer recommendations. Chapter VII summarizes the financial and nonfinancial burdens associated with using E-Verify. Chapter VIII provides conclusions and recommendations for USCIS based on the findings in the previous sections. Appendix A provides details about the design of E-Verify, 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, E, and F contain the survey data collection instruments used in 2013, 2010, and 2008, respectively, and Appendix G is a glossary.

---

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

[33] 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, 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.

[34] Throughout this report, the terms "enrollment" and "registration" are used interchangeably.

This page intentionally left blank.

CHAPTER II. RESEARCH METHODS

1.   SAMPLE DESIGN

The 2013 E-Verify Users Web Survey sample consisted of 3,723 employers from a sampling list of 76,828 eligible employers from the E-Verify Transaction Database.[35] 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 July and September 2012; or

- Formally terminated involvement in E-Verify between April and September 2012; or

- Signed a Memorandum of Understanding (MOU) for participation between January and March 2012 but not transmitted any cases to E-Verify between April and September 2012. E-Verify Employer Agents (EEAs) or their clients were not eligible for the survey.[36]

Of the 3,723 employers in the survey sample, 299 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 3,424 eligible employers, 2,819 (82 percent) completed the survey. The weighted response rate was 84 percent. More information on response rates are provided later in this chapter (see Table II-1).

The 2013 and 2010 surveys were company (headquarters/firm) based.[37] By contrast, the 2008 survey was establishment (location/branch) based so that a company with multiple locations, such as a department store with multiple stores in various cities, could have multiple chances of selection in 2008 and sometimes appeared in the sample multiple times. The decision to sample at the full company level was made to eliminate or alleviate problems encountered in the 2008 data collection sampled at the establishment level (e.g., the problem of multiple locations of the same company being included in the sample).[38] The respondents to the 2013 and 2010 surveys were those users who the company declared to be the most knowledgeable about the company's E-Verify procedures; typically, such a person would be at the company headquarters.

To avoid overburdening EEAs and their clients, which were the subject of an in-depth case study in 2010, these employers were excluded from the 2013 and 2010 samples. Because EEAs and their clients had been sampled in 2008, all 2008 data from these employers were excluded from the analysis to ensure that data across all three data collection years were comparable. (See Section 7 for more detailed information.)

---

[35] The Transaction Database contains information on every case submission to the E-Verify system.

[36] EEAs use the E-Verify system on behalf of other employers (clients) to confirm employment eligibility of the employers' new hires.

[37] 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 "employer," "firm," "headquarters," or other types of E-Verify participants (e.g., government entities, unincorporated employers, and sole proprietors).

[38] A more extensive discussion of this change in sampling procedures is provided in the Westat report, *Findings of the E-Verify User Survey*, July 8, 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/Findings_of_the_EVerify_User_Survey.pdf).

The Web survey sample was grouped by E-Verify participation status, industry type, number of E-Verify Tentative Nonconfirmations (TNCs), and number of workers. Within each sampling subgroup, the employers were selected using probability proportional to size (PPS) sampling. A different measure of size (MOS) was used in each sampling subgroup defined by the E-Verify participation status. The square root of the numbers of TNCs and transactions submitted to E-Verify between July and September 2012 were used as the MOS for the active E-Verify employers with TNCs and with no TNCs, respectively. For inactive employers, the cube root of the number of workers was used as the MOS. E-Verify participation status was defined as follows:

- **Active employers with TNCs.** Employers in this sampling subgroup had at least one TNC response to a case submitted to the E-Verify system between July and September 2012. TNCs indicate that the worker's work 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 (regarding notifying the worker) and by the worker (who has the option of contesting the finding). Because only 13 percent of all active employers in the sampling list had experienced a TNC, this stratum was oversampled compared to the remaining subgroups to ensure there were adequate numbers for analysis of employers having had experience with the TNC process.

- **Active employers with no TNCs.** Employers in this category had transmitted at least one case to E-Verify between July and September 2012. 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 April and September 2012, and (2) employers that had not formally terminated use of the system but had signed an MOU between January and March 2012 and had not had any transactions in the six months ending in September 2012.

Industry type was defined as the following:

- Employment agencies and temporary help services;

- Industries known to have relatively large percentages of undocumented workers;[39] and

- All other industries.

Because there was only a small number of employment agencies (i.e., permanent placement firms and temporary staffing agencies) in the sampling list,[40] this subgroup was oversampled compared to other types of industries to ensure adequate numbers of cases for analysis. Employment agencies were oversampled within each of the three participation status groups. Inactive employment agencies were selected with certainty since the number of employers in this subgroup was very small.

---

[39] 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 and D'Vera Cohn, Pew Hispanic Center, *A Portrait of Unauthorized Immigrants in the United States,* April 14, 2009.

[40] Employment agencies are self-identified in the E-Verify Transaction Database based on a North American Industry Classification System (NAICS) code of 5613 (employment services). These companies include employment placement agencies, executive search services, temporary help services, and professional employer organizations. Employment agencies comprised 5 percent of active employers with TNCs, 1 percent of active employers with no TNCs, and 0.3 percent of inactive employers.

2. INSTRUMENT DESIGN AND DEVELOPMENT

2.1 Selection of Questions for the Survey

Many of the questions asked in the 2013 Web survey were adapted directly from the Web survey used in the 2010 and 2008 evaluations. The following modifications were made to the previous survey instrument:

- A new series of questions was added to obtain information about employers' experiences with the Self Check Program, a free service implemented by the U.S. Citizenship and Immigration Services (USCIS) in 2012. This service allows workers to check their own work authorization status and correct any mismatches with Social Security Administration (SSA) or Department of Homeland Security (DHS) data before being verified by an employer participating in E-Verify. Self Check is available nationwide.

- A series of questions aimed at federal contractors was deleted. These questions were included in 2010 to examine how federal contractors were implementing procedures first required in September 2009 related to verifying existing employees.

- The "not applicable" response option was removed from items that should be applicable to all respondents, and a "don't know" response option was added in its place to accommodate situations where the current respondent could not recall historical information, or did not have enough information to respond to the item. The "don't know" option was included to prevent nonresponse.

- The format of some questions was modified to further reduce burden on respondents (e.g., by splitting long grids into several questions and asking for contact information in a more user-friendly manner).

2.2 Pretesting of the Draft Survey

The initial hard copy drafts of the different versions of the Web survey were pretested with three small groups of employers (i.e., employment agencies, large employers, and medium-sized companies) to verify that the questions were clear and that the survey did not take an excessive amount of time to complete.[41] The research team conducted these focus groups using WebEx, a Web hosting service for integrated teleconferencing. The team then modified the survey based on input from these focus groups. Additionally, survey methodologists from Westat's usability testing group reviewed and revised the survey instructions for clarity, accuracy, and succinctness.

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. 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 Web survey contained different modules for the populations of interest. A copy of the final version of the Web survey is contained in Appendix D.

---

[41] Each focus group included six to eight 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.

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 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 submitting the survey 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 any time 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.

3. SURVEY MANAGEMENT SYSTEM DESIGN AND DEVELOPMENT

A computerized survey management system (SMS) was designed specifically for use on the 2013 Web survey. By using the 2013 SMS, no paper call records 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 2013 SMS:

- The SMS required the use of logins, passwords, and an SSL 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.[42]

- 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 telephone appointments with respondents, and review refusals, problem cases, and tracing cases.

---

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

- 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 that 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 obtaining 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 caller duties, and role-playing scenarios using the SMS. Training of supervisory staff who 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 March 2013 and ending June 2013.

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 on agency letterhead from USCIS' Director of Research and Evaluation explaining the reason for the survey and reminding participants of their agreement to cooperate with the evaluation as stated in the MOU. It also informed them that Westat would be conducting the survey and stressed that all information collected would be private.

When e-mails were returned 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 was not completed within approximately one week of the initial e-mail contact, Westat sent a reminder e-mail to the employer. Sampled employers that did not respond approximately one week after the reminder was sent were contacted by telephone. In early June, 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 four weeks before the end of data collection, FedEx packages were sent to sampled employers that had not responded to emails and where telephone reminders resulted in only one contact or no contact with a person.

Approximately two weeks before the data collection period was to end, a "data collection closing" e-mail was sent to all sampled employers that had neither completed the survey nor specified that they would not respond.

6.   RESPONSE RATES

Of the 3,723 employers in the survey sample, 299 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 3,424 eligible employers, 2,819 (82 percent) completed the survey. A minimum of 80 percent of all eligible data items needed to be completed in order for the questionnaire to be considered completed. The weighted response rate was 84 percent. Table II-1 shows the number of eligible employers on the sampling list, the sample size, the number of respondents, and the response rate for each of the two major stratifying variables (participation status and industry type).

Table II-1. Web survey sample size and response rate, by participation status and industry type: 2013

Stratum	Number of employers on sampling list	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	9,642	1,826	1,706	1,417	83	84
Active with no TNCs	51,122	1,152	1,095	937	86	86
Inactive	16,064	745	623	465	75	75
Industry type						
Employment agencies	903	747	681	536	79	78
High percentage of	22,383	1,450	1,333	1,086	81	81
Other	53,542	1,526	1,410	1,197	85	85
Total	**76,828**	**3,723**	**3,424**	**2,819**	**82**	**84**

[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

All survey data presented in this report were weighted up to national estimates. In addition, missing survey responses were excluded from the analysis. When examining change over time or when making comparisons between two or more different groups of employers, tests of significance using *t*-test statistics 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 based on two-tailed tests.

Data comparisons may be affected by changes to response options for some items. As discussed in Section 2.1 of this chapter, data collection issues from the 2010 survey made it necessary to modify items and response options in the 2013 survey. For example, the "not applicable" response option was eliminated from some items where it was not an appropriate response option, and a "don't know" response option was added in its place. Appropriate notes were added to the figures and tables, where applicable.

Data comparisons also may be affected by the change in how the sampling was performed in the 2008, 2010, and 2013 surveys. As discussed in Section 1 of this chapter, the sampling approach changed from sampling establishments in 2008 to sampling companies in 2010 and 2013. It also changed from including EEAs and their clients in 2008 to excluding them in 2010 and 2013.

To address the first difference in sampling approaches, the implications of the change from sampling establishments to sampling companies were examined during the 2010 analysis. 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.[43] 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, 2010, and 2013 surveys.

To address the second difference in sampling approaches, the 2008 statistics presented in this report are based on 2008 results excluding EEAs and their clients. Thus, there are some minor differences between the 2008 data reported in the December 2009 report[44] and the data reported here.

In addition, all survey respondents were given the opportunity to provide additional comments or suggestions for improvement for E-Verify. These responses were coded using QSR International's NVivo 10 qualitative data analysis software.

---

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

[44] See Westat, *Findings of the E-Verify Program Evaluation,* December 2009 (http://www.uscis.gov/USCIS/E-Verify/E-Verify/Final%20 E-Verify%20Report%2012-16-09_2.pdf).

This page intentionally left blank.

CHAPTER III. PROFILE OF E-VERIFY EMPLOYERS

This chapter describes the characteristics of employers that use E-Verify, employers' reasons for participating in E-Verify, and employers' usage of E-Verify over time. Data presented in this chapter come from two sources: the E-Verify Transaction Database and surveys of E-Verify employers conducted in 2008, 2010, and 2013. To use the E-Verify system to verify work authorization status, employers must first create a case for each individual being verified. A case is a query created in E-Verify to confirm the identity and determine the work eligibility status of a worker. The Transaction Database contains information on every individual case that has been submitted to E-Verify and can be used to summarize the number of case submissions, identify different types of E-Verify employers, and summarize case outcomes. All data presented in this chapter are based on employers that transmitted cases to E-Verify.[45]

In this chapter, selected data are used to provide a profile of E-Verify users and a context for the data from the national survey of E-Verify employers (referred to as "user surveys" in the remainder of this chapter). The Transaction Database findings are described during the fiscal quarters that approximately corresponded to the survey administrations of the user surveys in 2008 (April through June), 2010 (August through November), and 2013 (March through June). Fiscal quarters were chosen to approximate the windows of user survey data collections as closely as possible.[46]

1.   FINDINGS FROM THE E-VERIFY TRANSACTION DATABASE

In the first section of this chapter, data from the Transaction Database are used to present a profile of the population of E-Verify employers, including the following:

- The extent to which the number of cases transmitted to E-Verify has changed over time.

- The distribution of E-Verify employers by company size and industry type.

- The distribution of E-Verify cases by workers' citizenship status.[47]

The full E-Verify Transaction Database for July 2004 through March 2013 comprises approximately 82,770,000 cases and represents the total population of cases employers submitted during this time period. To examine trends over time, cases in this file were broken into three-month intervals based on the fiscal quarter of their initial submission. The number of cases transmitted within each three-month period ranges from approximately 55,000 cases by 660 employers to 5,798,000 cases by 114,000 employers.

---

[45] Employers that registered to use E-Verify but did not transmit cases are not included in this discussion, and all percentages of employers reflect only those employers that had transmitted cases.

[46] Throughout this chapter, the 2008 survey data collection window is approximated as the fiscal quarter April through June 2008 in the Transaction Database, the 2010 data collection window is approximated as the fiscal quarter July through September 2010, and the 2013 data collection window is approximated as the fiscal quarter January through March 2013.

[47] Due to additional cleaning procedures since 2010, as well as differences resulting from the date of file download, Transaction Database numbers may vary slightly from those reported in the 2011 user survey report (*Findings of the E-Verify User Survey*, July 8, 2011).

1.1 Number of Employers Transmitting Cases to E-Verify

Since the inception of E-Verify, there has been a substantial increase in the number of employers that used E-Verify to confirm employment eligibility of workers. A total of 664 employers transmitted cases to E-Verify between July through September 2004, and this number increased sharply to 114,828 employers that transmitted cases between January and March 2013 (Figure III-1).

The number of employers transmitting cases to E-Verify has also increased sharply between the administrations of the user survey in 2008, 2010, and 2013: from 28,865 employers that transmitted cases during the 2008 survey administration to 68,261 employers that transmitted cases during the 2010 survey administration and 114,828 employers that transmitted cases during the 2013 survey administration. This increase can be attributed, in part, to the increase in federal, state, and local mandates for employers that have been enacted in the past several years.

Figure III-1. Number of employers transmitting cases to E-Verify: July 2004–March 2013
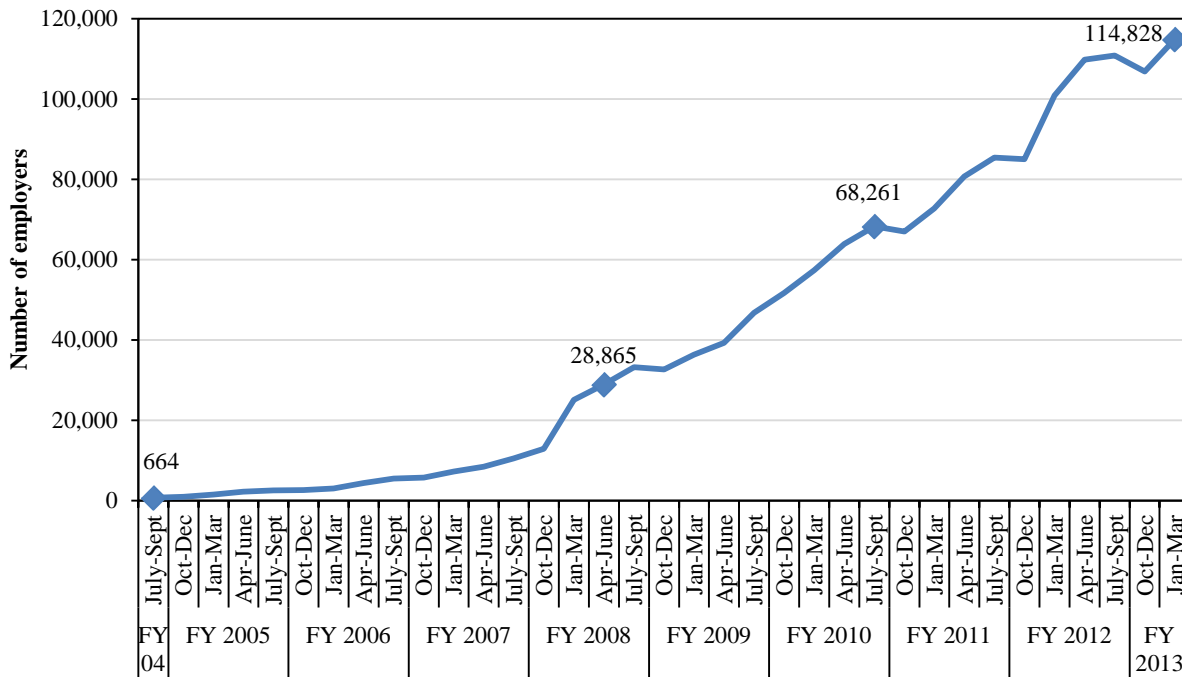
SOURCE: E-Verify Transaction Database.

1.2 Number of Cases Transmitted

While Figure III-1 presents the number of employers transmitting E-Verify cases, Figure III-2 shows the number of E-Verify cases being transmitted by employers. The number of case submissions could be affected by many factors, including overall hiring rates and seasonal patterns in hiring. In addition, beginning September 8, 2009, most federal contractors under the Federal Acquisition Regulation (FAR) clause were required to transmit cases of existing employees as well as new hires working on federal contracts that include the FAR clause. Federal contractors are also permitted to use E-Verify for all existing employees at this time if they choose to do so.

Consistent with the upward trend of E-Verify use by employers (Figure III-1), the number of cases transmitted to E-Verify also increased sharply between 2004 and 2013. As illustrated by Figure III-2, some fluctuations in case transmissions were observed between January 2010 and January 2012. Reasons

for these fluctuations may include overall changes in the economy, variations in hiring rates, and/or seasonal hiring patterns during these time periods.

Figure III-2. Number of cases transmitted to E-Verify by employers: July 2004–March 2013
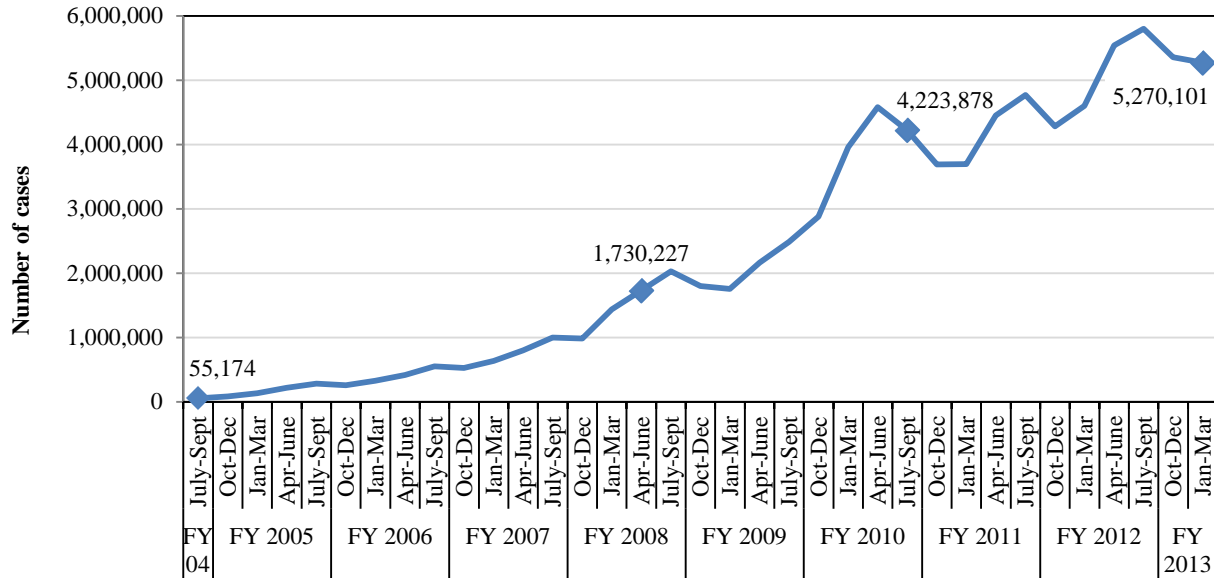
SOURCE: E-Verify Transaction Database.

1.3   Company Size

Between January and March 2013, two-thirds of employers in the E-Verify Transaction Database had between 20 and 499 workers. In addition, 23 percent of employers had between 1 and 19 workers, and 11 percent had more than 500 workers (Figure III-3).

Figure III-3. Percent of E-Verify employers transmitting cases, by company size: January–March 2013
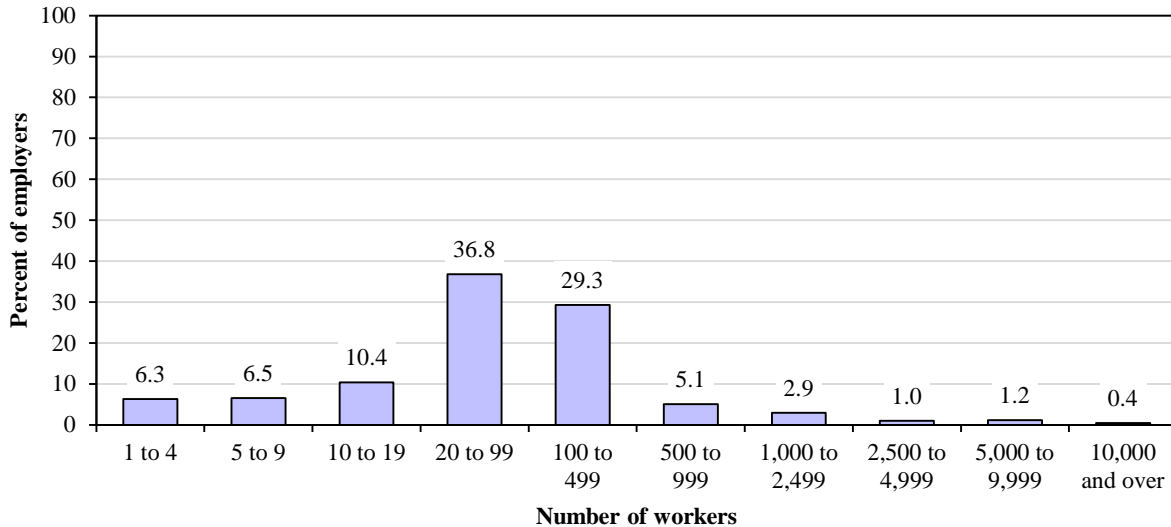
NOTE: Company size was approximated by the most recently listed size in the Transaction Database. For the total number of employers transmitting cases during this time period, please see Figure III-1.
SOURCE: E-Verify Transaction Database.

1.4   Industry of Employers

Information from the Transaction Database was used to classify companies into three industry groups: industries with a traditionally high percentage of undocumented workers,[48] employment services (i.e., staffing agencies), and other industries. Since October 2006 (FY 2007), the majority of employers in the Transaction Database fell into the 'other industries' category, reflecting growing numbers of employers under state and federal mandates to use E-Verify. Most recently, 76 percent of employers in the Transaction Database in January through March 2013 were 'other industries.'[49] Industries with traditionally high percentages of undocumented workers fell from almost half of E-Verify employers in 2004 to 24 percent of such employers during January through March 2013, followed by employment services companies (0.4 percent in January through March 2013) (Figure III-4). This sharp decline in industries with traditionally high percentages of undocumented workers is probably related to the fact that the Program transitioned from one used primarily by employers with large percentages of foreign-born workers to one increasingly used by employers that are mandated to use E-Verify.

Figure III-4. Percent of E-Verify employers, by industry: July 2004–March 2013
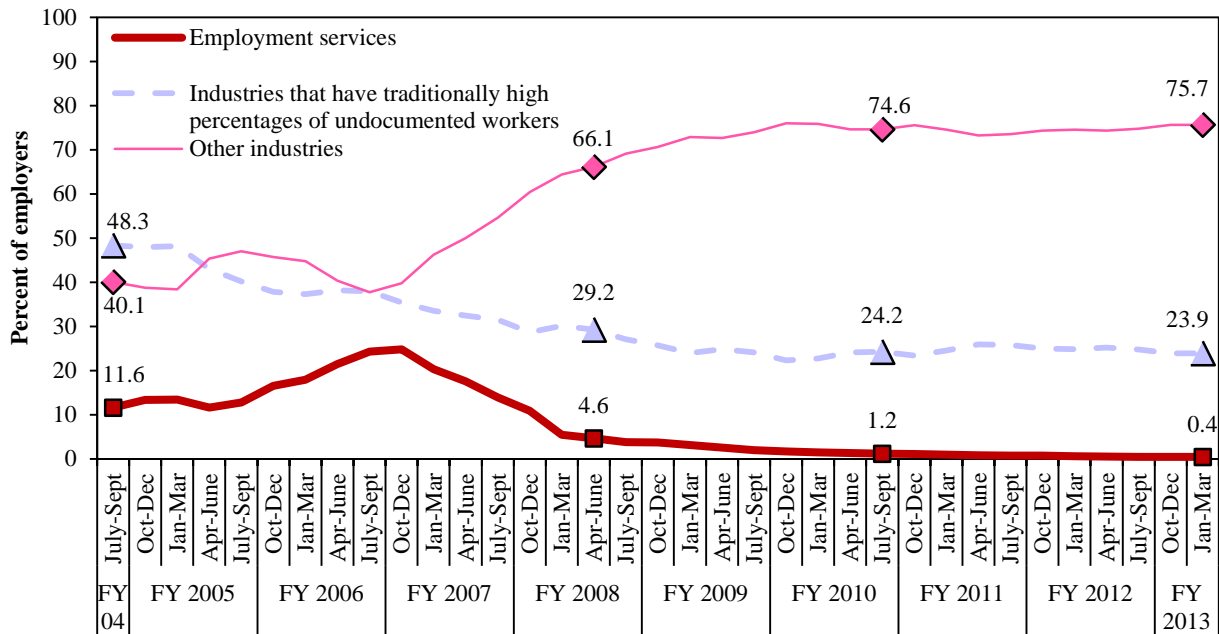
NOTE: For the total number of employers transmitting cases during this period, see Figure III-1.

SOURCE: E-Verify Transaction Database.

1.5   Case Submission by Type of Employer

Employers from different types of industries vary considerably in their share of E-Verify case submissions (Figure III-5). A comparison of Figures III-4 and III-5 illustrates that employment services

---

[48] 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 and D'Vera Cohn, Pew Hispanic Center, *A Portrait of Unauthorized Immigrants in the United States,* April 14, 2009.

[49] Employers who had transmitted cases to E-Verify were grouped into three categories: (1) employment agencies, (2) industries with typically high numbers of undocumented workers, and (3) other industries. The "other industries" category included such industries as the financial services industry; professional, scientific, and technical services; and the healthcare industry.

companies transmitted a disproportionately large number of cases relative to their proportion in the database in FY 2006 and FY 2007. Although the proportion of employment services companies in the Transaction Database has substantially declined over time, these companies continued to transmit slightly more cases than expected (2 percent of cases in January through March 2013; Figure III-5) relative to their representation in the database (0.4 percent of employers in January through March 2013; Figure III-4). The percentage of E-Verify cases submitted mirrors the decline in E-Verify employers in industries with traditionally high percentages of undocumented workers and the increase in E-Verify employers in other industries. This shift is expected as the Program transitioned from one used primarily by employers with sizeable noncitizen workforces to one increasingly used by employers that have to comply with state and federal mandates to use E-Verify.

Figure III-5. Percent of E-Verify cases transmitted, by industry of employer: July 2004–March 2013
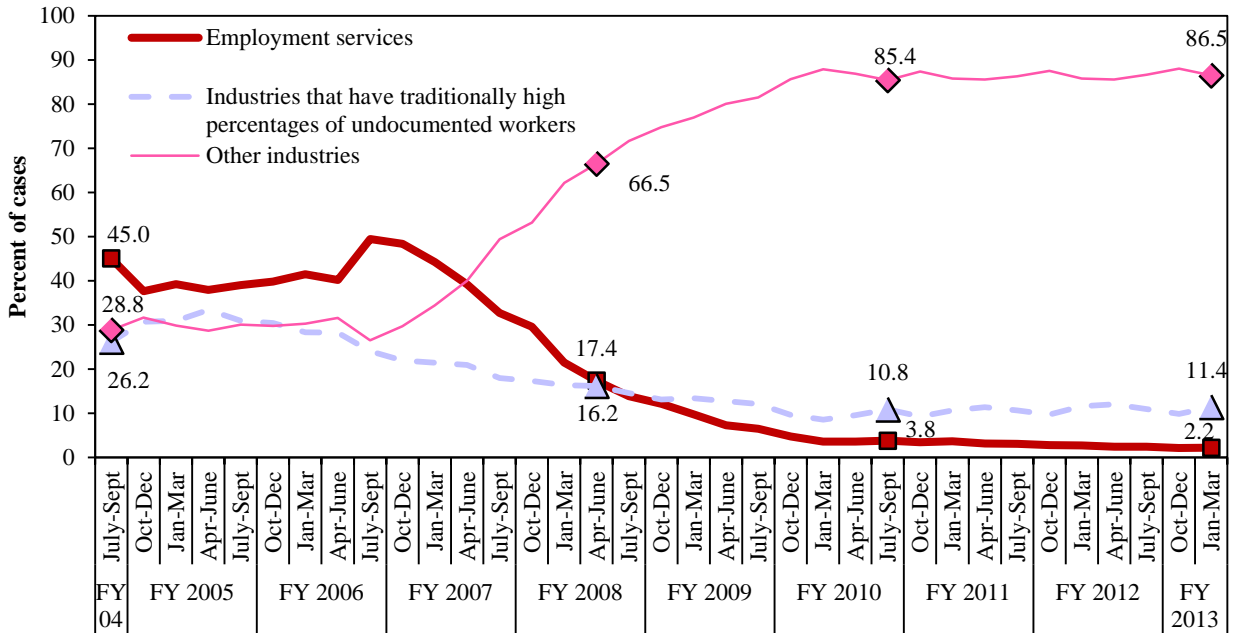
NOTE: For the total number of cases transmitted during this period, see Figure III-2.

SOURCE: E-Verify Transaction Database.

1.6   Access Method

Participating employers use E-Verify through an access method that is selected during the enrollment process. An access method is a type of E-Verify account that offers different features for specific types of employers. Data from the Transaction Database were examined to compare the distribution of two types of access methods:

- E-Verify Employer Agents (EEA) that use the system on behalf of other employers (clients) to verify the employers' new hires, and

- Regular employers that use the system to verify their own new hires.

Although EEAs were excluded from the 2013 and 2010 surveys (see Chapter II, Section 1), data from the Transaction Database on this group of companies are useful to examine the two types of access methods.

Figure III-6 shows the proportion of employers within the Transaction Database that were EEAs. Since the first appearance of EEAs in the database in 2005, the percentage of EEAs has increased from 0.2 percent of employers that submitted cases (April through June 2005) to 4 percent of employers (January through March 2013). Although EEAs comprised only a small portion of employers, they transmitted a disproportionally large number of cases, transmitting over one-third of cases (36 percent) in January through March 2013 (Figure III-7).

Figure III-6. Percent of employers transmitting cases, by type of employer: July 2004–March 2013
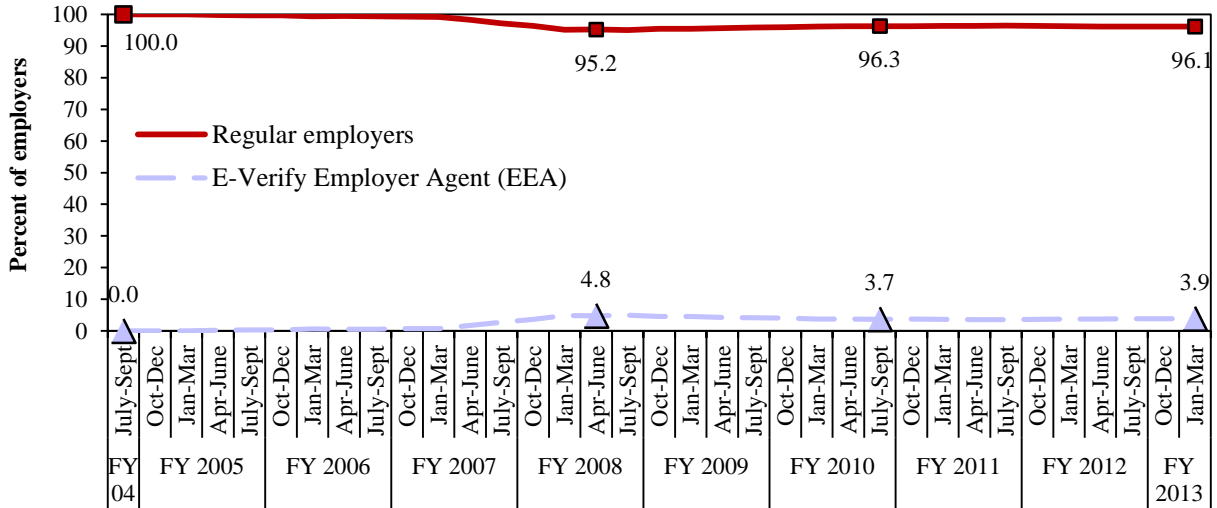
NOTE: For the total number of employers transmitting cases during this period, see Figure III-1.

SOURCE: E-Verify Transaction Database.

Figure III-7. Percent of cases transmitted by regular and EEA employers: July 2004–March 2013
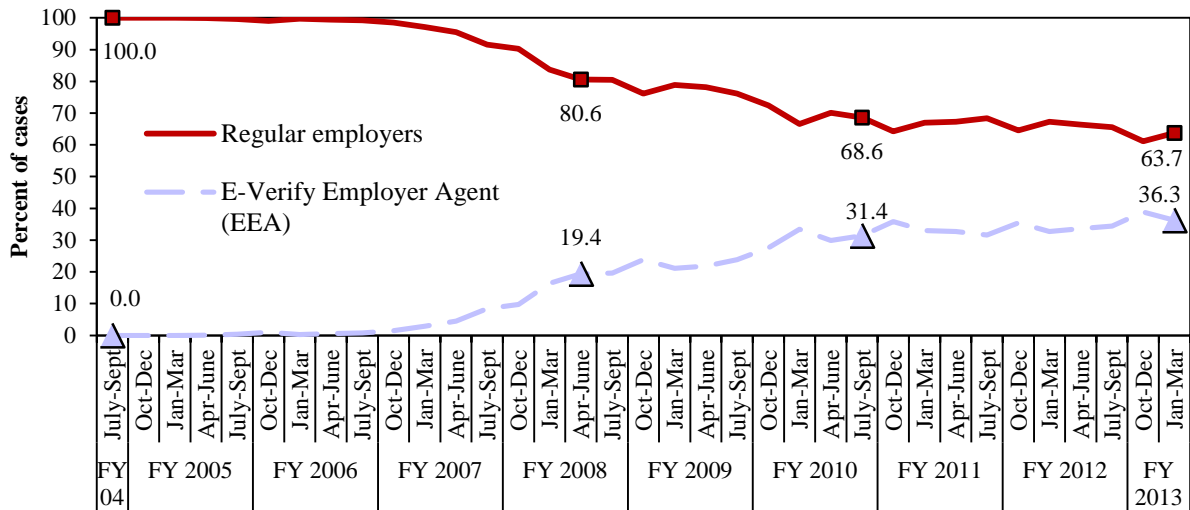
NOTE: For the total number of cases transmitted between July 2004 and March 2013, see Figure III-2.

SOURCE: E-Verify Transaction Database.

1.7   Transaction Database Findings: Citizenship Status of Workers

U.S. citizens comprised the majority of cases in the Transaction Database since 2004 (Figure III-8). The percentage of cases for U.S. citizens has increased over time from 82 percent (July through September 2004) to 92 percent (January through March 2013) of all E-Verify cases transmitted. As a result, the percentages for legal permanent residents declined slightly and those for other noncitizens remained fairly stable over time. This trend probably reflects the fact that early E-Verify users were presumably employers that hired relatively large numbers of foreign-born workers and wished to distinguish between those who were authorized to work and those who were not. However, a large number of current employers participate because they are required to do so, regardless of the types of workers they typically hire.

Figure III-8. Percent of E-Verify cases transmitted, by citizenship status: July 2004–March 2013
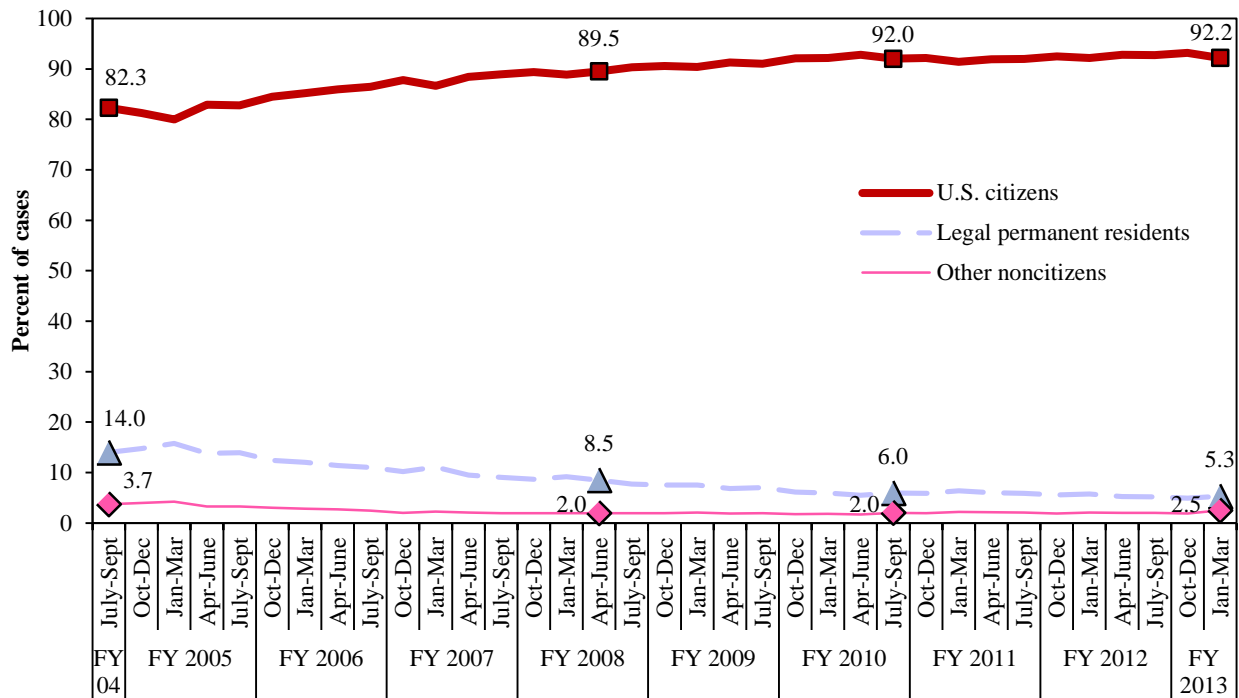
NOTE: For the total number of cases transmitted between July 2004 and March 2013, please see Figure III-2.

SOURCE: E-Verify Transaction Database.

2.   PROFILE OF COMPANIES THAT PARTICIPATED IN THE E-VERIFY USER SURVEYS

This section includes results from user surveys of E-Verify employers that were administered in 2008, 2010, and 2013. It describes key characteristics of employers that responded to the E-Verify user surveys, including companies' sizes, industry types, and whether the employers were currently mandated to use E-Verify. It also describes how employers first learned about E-Verify and their reasons for agreeing to participate in the Program.

2.1   Selected Characteristics of Companies Responding to the User Surveys

Current users of E-Verify. In the 2013 user survey, all respondents were asked to describe whether their company currently used E-Verify.[50] Employers were asked to choose one of three options:

- The company currently uses E-Verify and indicated they planned to continue using it in the future; or

- The company previously used E-Verify but decided no longer to use it; or

- The company had never used E-Verify.[51]

In 2013, a large majority of survey respondents (86 percent) reported that their companies currently used E-Verify (Figure III-9). In subsequent survey questions, some questions that pertained only to current users of E-Verify were asked only of those in this category.

Figure III-9. Percent of companies reporting on their usage of E-Verify: 2013

2.3%
Used E-Verify in the past but no longer use it

11.3%
Never used E-Verify

86.4%
Currently use E-Verify
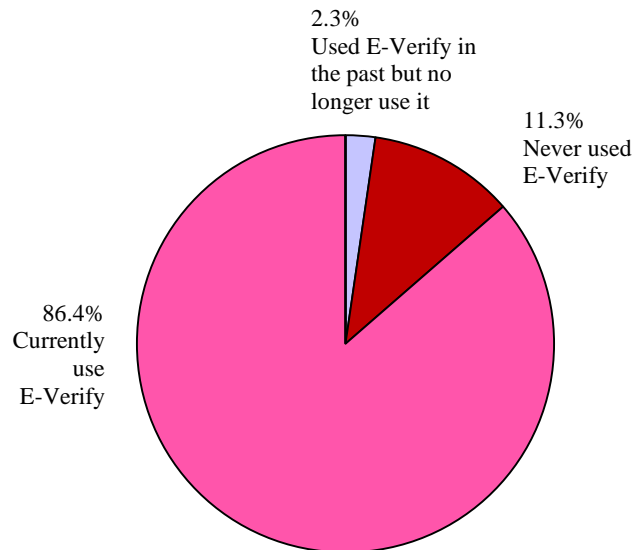
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013.

Employer subgroups. In the E-Verify user surveys, employers were asked several questions regarding their company's size and whether they were required to use E-Verify.[52] In addition, information regarding companies' industry type was also obtained from the Transaction Database.

Company size. In 2008, 2010, and 2013, all companies taking the E-Verify user survey were asked to estimate the total number of current workers in the company as of the survey date, including full-time,

---

[50] This question was also asked in 2010 and 2008. However, due to differences in wording and question design, the data were not comparable and are not presented here.

[51] These companies had signed an MOU but never used E-Verify.

[52] Unlike the previous section which described all employers that transmitted cases in the E-Verify Transaction Database, this section describes only those employers that were selected for and responded to the E-Verify user surveys.

part-time, permanent, and temporary workers. These responses were further coded into three categories to represent small, medium-sized, and large companies; small companies were defined as having 1 to 24 workers, medium-sized companies had 25 to 150 workers, and large companies had 151 or more workers. In 2013, small companies accounted for 42 percent of companies that responded to the survey, medium-sized companies accounted for 42 percent of the respondents, and large companies accounted for 16 percent of the respondents[53] (Table III-1).

Table III-1. Percent distribution of survey respondents, by selected employer characteristics: 2013, 2010, and 2008[1]

Employer characteristic	2013	2010	2008
Company size			
Small	41.9	38.7	19.2
Medium-sized	41.8	41.3	38.4
Large	16.3	20.0	42.5
Type of industry			
Employment agencies	1.2	1.4	9.0
Companies in high-risk industries[1]	29.2	27.3	29.8
Companies in other types of industries	69.7	71.4	61.2
Mandated to use E-Verify			
Federal or state/local mandate	61.7	52.5	NA
No mandate	26.0	35.8	NA
Status unknown	12.3	11.7	NA

NA = Not applicable; question was not asked in 2008.

[1] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings an Dwellings; Accommodations; and Food Services and Drinking Places.

NOTE: Percentages represent weighted responses with missing responses excluded.

SOURCE: E-Verify Web Surveys: 2013, 2010, 2008.

Industry type. In 2008, 2010, and 2013, information was obtained from the E-Verify Transaction Database regarding the industry of each survey respondent. These data were used to code employers into three categories: employment agencies, companies in high-risk industries, and companies in other types of industries.[54] In 2013, about 1 percent of the respondents were employment agencies, 29 percent were classified as companies in high-risk industries and 70 percent were grouped as companies in other types of industries (Table III-1).

Requirement to use E-Verify/mandated status. In 2010 and 2013, current users of E-Verify were asked if their companies were required to use E-Verify due to having federal contracts requiring participation or doing business in a state or locality that required participation.[55] In 2013, almost two-thirds of E-Verify users reported using E-Verify due to federal or state mandates (Table III-1). About one-fourth of current

---

[53] Employers that skipped this question are not included in these percentages.

[54] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings an Dwellings; Accommodations; and Food Services and Drinking Places.

[55] Data from the 2008 survey are not comparable because the question was asked differently from the question used in 2010 and 2013. The mandated status variable used in this report was derived differently from the 2010 publication. It focuses on the current mandated status of companies, i.e., whether companies were required by federal, state, or local regulations to use E-Verify. In the 2010 publication, the mandated status variable was derived from the question that asked companies about the reason they agreed to participate in E-Verify which may differ from the company's mandated status at the time of the survey; for example, while the initial reason for participating in E-Verify could have been a federal requirement, the company may no longer be required to use E-Verify.

users reported no federal or state requirement and a small percentage did not know whether they were mandated to use it (12 percent in 2013).[56] The percentage of mandated users increased from 53 percent in 2010 to 62 percent in 2013.

Table III-2 shows the distribution of mandated and nonmandated companies by company size and type of industry. In 2013, about one-third (36 percent) of mandated companies were small companies, 47 percent were medium-sized companies, and 17 percent were large companies. Nonmandated E-Verify companies in 2013 showed a similar distribution by company size, and there were no significant shifts in composition from 2010.

Table III-2. Distribution of E-Verify employers by mandated status to use E-Verify and by company size and industry type: 2013 and 2010

Employer characteristic	Mandated to use E-Verify		Not mandated to use E-Verify	
	2013	2010	2013	2010
Company size				
Small	36.1	33.4	37.2	30.3
Medium-sized	46.5	45.3	44.5	46.9
Large	17.4	21.3	18.3	22.8
Industry type				
Employment agencies	0.9	0.9	1.9	2.1
Companies in high-risk industries[1]	31.2	31.5	24.7	23.0
Companies in other types of industries	67.9	67.6	73.4	75.0

[1] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings and Dwellings; Accommodations; and Food Services and Drinking Places.
NOTE: Percentages represent weighted responses with missing responses excluded.
SOURCE: E-Verify Web Surveys: 2013 and 2010.

In 2013, employment agencies accounted for about 1 percent of mandated E-Verify employers, companies in high-risk industries (i.e., industries with historically large numbers of undocumented workers) accounted for 31 percent, and companies in other types of industries accounted for 68 percent of mandated employers. This composition was slightly different from the distribution for nonmandated employers in 2013; companies in high-risk industries accounted for a larger share of mandated than nonmandated users (31 percent versus 25 percent).

2.2   User Survey Findings: How Companies First Learned About E-Verify

In 2010 and 2013, all survey respondents were asked to describe their companies' original source of information about E-Verify.[57] Employers selected one of nine categories to describe how their companies first learned about E-Verify, or indicated that they did not have this information.

Figure III-10 shows that in 2013, only 16 percent of employers reported that their companies first learned about E-Verify from a federal source—the USCIS website (8 percent); other USCIS or SSA materials,

---

[56] Employers that skipped this question and employers that were not current users of E-Verify are not included in these percentages. The group 'status unknown' indicates that a current E-Verify user answered the question but was uncertain about whether the company was mandated to use E-Verify.

[57] The relevant question in 2008 was not comparable to 2010 and 2013.

publications, or presentations (6 percent); and U.S. Immigration and Customs Enforcement (ICE) audit or visit (2 percent). Another 15 percent of employers first learned about E-Verify from a state or local government office. However, close to half of the employers (45 percent) indicated that they first learned about E-Verify from a source other than federal or state/local government sources, ranging from 6 percent for media coverage to 14 percent for requests from clients to participate in E-Verify.

Figure III-10. Percent of employers reporting how they first learned about E-Verify: 2013 and 2010
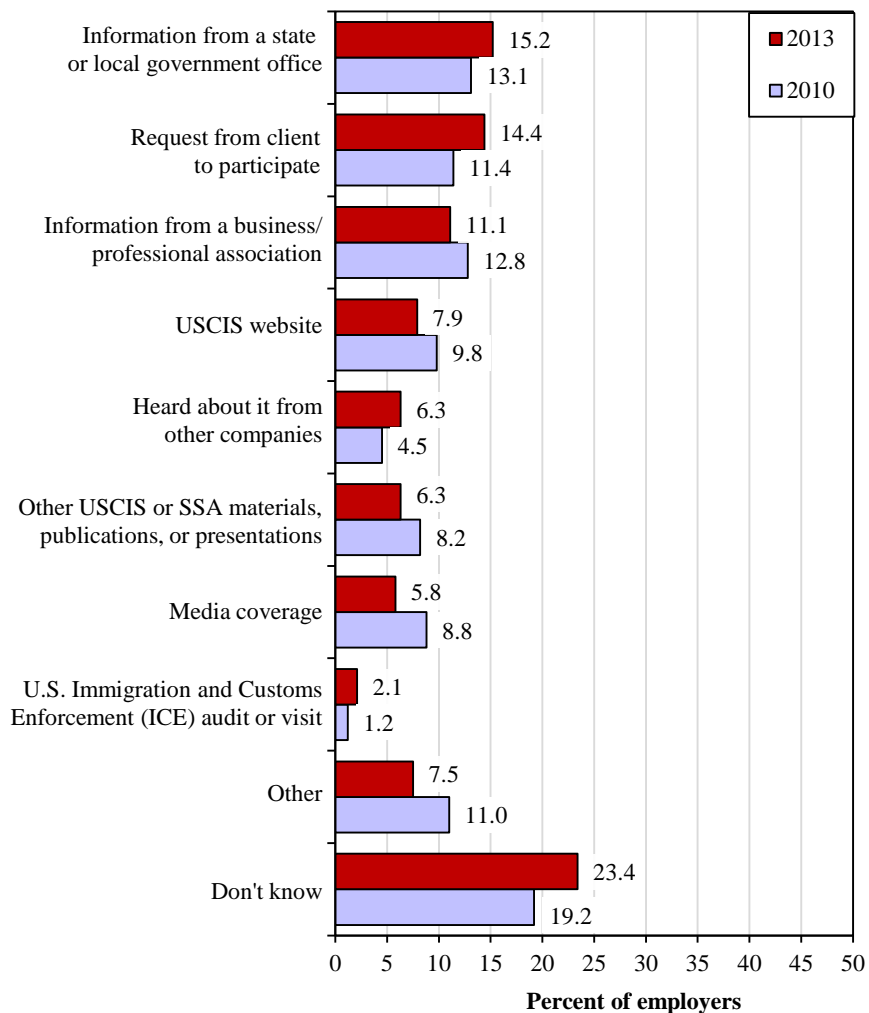
NOTE: Data for 2010 may differ from previously published reports because cases with a "don't know" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

Almost one-fourth of the employers reported that they did not know how their company first learned about E-Verify, up from 19 percent in 2010. Possible explanations for this response include the respondent not having worked at the company when it first learned about E-Verify or the employer not remembering their company's original source of information.

The percentage of employers reporting that they first learned about E-Verify from media coverage dropped from 9 percent in 2010 to 6 percent in 2013. There were no other significant changes in the percentage of employers reporting various sources of information from which they first learned about E-Verify.

2.3 User Survey Findings: Reasons for Participation in E-Verify

In 2013, all survey respondents were asked about their companies' reasons for participating in E-Verify.[58] Employers were first asked to select as many responses as were applicable to describe their companies' motivations for using the Program.

The majority of employers reported multiple reasons for participation, including that their companies agreed to enroll in E-Verify to improve their ability to verify work authorization (61 percent) (Figure III-11). In addition, large percentages of employers reported that they enrolled in E-Verify due to a state or local government requirement (49 percent) or a federal government requirement (47 percent).[59]

Figure III-11. Percent of employers reporting all reasons for agreeing to participate in E-Verify: 2013
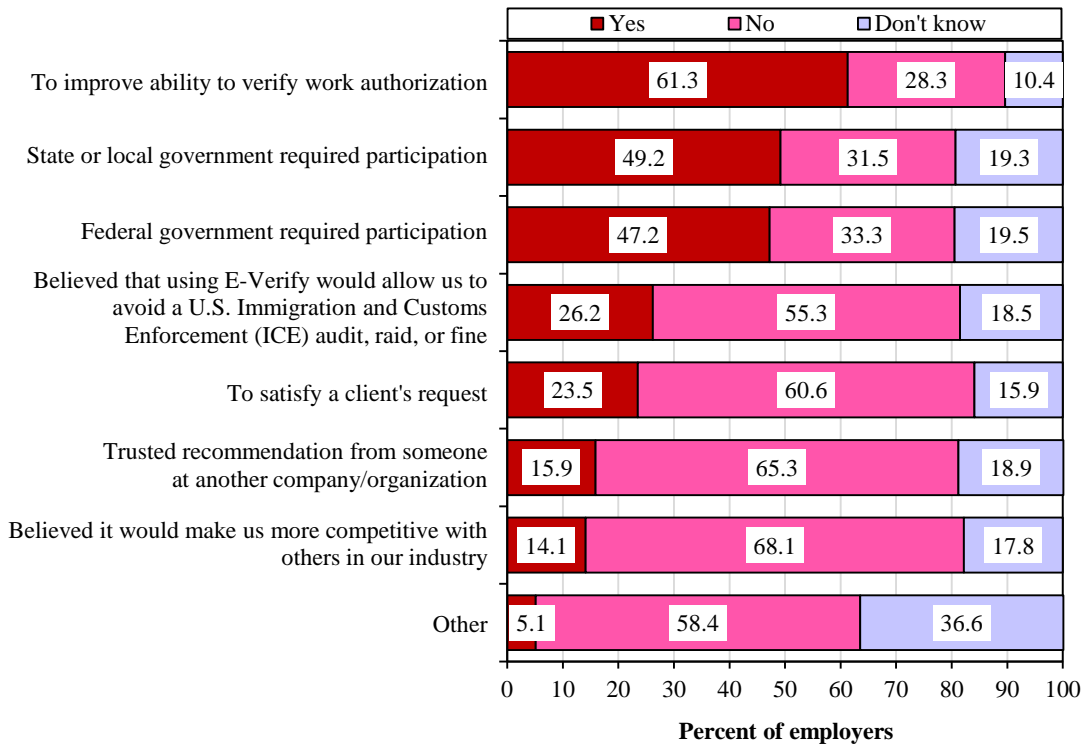
NOTE: Sum does not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013.

---

[58] The relevant questions were not comparable in 2008 and 2010.

[59] Note that this question asks about companies' original reasons for agreeing to participate in E-Verify, and it does not necessarily reflect the current status of the company. For information about the percentage of the survey population that reported being currently mandated to use E-Verify, see Section 2.1 in this chapter.

Smaller percentages of employers cited reasons for participating related to avoiding an ICE audit, raid, or fine (26 percent) or satisfying a client's request (24 percent). In addition, a small percentage of employers also reported that they enrolled in E-Verify due to a trusted recommendation from someone at another company or organization (16 percent) or due to a belief that E-Verify would make them more competitive with others in their industry (14 percent). Finally, a few employers (5 percent) described other reasons for their agreement to participate in E-Verify.

Employers were also asked to identify their primary reason for participating in E-Verify based on the list of reasons provided in Figure III-11. The most frequently cited *primary* reasons for participating in E-Verify were that the state or local government required participation (29 percent), that the federal government required participation (27 percent), or to improve ability to verify work authorization (25 percent; not shown in tables).

This page intentionally left blank.

CHAPTER IV. EFFECTIVENESS IN MEETING E-VERIFY GOALS

E-Verify was created under statutory direction to provide U.S. employers with an electronic tool that would enhance efforts to verify employment eligibility. The goals of E-Verify are to:

- Reduce the employment of individuals unauthorized to work;

- Reduce verification-related discrimination;

- Prevent undue burden on employers; and

- Protect privacy and workers' civil liberties.

This chapter describes employers' perceptions of E-Verify's overall effectiveness and accuracy, and survey findings related to three of the four stated goals: reducing the employment of individuals unauthorized to work, reducing verification-related discrimination, and preventing undue burden on employers. Progress towards protecting privacy and workers' civil liberties will be addressed through a discussion of employer compliance with E-Verify's privacy policies in Chapter V. Progress towards preventing undue financial burden on employers will be discussed in Chapter VII.

The primary focus of this chapter is on describing the current status of E-Verify in 2013 and changes from 2010 and 2008, when feasible. The last section of this chapter describes differences in employers' employment practices and perceptions by three employer characteristics: *mandated status* (companies that were required by federal, state, or local mandates to use E-Verify), *industry type* (employment agencies, companies in industries with historically high percentages of undocumented workers, and companies in other types of industries), and *company size* (small, medium-sized, and large).

1. OVERALL PROGRAM EFFECTIVENESS AND ACCURACY

In 2013, almost all E-Verify users agreed that E-Verify is effective (92 percent) and highly accurate (89 percent) (Figure IV-1). These results are similar to the findings from both 2008 and 2010, indicating that current users' perceptions of program effectiveness and accuracy have not wavered over time despite programmatic and legislative changes.

Figure IV-1. Percent of E-Verify users reporting that they agree with positive statements about the Program's effectiveness: 2013, 2010, and 2008
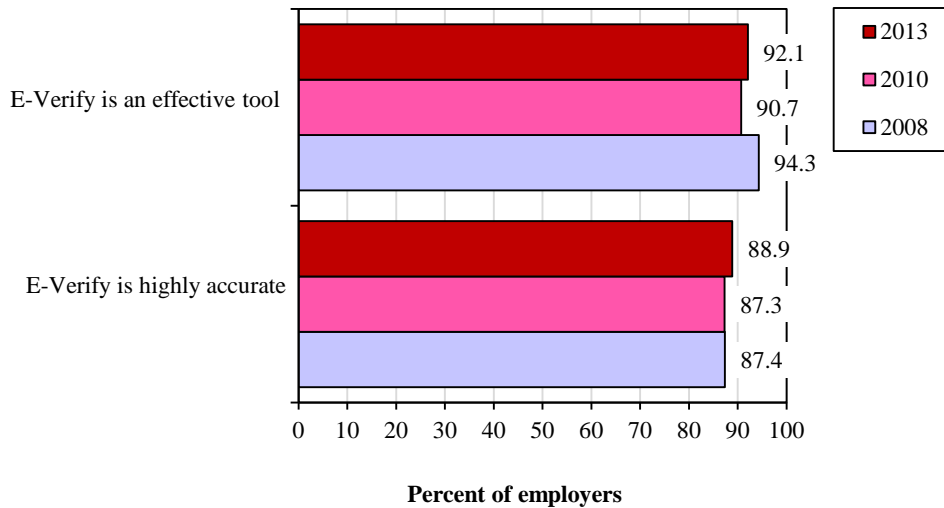
Percent of employers

NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

2. REDUCING UNAUTHORIZED EMPLOYMENT

➢ **Although some E-Verify users agreed that the number of unauthorized workers who applied for jobs decreased because E-Verify was used, about half of respondents did not share this perception. [60]**

➢ **Most E-Verify employers agreed that workers at least sometimes told them that they planned to contest Tentative Nonconfirmations (TNCs). However, a majority agreed that workers at least sometimes decided to quit rather than contest their TNC findings. In addition, one-fourth of E-Verify employers agreed that their workers at least sometimes decided to quit before being informed about the TNC.**

To explore the extent to which E-Verify has reduced unauthorized employment, employers were asked to reflect on E-Verify's impact on unauthorized job applicants as well as the Program's effectiveness in identifying individuals not authorized to work.

2.1 Discouraging Unauthorized Job Applicants

A decrease in unauthorized job applicants would be an indication that E-Verify is contributing to a reduction in unauthorized employment. In 2013, some E-Verify users (19 percent) agreed that the number of unauthorized workers who applied for jobs decreased because E-Verify was used, while about half of the employers (53 percent) did not agree that their participation in E-Verify resulted in fewer

---

[60] This statement is based on employers' perceptions related to the impact that E-Verify had on their companies. This survey did not gather information about the number of unauthorized workers who applied for jobs.

unauthorized job applicants (not shown in figures/tables).[61] An additional 28 percent of current users reported that this statement was not applicable to their companies, presumably because they never had a large population of unauthorized applicants, or they were unable to ascertain whether the use of E-Verify had made an impact on unauthorized applicants.

2.2 Identifying Unauthorized Workers

Although there are many reasons for workers with TNCs to choose to stop working, it is reasonable to assume that some of these workers may decide to discontinue working because they are not eligible to work. Thus, the extent to which workers stop working after receiving a TNC, or even before they are informed about the TNC, might be an indicator of E-Verify's impact on identifying individuals who are unauthorized to work.

In 2013, most E-Verify employers with workers ever receiving a TNC (77 percent) reported that the workers at least sometimes told them that they planned to contest the TNCs (Figure IV-2). However, when asked about their workers' decision to stop working as a result of TNCs, a majority of E-Verify users reported that workers at least sometimes did not return to work (62 percent), and a majority (64 percent) also indicated that workers at least sometimes decided to quit rather than contest the TNC findings. In addition, about one-fourth of E-Verify employers reported that their workers at least sometimes quit before the employer had a chance to inform them about the TNC. It is important to note that workers who either do not return to work or quit rather than contest TNC findings might be employment-authorized workers who do not want to bother contesting the TNC finding or who quit for reasons unrelated to the TNC finding. However, it is likely that many of these workers are those that E-Verify has correctly identified as not authorized to work in the United States.

There were no significant changes over time in the percentages of E-Verify employers that reported various outcomes for workers with TNCs.

---

[61] This statement is based on employers' perceptions related to the impact that E-Verify had on their companies. This survey did not gather information about the number of unauthorized workers who applied for jobs.

Figure IV-2. Among employers with workers who received any TNCs, percent reporting the actions of workers who received TNCs: 2013, 2010, and 2008
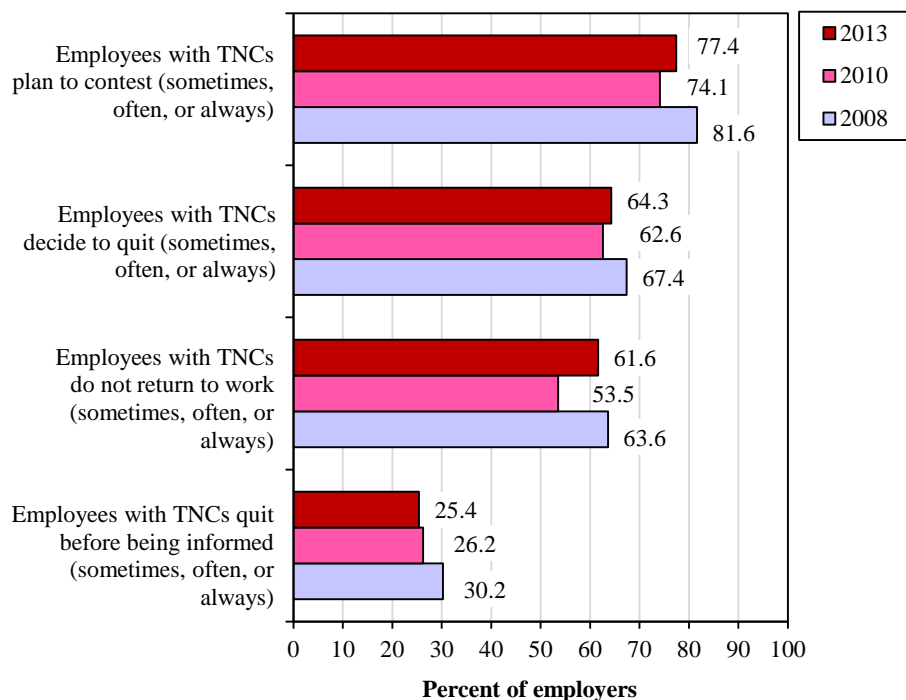
NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

3.   REDUCING VERIFICATION-RELATED DISCRIMINATION

➢ **Among E-Verify employers that used E-Verify for workers prior to their first day of paid work, a small percentage reported that they required only some of these workers to be verified prior to starting work, either through prescreening practices or selective screening of workers who have already accepted job offers.**

➢ **A few employers admitted that they at least sometimes decided to fire workers receiving TNCs without telling them about the finding. However, most E-Verify users did not report this violation.**

➢ **A few E-Verify users reported discriminatory practices of restricting work assignments, reducing pay, and delaying training until work authorization could be confirmed.**

➢ **Although a large majority of E-Verify users reported that their companies were neither more nor less willing to hire applicants who appeared to be foreign-born than they were prior to using E-Verify, a few indicated that they would be less willing to hire these job applicants.**

E-Verify aims to reduce verification-related discrimination against foreign-born workers in the hiring process by providing employers with a tool to improve their ability to identify unauthorized workers. With increased confidence that unauthorized workers will be identified during the verification process, employers should be less concerned about hiring foreign-born workers. To further reduce verification-

related discrimination, the U.S. Citizenship and Immigration Services (USCIS) strictly prohibits the use of E-Verify to discriminate against any groups of workers. Despite the policies and procedures in place to help ensure that E-Verify is not used in a discriminatory manner, discriminatory practices towards some subgroups of workers can result.

3.1   Selectively Requiring Some Workers to Be Authorized Prior to Start of Work

Employers that used E-Verify to verify work authorization of new hires prior to the start of work may include those who prescreen workers (i.e., using E-Verify for potential workers before a job offer was made and accepted) or through selective and discriminatory use of E-Verify for only some workers but not all who had already accepted a job offer but had not yet started working.[62] Thirty-nine percent of employers used E-Verify prior to the workers' first day of paid work (including those who prescreened job applicants). These employers were asked whether they selectively required verification of only some workers prior to starting work.

In 2013, of the 39 percent of E-Verify employers that used E-Verify prior to the workers' first day of paid work (including those who prescreened job applicants), almost all reported that they did *not* selectively require workers to be found work authorized prior to starting work (95 percent) (Figure IV-3). However, 5 percent of current users that verify work authorization before a worker's first day of work required only *some* workers to be found authorized prior to their first day of work. As noted earlier, these discriminatory practices constitute multiple violations of E-Verify policies.

Figure IV-3. Among E-Verify users that *typically* verified workers prior to their first day of work, percent reporting whether some workers must be found work authorized by E-Verify prior to starting work: 2013 and 2010
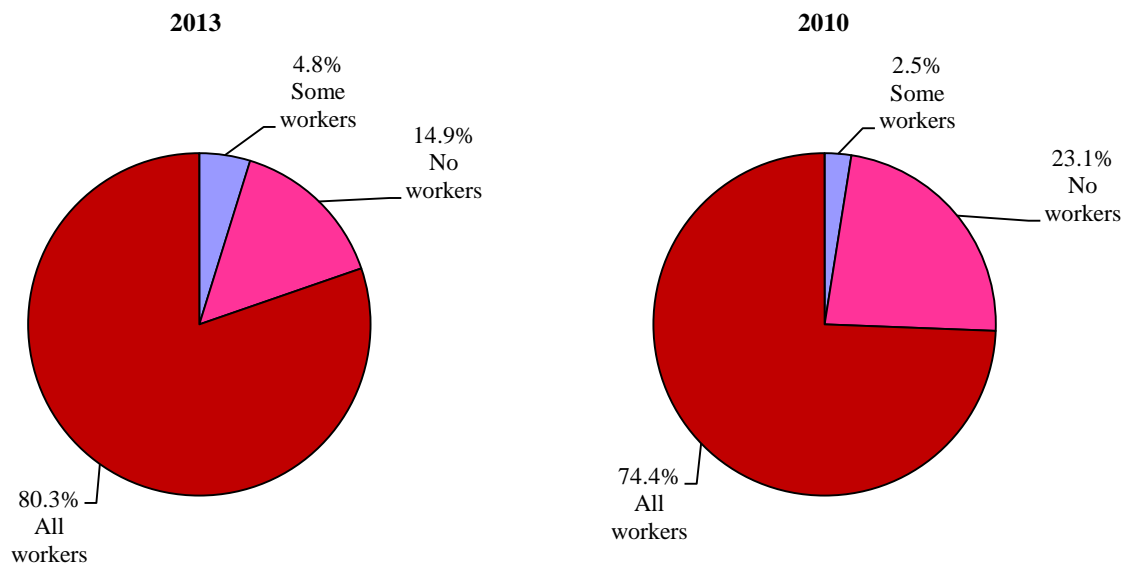
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

---

[62] Using E-Verify for workers who have already accepted a job offer is discriminatory only if the employer selectively uses E-Verify for some but not all workers. However, there is no policy that prevents the clients of employment agencies from requesting that only work-authorized workers be referred to them. Thus, employment agencies may require some but not all workers to be found work authorized by E-Verify prior to starting work.

3.2   Firing Workers With TNCs Without Informing Them

E-Verify employers are prohibited from firing workers because of TNCs. In 2013, almost all current users that ever had a TNC reported that they never fired workers receiving TNCs without telling them about the finding (90 percent), while an additional 9 percent of users reported that the item was not applicable to their company (not shown in figures or tables). Less than 1 percent of users reported that they always or sometimes engaged in this practice. Although this percentage is very small, it represents a violation of E-Verify policy that workers be permitted to contest TNCs without penalty. In addition, because work-authorized foreign-born individuals are more likely to receive TNCs than are U.S.-born individuals, firing workers due to a TNC without the right to contest could result in discrimination against foreign-born individuals in some cases.[63] The percentage of E-Verify users reporting this practice has remained consistent (2 percent or less) since 2008.

3.3   Taking Adverse Work-Related Actions Against Workers Contesting TNCs

To examine whether employers might be taking adverse actions against those workers who received TNCs and decided to contest the finding, employers were asked to indicate the extent to which each of a series of statements applied to their company's use of E-Verify for workers receiving TNCs. Since these statements refer to discriminatory practices such as restricting work assignments, reducing pay, and delaying training, it is reasonable to assume that agreement translates into taking adverse actions against workers who contested TNCs.

In 2013, some E-Verify users that had ever received TNCs agreed that their company's use of E-Verify for workers with TNCs reflected discriminatory practices of restricting work assignments, reducing pay, or delaying training until work authorization could be confirmed. Restricting work assignments was the most frequently reported action against workers who received TNCs, with 15 percent of E-Verify users agreeing that in the experiences of their company, work assignments of workers with TNCs must be restricted until work authorization is confirmed (Table IV-1).[64] Fewer E-Verify users (11 percent) reported that training is delayed until work authorization can be confirmed, and almost no E-Verify users (1 percent) reported that pay is reduced until work authorization is confirmed.

The percentage of employers agreeing that work assignments of workers with TNCs must be restricted until work authorization is confirmed increased from 9 percent in 2010 to 15 percent in 2013.

---

[63] Data from the 2009 E-Verify report show that foreign-born workers with employment authorization are more likely to incorrectly receive TNCs than are U.S-born workers. The percentage of foreign-born workers found to be work authorized at any stage of the E-Verify process and who received a TNC prior to having their work authorization verified in April through June 2008 was 2.6 percent, compared to 0.1 percent of workers who are U.S. born. See Westat, *Findings of the E-Verify Program Evaluation,* December 2009 (http://www.uscis.gov/sites/default/files/USCIS/E-Verify/E-Verify/Final%20E-Verify%20Report%2012-16-09_2.pdf).

[64] The word "must" was included in the survey question.

Table IV-1. Among employers that received any TNCs, percent reporting adverse actions against workers with TNCs: 2013, 2010, and 2008

Action	2013			2010			2008		
	Agree	Disagree	Not applic-able	Agree	Disagree	Not applic-able	Agree	Disagree	Not applic-able
Restrict work assignments until authorized	14.6	64.1	21.2	9.1	76.7	14.2	15.1	73.5	11.4
Delay training	10.7	65.6	23.8	9.7	74.7	15.5	13.6	74.8	11.6
Reduce pay	1.1	76.8	22.1	0.8	83.9	15.3	2.1	84.7	13.2

NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

3.4   Discriminatory Hiring Attitudes Against Job Applicants Who Appear to Be Foreign-Born

To determine if E-Verify has helped to reduce discrimination against job applicants who appear to be foreign-born, current users were asked whether their companies were now more or less willing to consider hiring job applicants who appeared to be foreign-born than they were prior to the use of automated employment verification.

Across survey years, a large majority of E-Verify users (75 percent) reported that their companies were neither more nor less willing to hire job applicants who appear to be foreign-born than they were prior to using E-Verify (Figure IV-4). However, a small percentage of E-Verify users reported that their companies were now less willing to hire applicants who appear to be foreign-born, ranging from 2 to 3 percent across years. The percentage of employers expressing a greater willingness to hire job applicants who appear to be foreign-born dropped from 15 percent in 2008 to 9 percent in 2013. This finding may be related to E-Verify population shifts from those who used the Program primarily because they hired large numbers of noncitizens to those who enrolled in the Program because they were mandated to do so.

Figure IV-4. Percent of E-Verify users reporting whether their company was *currently* more willing or less willing to consider hiring job applicants who appear to be foreign-born than it was *prior to their use of E-Verify*: 2013, 2010, and 2008

NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "don't know" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
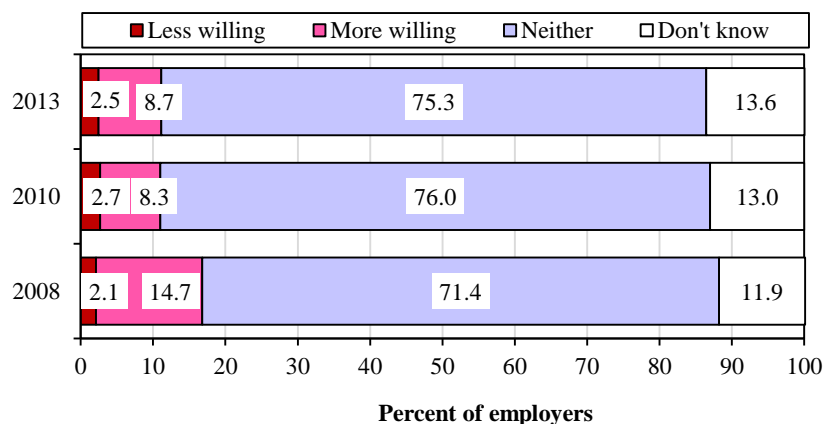SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

In 2013, E-Verify users reporting a *greater* willingness to hire applicants who appear to be foreign-born than prior to using E-Verify were asked about reasons for this change in attitude.[65] Among the 9 percent of E-Verify employers that expressed this view, virtually all reported that it stemmed from positive attitudes about the benefits of using E-Verify (Table IV-2). Between 98 percent and 100 percent of E-Verify users cited reasons such as E-Verify taking the guesswork out of determining the validity of the documents presented, providing immediate results, providing reassurance that the company is not hiring unauthorized workers, and showing efforts to comply with the law.

Table IV-2. Among employers that reported that their company was more willing or less willing to hire applicants who appear to be foreign-born, percent reporting their company's reasons for this position: 2013

Reason	Percent
Why more willing	
E-Verify shows a good faith effort that we are complying with the law	99.9
E-Verify reassures us that we are not hiring unauthorized workers	99.8
E-Verify gives us confidence that all workers we hire are legally authorized to work	99.6
E-Verify provides immediate results	99.1
E-Verify takes the guesswork out of determining the validity of documents	98.1
E-Verify is easier than using the Form I-9 to tell who is work authorized	90.9
Why less willing	
E-Verify creates extra work when someone is not work authorized	73.2
E-Verify is more difficult with foreign-born applicants	58.2
E-Verify is disruptive if we first hire someone and then later have to let that person go	48.0

SOURCE: E-Verify Web Survey: 2013.

Among the 3 percent of E-Verify employers that reported being *less* willing to hire applicants who appear to be foreign-born after they started using E-Verify, the most frequently cited reason for this attitude was that E-Verify creates extra work (73 percent). Fewer employers (58 percent) reported that E-Verify was a difficult process to undertake for foreign-born applicants, or that E-Verify was disruptive if the company had to hire and then fire workers (48 percent).

4.   PREVENTING UNDUE BURDEN ON EMPLOYERS

➢ **Reflecting some burden from E-Verify processes, small percentages of employers in 2013 agreed that it was impossible to fulfill E-Verify process obligations, it was sometimes impossible to submit case information within deadlines, or it was burdensome to assist workers with TNC findings.[66]**

➢ **In looking at the impact of E-Verify usage on the company's existing and potential workforce, small percentages of E-Verify employers agreed that using the Program has made it difficult to attract qualified and work-authorized job applicants. Small percentages also reported that**

---

[65] This information is not reported for 2010 and 2008 because the survey items are not comparable.

[66] There is no requirement that employers assist workers with TNCs beyond informing them about the finding in writing and explaining the finding in private.

> using E-Verify has resulted in some existing employees choosing to leave the company or in the termination of some existing employees' employment.[67]

> ➢ **Most E-Verify employers did not agree that using the Program has caused damage to the employee-management relationship, although a small percentage agreed that E-Verify usage has reduced the company's competitiveness.**

To examine whether E-Verify is meeting its goal of preventing undue burden on employers, E-Verify users were asked about their perceptions of the Program's impact on their company, including the ability to meet processing deadlines and requirements, recruitment of qualified and work-authorized workers, the employee-management relationship, the company's competitiveness with other companies in their industry that do not use E-Verify, and assistance of workers with the TNC process.

4.1 Burden of Meeting E-Verify Processing Requirements

Meeting all of the requirements associated with the E-Verify process could be challenging, especially for companies with limited resources and high TNC rates. To examine the perceived burden of E-Verify processing requirements, E-Verify employers were asked about fulfilling all of the processing obligations of the Program, submitting case information within deadlines, and assisting workers with TNCs.

In 2013, some E-Verify users (11 percent) agreed that it was impossible for their companies to fulfill obligations related to the E-Verify process, and some agreed that it was impossible to submit case information within stipulated deadlines (14 percent) (Table IV-3). Among 2013 E-Verify employers with at least one worker receiving a TNC finding, 16 percent agreed that assisting workers with the TNC process was a burden, and 2 percent agreed that the work authorization process was a burden because of too many TNCs. Already relatively small when compared with the majority of employers that did not perceive the E-Verify process as burdensome, the percentage of employers that found it impossible to fulfill all obligations of the E-Verify process declined from 19 percent in 2008 to 11 percent in 2013, and the percentage of employers that found it sometimes impossible to meet required deadlines decreased from 18 percent to 14 percent. In addition, the percentage of employers that found the work authorization process to be burdensome because of too many TNCs declined from 10 percent in 2008 to 2 percent in 2013.

---

[67] Employers were asked if they agreed with the following statements: "Using E-Verify resulted in the firing of some existing employees," and "using E-Verify resulted in some existing companies choosing to leave the company (e.g., resignation or retirement)." "Existing employees" refers to workers who were hired prior to the use of E-Verify. Only federal contractors are permitted to use E-Verify to confirm work authorization of existing employees; federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the Federal Acquisition Regulation (FAR) clause, and federal contractors are also permitted to use E-Verify for all existing employees, if they choose. Non-federal contractors are not permitted to use E-Verify in this manner.

Table IV-3. Percent of E-Verify users reporting various experiences with the Program, and percent reporting TNCs as a burden: 2013, 2010, and 2008

Impact	2013			2010			2008		
	Agree	Dis-agree	Not applic-able	Agree	Dis-agree	Not applic-able	Agree	Dis-agree	Not applic-able
Current E-Verify users									
Impossible to fulfill E-Verify process obligations	11.1	80.5	8.4	13.1	78.1	8.8	19.0	76.3	4.6
Sometimes impossible to submit information by deadline	13.7	65.6	20.7	15.0	63.2	21.8	17.9	71.0	11.1
Current E-Verify users with TNCs									
Assisting workers with TNCs is a burden	15.8	68.7	15.6	17.7	72.5	9.9	16.8	77.6	5.6
Authorization is a burden: too many TNCs	2.4	81.9	15.7	3.2	86.8	10.0	9.5	86.6	3.9

NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

4.2   Perceived Impact on Workers and Companies

To explore the perceived negative impact of E-Verify usage on workers and companies, respondents were asked about the impact on attracting qualified and work-authorized job candidates, the impact on the company's existing workforce, and the impact on employee-management relationships and on the company's competitiveness.

Impact on attracting qualified and work-authorized workers. In 2013, a large majority of E-Verify companies disagreed with negative statements about the impact of E-Verify usage on the companies' abilities to recruit qualified workers (78 percent) or attract work-authorized job applicants (71 percent) (Table IV-4). However, 5 percent of these employers agreed that using E-Verify has made it difficult to recruit qualified workers, and 6 percent felt that E-Verify usage has caused a reduction in the number of work-authorized job applicants.

Table IV-4. Percent of E-Verify users indicating their perceptions of the impact E-Verify has had on their company: 2013, 2010, and 2008

Impact	2013			2010			2008		
	Agree	Dis-agree	Not applic-able	Agree	Dis-agree	Not applic-able	Agree	Dis-agree	Not applic-able
Qualified workers were difficult to recruit	4.5	78.1	17.3	5.6	76.1	18.3	5.8	75.9	18.3
Number of work-authorized applicants decreased	6.3	71.2	22.5	5.6	72.1	22.4	14.0	64.2	21.8
E-Verify led to termination of some existing employees' employment	5.2	73.8	21.1	5.8	70.4	23.8	NA	NA	NA
Some employees left company	4.4	75.3	20.4	3.8	73.3	22.9	8.9	70.9	20.2
Damaged employee-management relationship	1.4	81.0	17.6	1.3	80.7	18.0	2.3	79.3	18.4
Company is more competitive	16.8	57.0	26.2	18.0	53.2	28.9	26.0	36.6	37.3
Company is less competitive	2.4	74.7	23.0	2.6	74.0	23.4	3.4	65.5	31.1

NA = Not available; question was not asked in 2008.
NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

While employer perceptions of the impact of E-Verify on their company's ability to recruit qualified workers did not change significantly from 2008, E-Verify users in 2013 and 2010 were less likely to report a negative impact of E-Verify usage on work-authorized applicants than in 2008 (6 percent versus 14 percent).

Impact on company's existing workforce. The use of E-Verify has also had little impact on employers' existing workforce.[68] Three-fourths of current users (75 percent) disagreed that using E-Verify resulted in some existing employees choosing to leave (Table IV-4). In addition, 74 percent of current users disagreed that using E-Verify resulted in the termination of some existing employees' employment. However, 4 percent agreed that the use of E-Verify had caused some existing employees to choose to leave the company and 5 percent reported that E-Verify resulted in the termination of some existing employees' employment.

Because federal contractors are permitted to use E-Verify to verify work authorization of existing employees under the Federal Acquisition Regulation (FAR) clause, responses to this question were also examined separately among federal contractors and employers that were not federal contractors. Among federal contractors, 4 percent of E-Verify users reported that E-Verify resulted in the termination of some existing employees' employment (not shown in figures/tables). However, 5 percent of E-Verify users that were *not* federal contractors also reported that some existing employees' employment was terminated due to E-Verify. The latter percentage represents a violation of E-Verify policies.

---

[68] Employers were asked if they agreed with the following statements: "Using E-Verify resulted in the firing of some existing employees," and "using E-Verify resulted in some existing companies choosing to leave the company (e.g., resignation or retirement)." "Existing employees" refers to workers who were hired prior to the use of E-Verify. Only federal contractors are permitted to use E-Verify to confirm work authorization of existing employees; federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the Federal Acquisition Regulation (FAR) clause, and federal contractors are also permitted to use E-Verify for all existing employees, if they choose. Non-federal contractors are not permitted to use E-Verify in this manner.

There have been no significant changes in these practices over the survey years.

Other types of impact on company. Survey findings also suggest that employers believe that the use of E-Verify has not disrupted the employee-management relationship. In 2013, most current users (81 percent) disagreed that using E-Verify damaged the employee-management relationship and 18 percent reported that this statement was not applicable to their companies (Table IV-4). Only 1 percent of current users reported that E-Verify caused damage to the employee-management relationship.

The use of E-Verify would be a competitive edge for some companies such as those that procure state or federal contracts. In 2013, some E-Verify employers (17 percent) agreed that using E-Verify created a competitive advantage for their company, while 2 percent reported that E-Verify usage has made their companies less competitive. Compared to E-Verify employers in 2008, a smaller proportion of the 2013 employers reported that using E-Verify created a competitive advantage for their company (17 percent in 2013 versus 26 percent in 2008). The significant expansion of E-Verify since 2008 to a much larger and representative population of employers nationwide might be the reason that using E-Verify is no longer viewed by as many employers to be a competitive advantage.

5.   A CLOSER LOOK AT SELECTED INDICATORS OF E-VERIFY MEETING ITS GOALS

When examining the extent to which E-Verify is making progress towards meeting its goals, it is important to explore how different subgroups of employers vary in their perceptions and experiences with regard to key indicators of E-Verify's progress in meeting its goals. These differences will presumably highlight the need for interventions to address issues that are specific to various subpopulations.

This section takes a closer look at survey responses in 2013 to explore whether employers' perceptions and experiences of E-Verify differed by employer *mandated status* (whether companies were required by federal, state, or local mandates to use E-Verify), *industry type* (employment agencies, companies in industries with historically high percentages of undocumented workers, and companies in other types of industries), and *company size* (small, medium-sized, and large).[69] For the remainder of this section, companies in industries with historically high percentages of undocumented workers will be referred to as "high-risk" companies.

Based on findings from earlier E-Verify evaluations and on the characteristics of subpopulations that may predispose those groups towards certain types of behavior and perceptions, it is reasonable to expect differences by company characteristics. For example, while it could be argued that mandated employers would be more motivated by the legal requirements to engage in practices that are aligned with E-Verify goals, a counter-argument is that companies that participated in E-Verify on a voluntary basis might have more positive attitudes towards the Program and be less likely to perceive requirements as burdensome. Similarly, small companies generally have fewer staff and financial resources than large companies to meet E-Verify requirements but they may also have fewer cases to process through the system because they hire fewer workers. In addition, employment agencies typically process a disproportionately large number of E-Verify cases (see Chapter III) while companies in industries with historically high percentages of undocumented workers can be viewed as high risk for cases that result in TNCs and Final Nonconfirmations (FNCs).

---

[69] The following definitions are used to characterize employer size: small (1–24 workers), medium (25–150 workers), and large (151 or more workers).

Findings from past E-Verify evaluation studies provide some support for expected differences among various subgroups of E-Verify employers. For example, the 2011 user survey report indicates the following: mandated E-Verify users were less likely than nonmandated users to restrict the assignments of workers who received a TNC finding, employers in high-risk industries were more likely than employers in other types of industries to find it impossible to fulfill all of E-Verify's obligations, and small companies were more likely than medium-sized and large companies to agree that in the experience of their companies, work assignments for workers with TNC findings must be restricted until work authorization is confirmed and training for workers with TNC findings is delayed until after employment authorization is confirmed.[70]

Based on descriptive analyses, this section presents 2013 survey data to provide insights on how employer perceptions and experiences relevant to E-Verify goals differ by employer characteristics. It is important to note that the company characteristics used for independent analyses may be related to each other. For example, company size and industry type are related to each other, with employment agencies and companies in high-risk industries typically being smaller than companies in other types of industries. However, no attempt has been made to parse out the independent associations.

5.1 Mandatory Use of E-Verify

The 2013 survey data did not support the expected differences by mandated status of the company. **One exception is that compared with voluntary E-Verify users, those with a federal or state/local mandate to use E-Verify were more likely to agree that it was impossible to meet E-Verify requirements for processing cases** (not shown in figures/tables). There were no other statistically significant differences in perceived burden of E-Verify by the employers' mandated status.

Across all indicators used to assess E-Verify's progress towards meeting its stated goals, there were no other significant differences between employers mandated to participate in E-Verify and those using E-Verify voluntarily. For example:

- Regardless of whether employers were mandated to participate in E-Verify or if they participated voluntarily, employers generally reported high perceptions of E-Verify's effectiveness and accuracy.

- There were no significant differences between mandated and voluntary users in their perceptions of how E-Verify has reduced unauthorized employment at their companies[71] or in the extent of their reported discriminatory practices.

5.2 Type of Industry

The 2013 survey data provided considerable support for the expectation that employment agencies and companies in high-risk industries would differ from companies in other industries in their perceptions and experiences of E-Verify.[72] Table IV-5 includes only selected significant differences by type of industry.

---

[70] *Findings of the E-Verify User Survey*, July 8, 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/Findings_of_the_EVerify_User_Survey.pdf).

[71] The word "must" was used in the survey question. This statement is based on employers' perceptions related to the impact that E-Verify had on their companies; the survey did not gather information about the number of unauthorized workers who applied for jobs.

[72] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings an Dwellings; Accommodations; and Food Services and Drinking Places.

Employment agencies differed from employers in high-risk industries and other industries in their perceptions and experiences with regard to key indicators of E-Verify's progress in meeting its goals of reducing unauthorized employment and preventing undue burden on employers. For example, employment agencies differed from companies in high-risk and/or other types of industries in the following ways:

- Employment agencies were more likely than companies in high risk industries to agree that E-Verify was an effective tool for employment verification.

- With regard to E-Verify's goal of reducing unauthorized employment, employment agencies were more likely than companies in high risk and other types of industries to agree that the number of unauthorized persons who applied for jobs decreased because E-Verify was used. This difference by industry type also held for the percentages that reported a decrease in the number of work-authorized persons who applied for jobs.[73]

- Related to the goal of preventing undue burden on employers, employment agencies were more likely than companies in high risk and other types of industries to report that it was sometimes 'impossible' to submit information by E-Verify's deadlines. They were also more likely to report that their use of E-Verify resulted in the firing of some existing employees.[74]

Related to the goal of preventing undue burden on employers, employment agencies were more likely to report that it was sometimes 'impossible' to submit information by E-Verify's deadlines but they were less likely to report that assisting workers with TNCs was a burden.[75] Employment agencies were also more likely to report that their use of E-Verify resulted in the firing of some existing employees and some existing employees choosing to leave the company.

These findings may partly reflect the fact that with an increasing number of companies being required to participate in E-Verify, mandated companies are becoming more similar to voluntary users in other background characteristics such as company size and industry type (see Chapter III).

---

[73] This statement is based on employers' perceptions related to the impact that E-Verify had on their companies; this survey did not gather information about the number of unauthorized or work-authorized workers who applied for jobs.

[74] Only federal contractors are permitted to use E-Verify to confirm work authorization of existing employees; federal contractors are required to electronically check work authorization statuses for existing employees who will be working on federal contracts that include the FAR clause, and federal contractors are also permitted to use E-Verify for all existing employees, if they choose. Non-federal contractors are not permitted to use E-Verify in this manner.

[75] There is no requirement that employers assist workers with TNCs beyond informing them about the finding in writing and explaining the finding in private.

Table IV-5. Percent of employers responding to selected indicators of E-Verify and employment practices, by type of industry: 2013[1]

Indicator	Employment agencies	Companies in high-risk industries	Companies in other types of industries
Overall, E-Verify is an effective tool for employment verification	95.7[b]	91.0[a]	92.5
At times, the number of employees hired is so great that it is impossible to submit information by the deadline	27.2[b, c]	16.3[a,c]	12.3[a,b]
Qualified workers were difficult to recruit because E-Verify was used	8.2[c]	9.2[c]	2.5[a,b]
Using E-Verify resulted in the firing or termination of some existing employees	12.4[b, c]	7.9[a,c]	3.9[a,b]
Using E-Verify resulted in some existing employees choosing to leave (e.g., resignation or retirement)	7.8[c]	8.0[c]	2.7[a, b]
Using E-Verify created a competitive advantage for this company	56.2[b, c]	16.4[a]	16.3[a]
The number of work-authorized persons who applied for jobs decreased because E-Verify was used	13.4[b,c]	9.2[a,c]	4.9[a, b]
The number of unauthorized persons who applied for jobs decreased because E-Verify was used	42.7[b, c]	31.6[a, c]	13.7[a, b]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from employment agencies at the .05 level. A 'b' indicates that the percentage is significantly different from high-risk companies at the .05 level. A 'c' indicates that the percentage is significantly different from companies in other industries at the .05 level. The questions in this table were asked of E-Verify users in 2013, unless otherwise noted, and the reported percentages reflect these populations. Percentages were calculated separately within employment agencies, within high-risk industries, and within other industries.

[2] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings and Dwellings; Accommodations; and Food Services and Drinking Places.

SOURCE: E-Verify Web Survey: 2013.

5.3 Company Size

Consistent with expectations, respondents at small, medium-sized, and large E-Verify companies differed in their perceptions and experiences with regard to key indicators of E-Verify's progress in meeting its goals. For example:

- Although still perceiving the Program to be effective, small companies were less likely than medium-sized and large companies to agree that E-Verify is highly accurate and an effective tool (Table IV-6).

- Related to reducing unauthorized employment, small companies were less likely than medium-sized or large companies to report that the number of unauthorized applicants decreased because of E-Verify.

- With regard to the goal of reducing verification-related discrimination against workers, small companies that received TNCs were less likely than medium-sized and large companies to report never firing workers receiving TNCs without telling the worker about the finding. Because work-authorized foreign-born individuals are more likely to receive TNCs than are U.S.-born individuals,

firing workers due to a TNC without the right to contest could result in discrimination against foreign-born individuals in some cases.[75]

- With regard to E-Verify's goal of preventing undue burden on employers, small companies were less likely than medium-sized and large companies to report that using E-Verify resulted in the firing of some existing employees. Small companies were also less likely to state that it was sometimes impossible to submit case information by the required deadline. However, small companies were more likely than large companies to indicate that assisting workers with TNCs was a burden.

As discussed earlier, one possible explanation for the differences by company size is that smaller companies have fewer staff resources and sophisticated data systems to help manage the TNC process. They may also have less experience with the TNC process due to their lower volume of E-Verify case submissions.

Table IV-6. Percent of employers responding to selected indicators of E-Verify and employment practices, by company size: 2013[1]

Indicator	Small	Medium-sized	Large
Overall, E-Verify is an effective tool for employment verification	88.1[b,c]	94.2[a]	94.5[a]
We believe E-Verify is highly accurate	85.3[b,c]	90.9[a]	92.4[a]
It is sometimes impossible to submit information by the deadline	7.3[b,c]	16.0[a]	20.5[a]
Assisting workers with TNCs is a burden[2]	18.8[c]	16.1	14.1[a]
Using E-Verify resulted in the firing or termination of some existing	1.8[b,c]	7.2[a]	6.8[a]
The number of unauthorized workers who applied for jobs decreased	12.8[b,c]	22.0[a]	25.8[a]
We decide to fire employees receiving TNCs without telling them about the finding: **Never**[2]	73.4[b,c]	91.6[a]	94.6[a]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from small companies at the .05 level. A 'b' indicates that the percentage is significantly different from medium-sized companies at the .05 level. A 'c' indicates that the percentage is significantly different from large companies at the .05 level. The questions in Table IV-6 were asked of E-Verify users in 2013, unless otherwise noted, and the reported percentages reflect these populations. Percentages were calculated separately within small companies, within medium-sized companies, and within large companies.

[2] This question was asked of E-Verify users that had received any TNCs.

SOURCE: E-Verify Web Survey: 2013.

---

[75] Data from the 2009 E-Verify report show that foreign-born workers with employment authorization are more likely to incorrectly receive TNCs than are U.S-born workers. The percentage of foreign-born workers found to be work authorized at any stage of the E-Verify process and who received a TNC prior to having their work authorization verified in April through June 2008 was 2.6 percent, compared to 0.1 percent of workers who are U.S. born. See Westat, *Findings of the E-Verify Program Evaluation,* December 2009 (http://www.uscis.gov/sites/default/files/USCIS/E-Verify/E-Verify/Final%20E-Verify%20Report%2012-16-09_2.pdf).

CHAPTER V. EMPLOYER COMPLIANCE

This chapter describes the extent to which employers comply with E-Verify requirements. Compliance is an important indicator of program success. While high and increasing compliance rates suggest that employers understand E-Verify policies and are able to adhere to those policies, noncompliance could point to vulnerabilities in the Program that may require adjustments to the Program. For example, noncompliance with policies designed to protect worker rights may point to the need for better employer training and/or enforcement actions. Chapter VIII discusses the recommendations for addressing compliance and other issues raised in the report.

In examining employer compliance with E-Verify requirements, the findings in this chapter address five broad questions:

1. What specific steps are E-Verify users taking to understand program requirements for conducting employment verifications?

2. For which individuals are employers verifying work authorization?

3. At what point in the hiring process are employers verifying work authorization?

4. How are employers confirming the identity of individuals in the verification process?

5. To what extent are employers following the required procedures for handling cases that result in Tentative Nonconfirmations (TNCs) and Final Nonconfirmations (FNCs)?

While the primary focus is on describing how well employers adhere to E-Verify requirements in 2013, this chapter also compares these latest findings with findings from the 2010 and 2008 surveys, when feasible. It also examines variations in employer compliance by selected company characteristics: *mandated status* (whether companies were required by federal, state, or local mandates to use E-Verify) and *company size* (small, medium-sized, and large).[76]

It is critical to note that the findings in this chapter are based on employers' self-reported behavior on the proper use of E-Verify to determine whether individuals are authorized to work in the United States. Although employers were assured that the information they provided would be kept private, some employers may not have admitted to noncompliant E-Verify behavior. Noncompliant employers may also have been less likely to agree to participate in this evaluation. Thus, the actual rates of employer compliance are probably lower than those reported.

---

[76] Differences by industry type are not reported in this chapter because employment agencies may be governed by slightly different regulations with regard to E-Verify compliance policies. For example, there is no policy that prevents the clients of employment agencies from requesting that only work-authorized workers be referred to them.

1.   MEETING E-VERIFY TUTORIAL AND SYSTEM ID REQUIREMENTS

➢ **While most respondents in the 2008, 2010, and 2013 user surveys had completed the E-Verify tutorial, a small percentage had not done so.**

➢ **Among companies that reported multiple E-Verify users, some survey respondents reported that the online tutorial was completed by either some users or none of the users at the company. In addition, there was some sharing of E-Verify IDs and passwords among users at these companies.**

➢ **About one in five E-Verify users felt that it was not easy to obtain lost or forgotten passwords.**

E-Verify users are required to complete an online tutorial on the proper implementation and use of the Program. In 2013, most survey respondents (87 percent) reported that they had completed the E-Verify tutorial, and this high percentage remained fairly stable from 2010 and 2008 (88 percent and 85 percent, respectively) (Table V-1). Although these respondents were assumed to be most knowledgeable about their company's E-Verify practices and perspectives, a small percentage either did not complete the E-Verify tutorial or did not know whether they had done so in the past. A few possible reasons for not taking the tutorial are that some employers may have enrolled in the Program but had never used it for employment verification, or that they shared user IDs and passwords and subsequently were able to circumvent taking the tutorial.

Table V-1. Percent of survey respondents reporting whether they completed the E-Verify tutorial: 2013, 2010, and 2008

Whether completed E-Verify tutorial	2013	2010	2008
Yes	87.4	87.8	84.6
No	9.3	9.8	12.0
Don't know	3.3	2.4	3.4

NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

When asked about other staff members who had completed the E-Verify online tutorial, survey respondents at companies with multiple E-Verify users in 2013 reported that the E-Verify tutorial was completed by *all* other staff members using the Program (76 percent), *some* other staff members (16 percent), or *none* of the other staff members using the Program (8 percent) (Table V-2). The percentage of E-Verify users reporting that some other users had completed the tutorial decreased from 2010 but did not change significantly from 2008.

For security purposes and to ensure new users complete the required online tutorial, individuals who use E-Verify for their companies should not share user IDs or passwords with other users. Among companies with multiple E-Verify users in 2013, most (87 percent) reported having unique user IDs for each staff member who used E-Verify, while 13 percent reported that E-Verify users shared IDs. The percentage of E-Verify companies reporting the practice of sharing user IDs did not change significantly since 2008, thus raising some questions about whether users do not know about this requirement or they know about it but choose to ignore it.

Table V-2. Among companies with multiple E-Verify users, percent of survey respondents reporting whether other users completed the E-Verify tutorial and whether users shared IDs: 2013, 2010, and 2008

Employer-reported practice	2013	2010	2008
Other users completed tutorial			
All other users	76.0	67.9	78.3
Some other users	16.4	21.9	13.2
No users	7.7	10.2	8.5
Users shared IDs			
Yes	13.4	12.2	11.2
No	86.6	87.8	88.8

NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

When asked about the difficulty of obtaining a lost or forgotten password, 41 percent of 2013 E-Verify users reported it was easy to do so, 19 percent felt it was not easy, and 40 percent indicated that this statement was not applicable (Figure V-1). While the percentage of E-Verify users reporting that it was easy to obtain a lost or forgotten password decreased from 57 percent in 2008 to 41 percent in 2013, the percentage that responded "not applicable" increased from 29 percent to 40 percent, which suggests that fewer E-Verify users were losing or forgetting their passwords in 2013 than in 2008.

Figure V-1. Percent of E-Verify users reporting whether it was easy for system users to obtain a lost or forgotten password: 2013, 2010, and 2008
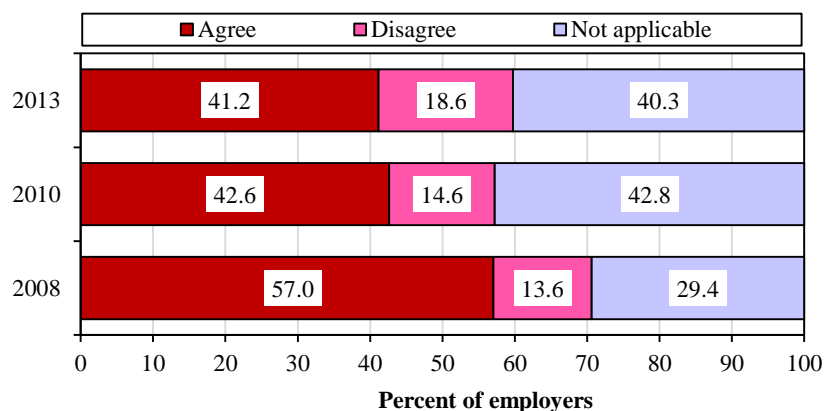
NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

2. TYPES OF WORKERS VERIFIED USING E-VERIFY

➢ **While almost all E-Verify employers in 2010 and 2013 reported using the Program to confirm employment eligibility of *all* new hires, a few employers did not do so.**

➢ **While many federal contractors reported opting to use E-Verify for existing employees under the Federal Acquisition Regulation (FAR) clause, a small percentage of nonfederal contractors reported violating E-Verify procedures by using E-Verify for existing employees.**

➢ **A small percentage of E-Verify employers reported violating E-Verify policies by using the Program for workers they believed to be not work authorized.**

Current E-Verify employers were asked whether they used E-Verify to confirm employment eligibility for all new hires, existing employees who were hired prior to the company's implementation of E-Verify, and existing employees who were believed to be not authorized.[77]

All new hires. With some exceptions, E-Verify employers are required to confirm the work authorization of all new hires.[78] Almost all E-Verify users in 2013 reported using the Program correctly in this respect (97 percent), representing an increase from 2010 when 95 percent of employers used E-Verify for all new hires (Table V-3).

Table V-3. Percent of E-Verify users reporting when the Program is used to verify work authorization: 2013 and 2010

Requirement	All new hires		Existing employees hired prior to E-Verify		Existing employees believed to be not authorized	
	2013	**2010**	**2013**	**2010**	**2013**	**2010**
All current E-Verify users	97.1	95.3	19.8	15.1	8.7	8.0
Current E-Verify users with federal mandate	96.5	93.7	30.7	30.5	8.7	10.6
Current E-Verify users with no federal mandate	97.4	95.8	14.1	9.5	8.8	6.9

NOTE: Data for 2010 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013 and 2010.

Existing employees. Employers, with the exception of federal contractors, are not permitted to use the Program for workers who were employed by the company prior to the company's implementation of E-Verify. However, among employers that are not federal contractors that used E-Verify in 2013, a small percentage reported that they used the Program for workers hired prior to their company's implementation of E-Verify (14 percent; Table V-3). A majority of employers (60 percent) reported that they did not verify existing employees, and 23 percent reported that the practice of verifying existing employees did not apply to their company (not shown in figures/tables). This distribution did not change significantly from 2010.

E-Verify employers are prohibited from using E-Verify to selectively verify the work authorization of workers within specific subgroups, such as existing employees they believe not to be work authorized. This policy also applies to federal contractors that have the option of either verifying only existing employees who work on a federal contract with the FAR clause or verifying all existing employees *without exception* and not targeting a specific group of existing employees.

---

[77] Throughout this section (Table V-3), similar questions were also asked in 2008. However, due to changes in question phrasing, survey data from 2008 were not comparable and are not presented here.

[78] Federal contractors are not required to verify the following categories of new hires: "employees who have an active confidential, secret or top secret security clearance in accordance with the National Industrial Security Program Operating Manual (NISPOM) or employees for whom background investigations have been completed and credentials issues pursuant to Homeland Security Presidential Directive-12 (HSPD-12)." Although federal contractors are not required to verify these types of new hires, they may elect to do so. In addition, some federal contractors are required to use E-Verify only for new hires assigned to a covered federal contract and are not required to verify all new hires (e.g., federal contractors that are institutions of higher learning (as defined at 20 U.S.C. 1001(a)), state or local governments, governments of federally recognized Indian tribes, or sureties performing under a takeover agreement entered into with a federal agency under a performance bond). See *E-Verify Supplemental Guide for Federal Contractors,* September 2012 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/guide-federal-contractor_comp.pdf),

In 2013, some current E-Verify employers reported using E-Verify to confirm the work authorization of existing employees believed not to be work authorized (9 percent) (Table V-3). The percentage in 2013 remained fairly constant from 2010.

3. TIMING OF E-VERIFY USE

➤ **Across survey years, a small percentage of E-Verify users continue to report practices that constitute prescreening.**

➤ **Although most E-Verify users adhered to the three-day rule in 2013, there was a decline in compliance since 2008.**

In 2013, most E-Verify employers adhered to E-Verify procedures and typically verified new hires within three days of hire (86 percent) (Figure V-2). However, in violation of the three-day rule, 9 percent of the employers reported practices that constitute prescreening (i.e., they used E-Verify before a job offer was made and accepted), and 5 percent took more than three days or some other time period to use E-Verify for new hires.

The percentage of E-Verify users reporting prescreening practices increased from 4 percent in 2008 to 9 percent in 2013. In addition, over time, there has been a decline in employer compliance with the three-day rule, with 92 percent of the employers reporting using E-Verify within three days of hire in 2008 compared with 86 percent in 2013. This finding could be due to increasing numbers of companies that are mandated to use E-Verify but may find it difficult to meet Program deadlines.

Figure V-2. Percent of E-Verify users reporting when the Program is *typically* used to verify work authorization: 2013, 2010, and 2008
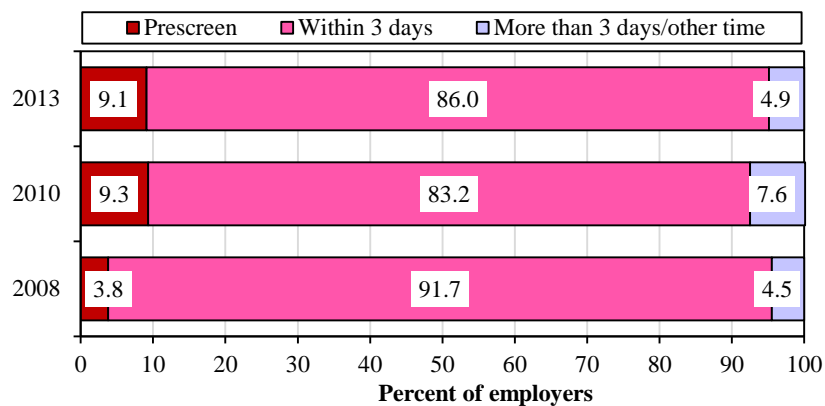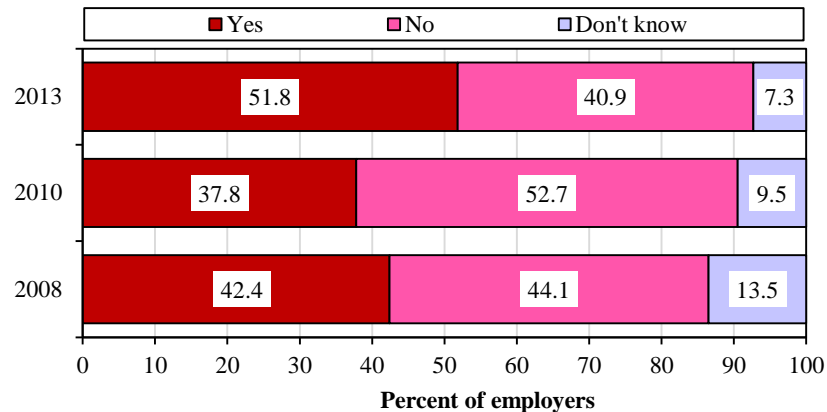

NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

4.   USE OF PHOTO MATCHING IN THE VERIFICATION PROCESS

➢ **About half of all companies using E-Verify in 2013 reported that they had used Photo Matching, representing an increase from 2008 when 42 percent reported using this tool.**

➢ **Almost all E-Verify users reported that they complied with E-Verify requirements by comparing the photograph returned by E-Verify to the photograph on the documents that the worker presents.**

About half of E-Verify users (52 percent) used Photo Matching in 2013, which represents an increase from 2008 when 42 percent reported having used the procedure to confirm the identities of individuals during the verification process (Figure V-3).[79] This increase in use may at least in part reflect the addition of passports and passport cards to Photo Matching, effective September 26, 2010.

Figure V-3. Percent of E-Verify users reporting that their company had ever used Photo Matching: 2013, 2010, and 2008

NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "don't know" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

Comparison of I-9 documents to E-Verify Photo Matching response. During the verification process, E-Verify employers that use Photo Matching are required to compare the photograph returned by E-Verify to the photograph on certain Form I-9 documents. Almost all E-Verify employers that used Photo Matching reported that they adhered to this procedure (97 percent in 2013 and 95 percent in 2010) (Table V-4).

---

[79] Photo Matching is activated automatically only when a worker has provided a U.S. passport or passport card, Permanent Resident Card (Form I-551) or an Employment Authorization Document (Form I-766) as the Form I-9 document.

Table V-4. Among employers that ever used Photo Matching, percent reporting how Photo Matching is used and perceptions of its impact: 2013 and 2010

How Photo Matching is used and perceptions of use	2013	2010
Compare photo on Photo Matching response to document worker presents		
Yes	97.1	95.1
No, not part of procedure	2.9	4.9
Believe that Photo Matching reduces the company's responsibility in E-Verify		
Agree	79.0	73.0
Disagree	17.8	23.3
Not applicable	3.2	3.8
Believe that Photo Matching helps identify potential fraud		
Agree	31.3	31.2
Disagree	20.4	20.4
Not applicable	48.4	48.4

NOTE: Data for 2010 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

Request for specific documents. According to both I-9 and E-Verify procedures, employers may not ask workers for specific I-9 documents.[80] In 2013, a small percentage of employers (11 percent) reported that their use of E-Verify Photo Matching influenced the types of documents requested from workers.[81] Of these E-Verify users that reported requiring specific documentation because of Photo Matching, about two-thirds said that their companies, as a result of using Photo Matching, were more likely to ask noncitizens for immigration documents during the verification process, and almost half indicated that their companies were more likely to ask U.S. citizens for passports (not shown in figures/tables). These practices are in violation of E-Verify procedures.

Potential benefits of Photo Matching. Using Photo Matching in the verification process does not preclude the employers' Form I-9 responsibility for ensuring that the document appears to be genuine and belong to the individual presenting it. When asked about the potential benefits of Photo Matching to the verification process, a majority of the companies felt that using Photo Matching reduced their responsibility to be certain that the person presenting the document is the correct person (79 percent in 2013 and 73 percent in 2010) (Table V-4).[82] In addition, about one-third of the companies that used Photo Matching in 2010 and 2013 believed that this feature helped to identify potential fraud. Close to half of the companies reported that the issue of potential fraud was not applicable to their company's use of Photo Matching.

---

[80] An exception is that E-Verify users must obtain from their workers an identity document with a photo. However, employers are not permitted to ask for a *particular* document with a photo. E-Verify Photo Matching is activated automatically if a worker presents an I-551 (Permanent Resident Card), Form I-766 (Employment Authorization Document), or a U.S. passport or passport card. Employers are not permitted to deliberately trigger Photo Matching by asking for these particular I-9 documents.

[81] This question was new in 2013.

[82] The employer has a responsibility to examine original document(s) the worker provides to determine if they appear to be genuine and to relate to the individual. (8 CFR § 274a.2(b)(ii)(A)).

5. TENTATIVE NONCONFIRMATION (TNC) PROCEDURES

➢ **Virtually all E-Verify employers with workers receiving TNCs reported that they complied with the requirement to inform workers about these results. Almost all respondents reported always privately informing workers who were not initially verified, and most reported that they always notified workers about TNCs in writing.**

➢ **A small percentage of E-Verify employers with workers receiving TNCs reported practices that violated E-Verify policies of not discouraging workers from contesting TNCs.**

After submitting a worker's information to E-Verify, an employer can receive a TNC finding for that worker if additional information is needed to verify the worker's authorization status. E-Verify has several policies related to the communication of TNCs, including a requirement to notify workers about TNC results privately and in writing. This section describes employers' compliance with E-Verify's policies regarding TNCs. As background to the population with relevant experiences, the survey data show the percentage of 2013 E-Verify users reporting that they ever received a TNC finding for workers was 21 percent compared with 51 percent in 2008 (not shown in figures/tables). One possible explanation for this finding is that companies with greater percentages of foreign-born workers were more likely to be early adopters of E-Verify (see Figure III-4) as well as being more likely to ever having had workers that received TNCs.

5.1 Adherence to TNC Notification Policies

Nearly all E-Verify employers with workers who received TNCs reported that they complied with the requirement to inform workers about these results. When asked how often they did *not* tell workers about the TNC but continued to let them work, very few reported that this was the case, and the percentage has remained low over time (ranging from 1 to 2 percent; not shown in figures/tables).

In 2013, almost all employers with TNC findings reported that their companies always informed workers about TNC findings in private (93 percent), and most reported that they always notified workers in writing (84 percent) (Figure V-4). Although not a stated E-Verify requirement, most of the employers also informed workers about TNCs in person (81 percent). While the percentage of employers that always informed workers about their TNC findings in writing remained fairly consistent since 2008, compliance with the policy of informing workers about TNCs in private increased. Compliance with these requirements needs to be monitored closely in the future to ensure that the policy, effective July 1, 2013, in which the U.S. Citizenship and Immigration Services (USCIS) will send TNC notices directly to workers who provide their email addresses on the updated Form I-9, does not result in employers becoming less likely to notify workers of TNCs.

To explore if companies found it challenging to comply with the policy of providing notification of TNCs, companies that had ever received TNC findings were asked if it was difficult to locate workers with TNCs. In 2013, relatively few employers (15 percent) reported that it was at least sometimes difficult to locate a worker who had received a TNC, similar to findings in the 2010 and 2008 surveys (16 percent and 19 percent, respectively; not shown in figures/tables).

Figure V-4. Among employers that received any TNCs, percent reporting whether workers with TNCs are informed privately, in writing, and in person: 2013, 2010, and 2008
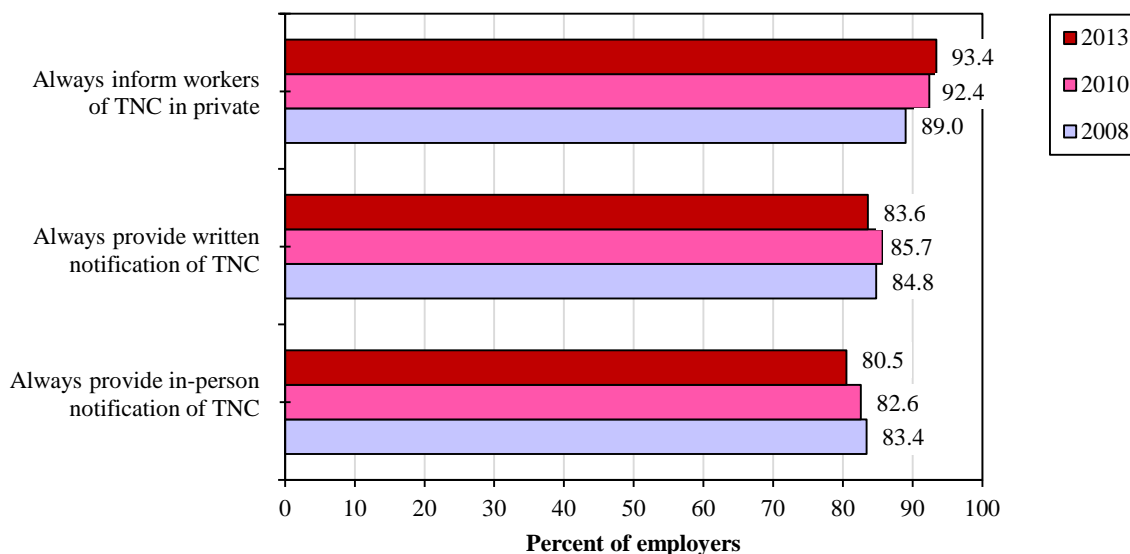
NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
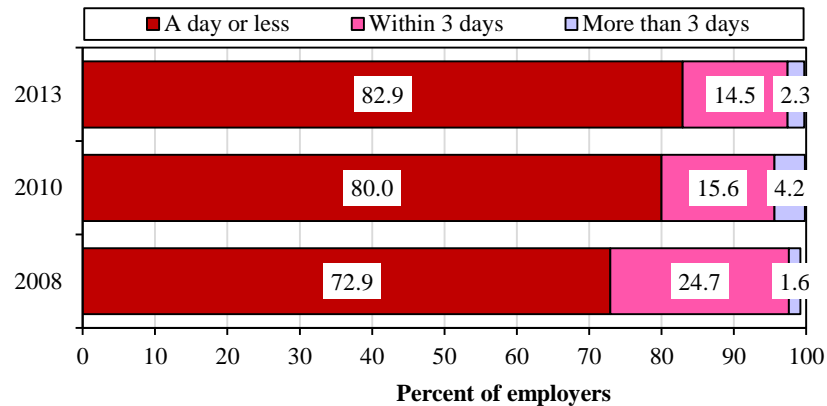SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

5.2   Timeliness of TNC Notification

Prompt notification of TNC findings is important for workers to contest these findings in a timely manner and is a requirement in the E-Verify Memorandum of Understanding (MOU).[83] Current E-Verify employers that had received TNCs for their workers provided information on how promptly their companies convey this information to workers. In 2013, almost all of the companies reporting that they notified their workers about TNCs reported that they did so within a three-day window; 83 percent did so in a day or less and 15 percent notified workers within three days (Figure V-5).

Over time, employers with TNC findings were more prompt about communicating these results to workers, with the percentage informing workers in a day or less increasing from 73 percent in 2008 to 83 percent in 2013.

---

[83] The E-Verify Memorandum of Understanding (MOU) states: "The Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify case." *E-Verify Memorandum Of Understanding For Employers, revised 6/01/13,* page 3 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/MOU_for_E-Verify_Employer.pdf).

Figure V-5. Among employers that received any TNCs, percent reporting how promptly they typically notify the worker: 2013, 2010, and 2008

NOTE: Less than 1 percent of employers reported that they did not inform workers about the TNC finding. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

5.3   Discouraging Workers From Contesting TNCs

While most employers reported that they complied with E-Verify policies of not discouraging workers from contesting TNCs, a small percentage reported violating this requirement. For example, in 2013, most employers with TNC findings disagreed that in the experience of their companies, contesting TNCs is discouraged because it takes too much time, 3 percent agreed with this statement, and 13 percent answered that it was not applicable (Figure V-6).

Across survey years, a small percentage of employers agreed with the practice of discouraging workers from contesting TNCs, either because the process was perceived to be too time-consuming or it rarely resulted in work authorizations. The percentage agreeing with this practice has remained fairly stable over time, ranging from 3 percent to 4 percent.

Figure V-6. Among employers that received any TNCs, percent reporting whether workers' contesting of the TNCs is not encouraged: 2013, 2010, and 2008
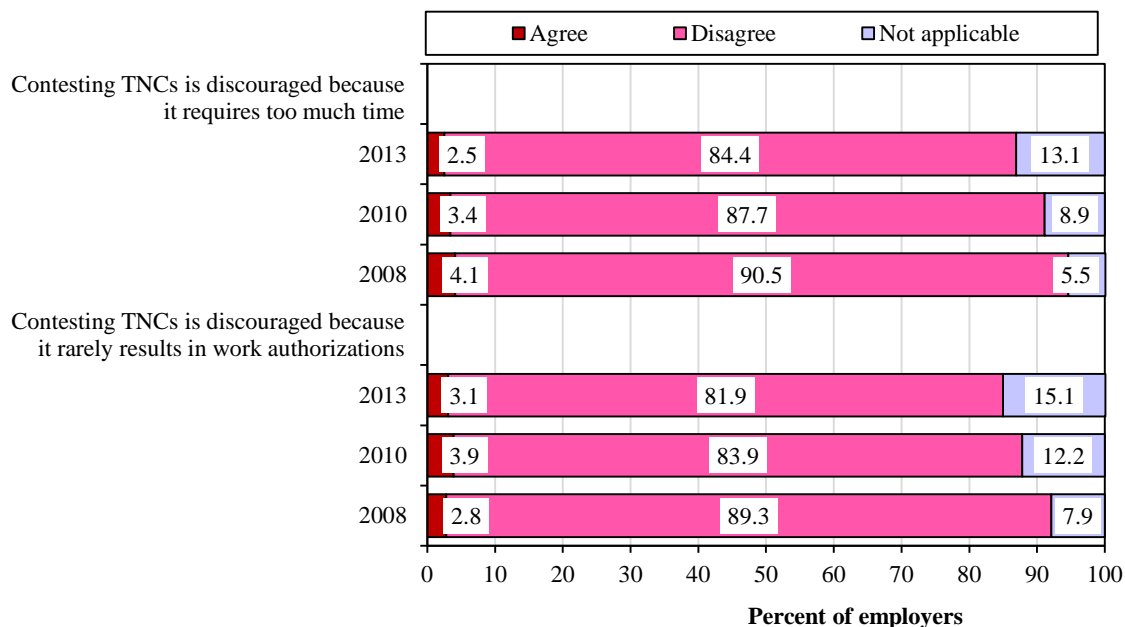
NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

6.   FINAL NONCONFIRMATION (FNC) PROCEDURES

➢ **While the majority of E-Verify companies with FNC case results for workers reported that their companies _always_ terminated workers' employment immediately, a small percentage indicated that they _sometimes_ terminated workers' employment immediately.84**

➢ **A few employers with FNC case results for workers reported that they did not typically terminate the employment of these workers.**

To include only employers with relevant experiences, this section focuses on current users that ever had a worker with an FNC. In 2013, the percentage of E-Verify users that reported ever having a worker receive an FNC did not change significantly from 2010 (6 percent and 7 percent, respectively; not shown in tables).

When E-Verify cases result in FNCs, employers may terminate the workers' employment. Most 2013 employers with workers who had received FNCs reported that their companies _always_ terminated the workers' employment immediately (83 percent) (Figure V-7). However, a small percentage of the employers (8 percent) reported that they _sometimes_ terminated the workers' employment immediately. Very few employers with workers who received FNC case results extended the employment of these

---

[84] According to E-Verify policies, employers may terminate the employment of workers who receive FNCs. If a worker receives an FNC, the employer is required to close the case and to indicate whether the worker is being allowed to continue working or was terminated.

workers. These employers allowed workers to work for a longer period of time for reasons such as linking workers' departure to pay periods, keeping workers until replacements were found or until projects were completed, timing the workers' departure to fall within a few business days, or waiting to tell traveling workers about FNCs until their return (ranging from 1 to 5 percent of employers that ever received FNCs). These percentages did not change significantly from 2010. A small percentage of employers with workers who had received FNCs (5 percent) reported that they did not typically terminate the employment of these workers. This percentage was about the same in 2010 (not shown in figures/tables).

Figure V-7. Among employers that ever received an FNC, percent reporting how long a worker could remain on the job after receiving the FNC: 2013 and 2010
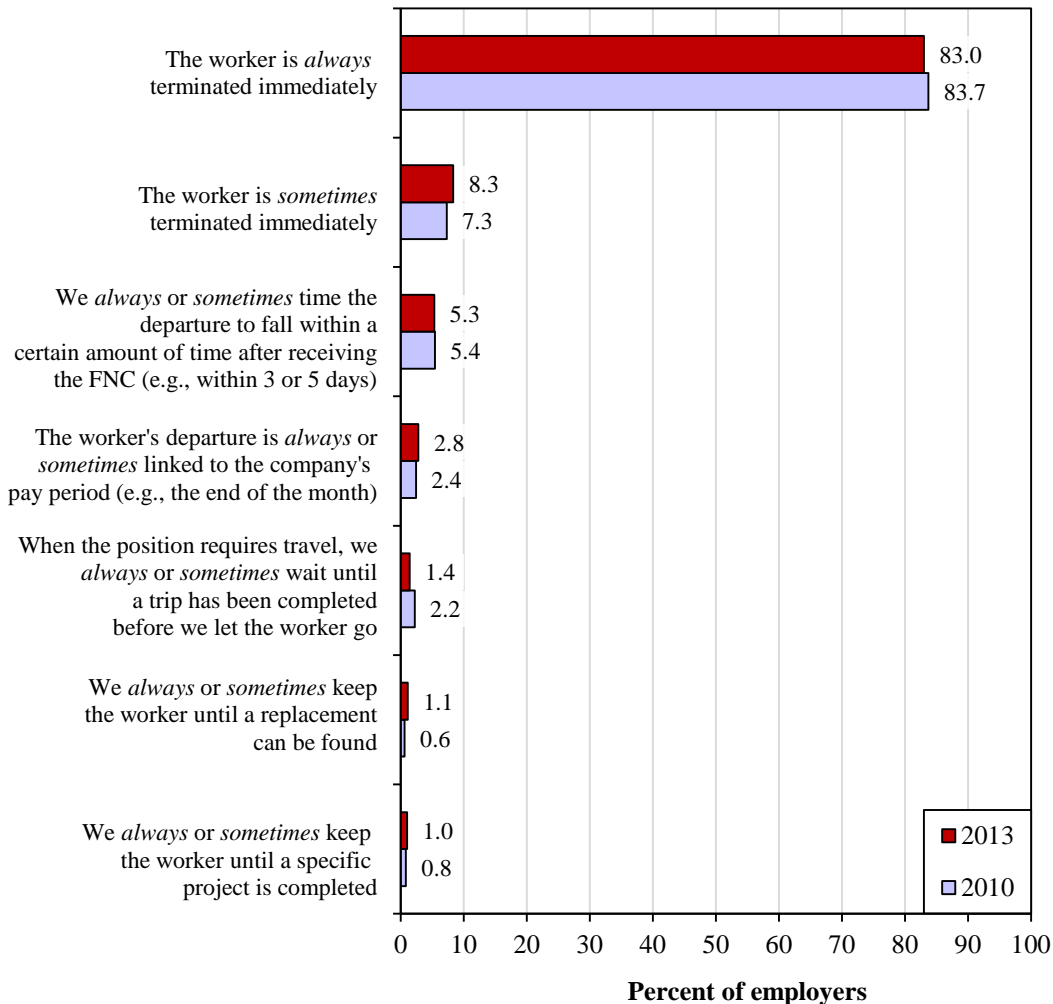
Percent of employers

NOTE: Data for 2010 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013 and 2010.

7.   OTHER E-VERIFY COMPLIANCE ISSUES

➢ **In 2013, about one in four E-Verify users reported ever having TNCs that were the result of data entry errors. This was an improvement from 2008 when about two in five employers reported this type of TNC.**

➢ **A majority of E-Verify users reported that they complied with E-Verify procedures and closed the original case after a data entry mistake and entered a new case.**

➢ **Of the small percentage of current E-Verify employers that had heard about Self Check, very few reported that they violated program guidelines by requiring anyone to use the service.[85]**

Other important issues related to compliance with E-Verify procedures include employers' compliance with policies regarding TNCs due to data entry errors and employers' compliance with Self Check program guidelines.

7.1   TNCs Due to Data Entry Errors

In cases where TNCs are generated because of data entry mistakes, such as typographical errors, employers are required to close the original case and then enter the corrected information as a new case. In closing the original case, the employer would choose "The case is invalid because the data entered are incorrect" (formerly Invalid Query) as the case closure statement.

Employers receiving TNCs due to data entry mistakes. In 2013, almost one-fourth of E-Verify users reported ever having received TNCs that were the result of data entry mistakes when entering Form I-9 information into the E-Verify system (Figure V-8). This change represented an improvement from 2008 when 42 percent of the employers reported ever having a worker receive this type of TNC. Smaller percentages of E-Verify employers reported that they did not know whether the company ever had TNCs due to data entry errors (ranging from 13 percent in 2008 to 19 percent in 2010).

Figure V-8. Percent of E-Verify users reporting receiving any TNCs because of a data entry mistake when entering the I-9 information into E-Verify: 2013, 2010, and 2008
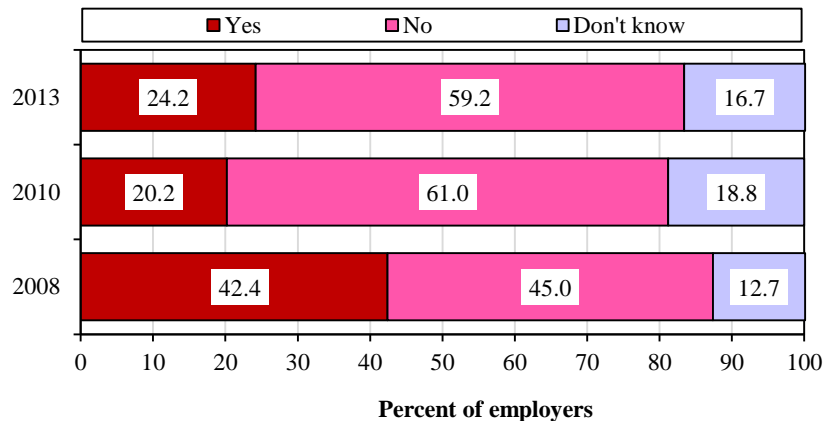
NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "don't know" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
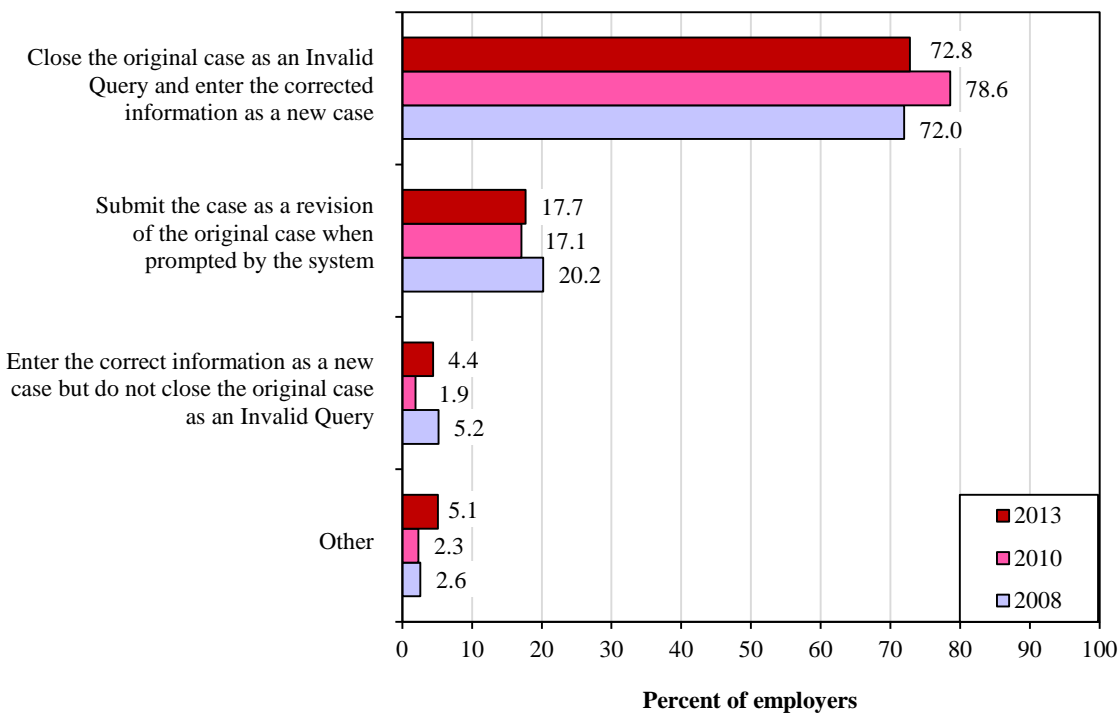SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

---

[85] Employers are not permitted to require workers to use Self Check.

Closing cases with TNCs *that are due to data entry mistakes.* Among E-Verify employers with TNCs that resulted from data entry mistakes, 73 percent in 2013 reported that they followed the correct procedure by closing the original case and entering a new case (Figure V-9). This percentage was not significantly different from previous survey years.[86]

Counter to E-Verify policies, some 2013 employers incorrectly submitted the case as a revision of the original case, while a few entered the correct information as a new case without closing the original case as an Invalid Query. These noncompliance rates remained relatively unchanged since 2008.

Figure V-9. Among employers that received any TNCs due to a data entry error, percent reporting how they *typically* correct the data entry error when found: 2013, 2010, and 2008

NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

7.2   Self Check

Launched in March 2011 by U.S. Citizenship and Immigration Services (USCIS), Self Check is a free online service of E-Verify that allows workers to check their own work authorization status. This service is now available in all 50 states, Washington, D.C., and the outlying territories. Self Check was designed to be voluntary for individuals who wish to confirm whether the records show that they are authorized to work in the United States. In 2013, a small percentage of employers using E-Verify (16 percent; not shown in figures/tables) indicated that they had heard about Self Check, and of these employers, only 3 percent reported that other individuals (e.g., job applicants, co-workers) indicated to them that they had used this service (Table V-5).

---

[86] Differences that appear large may not be significant due to large standard errors and small cell sizes.

According to E-Verify guidelines, employers may not require workers or applicants to use the Self Check service. Of those employers that had heard of Self Check, most employers reported that they did not require anyone to use the service (95 percent), and a majority reported that they had not informed anyone about the service (77 percent) (not shown in figures/tables).

Table V-5. Among E-Verify users that had heard about Self Check, percent reporting whether anyone told them that they had used Self Check and percent reporting opinions about Self Check: 2013

	Percent of employers
Told by others that they used Self Check	
Yes	3.3
No	96.7
Opinion about Self Check	
Reduces TNCs	20.3
Makes hiring more efficient	27.8
Reduces worker concern about E-Verify	27.1

NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013.

8.   A CLOSER LOOK AT SELECTED INDICATORS OF COMPLIANCE

This section takes a closer look at survey responses in 2013 to explore whether rates of reported compliance with key E-Verify policies differed by employer *mandated status* (whether companies were required by federal, state, or local mandates to use E-Verify) and *company size* (small, medium-sized, and large).[87] In this section, we do not examine differences by industry type because employment agencies may be governed by slightly different regulations with regard to E-Verify compliance policies.

It can be argued that employers that are required to use E-Verify through federal, state, or local mandates will be more likely to adhere to program policies due to underlying contractual and legislative stipulations. However, the fact that nonmandated employers choose to use the Program might be enough motivation to follow the rules governing its use. In addition, as described in Chapter IV, one can expect differences by company size. For example, small companies have fewer resources and may be more inclined to circumvent some E-Verify policies. Findings from past E-Verify evaluations suggest that mandated users might be more likely than voluntary users to follow E-Verify procedures for notifying workers about TNC findings, and small companies might be more likely than medium-sized and large companies to report practices that constitute prescreening.

It is important to note that the company characteristics used for independent analyses may be related to each other. However, no attempt has been made to parse out these independent associations. Thus, based on descriptive analyses, the data below provide insights on how employer perceptions and experiences regarding the goals of E-Verify were related to employer characteristics.

---

[87] The following definitions are used to characterize employer size: small (1–24 workers), medium (25–150 workers), and large (151 or more workers).

8.1   Mandatory Use of E-Verify

The 2013 survey results did not support expectations that mandated employers would differ from those that use E-Verify voluntarily in the extent to which they adhered to key areas of compliance. Overall, mandated E-Verify users were no more or less likely than nonmandated users to report that they:

- Prescreen potential workers prior to the acceptance of a job offer;

- Inform workers of TNCs in private and in writing; or

- Compare the photo provided by E-Verify Photo Matching to the photo on the document the worker provided.

An exception to these findings was in the percentage of E-Verify users that reported ever receiving a TNC finding due to a data entry mistake. **Voluntary users of E-Verify were more likely than mandated users to report ever making a data entry mistake that led to a TNC** (31 percent versus 23 percent) (not shown in figures/tables). One possible explanation for this finding is that voluntary users could have other characteristics that contribute to the likelihood of a TNC, such as a higher percentage of foreign-born workers or a higher number of transactions, but data were not analyzed to confirm this.

8.2   Company Size

Small companies generally have fewer staff and financial resources than large companies to meet E-Verify requirements, but they may also have fewer cases to process through the system because they hire fewer workers. Table V-6 shows only significant differences in self-reported compliance rates by company size.

Table V-6. Percent of employers reporting indicators of compliance and other E-Verify issues, by company size: 2013[1]

2013 Indicator	Small	Medium-sized	Large
When is E-Verify typically used to verify work authorization? **Prescreens** (E-Verify is used before a job offer is made, or after a job offer but before the worker has accepted).	14.8[b,c]	6.7[a]	4.2[a]
When is E-Verify typically used to verify work authorization? **Within 3 days of hire[2]**	79.1[b,c]	88.9[a]	91.6[a]
Does this company compare the photo provided in the E-Verify Photo Matching response to the photo on the document the worker provided? **Yes.[3]**	98.6[c]	97.5	95.0[a]
Which of the following affect how long a worker could remain on the job after receiving a Final Nonconfirmation? When the position requires travel, we wait until a trip has been completed before we let the worker go. **No.[4]**	27.9[c]	60.2	64.9[a]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from small companies at the .05 level. A 'b' indicates that the percentage is significantly different from medium-sized companies at the .05 level. A 'c' indicates that the percentage is significantly different from large companies at the .05 level. The questions in Table V-6 were asked of current E-Verify users in 2013, unless otherwise noted, and the reported percentages reflect these populations. Percentages were calculated separately within small companies, within medium-sized companies, or within large companies.

[2] E-Verify is used after a job offer has been accepted but before the worker's first day of paid work, on the first day of paid work, or on the second or third day of paid work.

[3] Asked of current E-Verify users that had used Photo Matching.

[4] Note that companies would not be expected to answer 'no' if the question was 'not applicable' (i.e., if no positions at the company required travel). It is possible that large companies were more likely to have positions requiring travel versus smaller companies. Thus, large companies may be more likely to report that 'no,' this was not a factor when workers with FNCs were terminated, presumably because they would have more staff available to travel.

SOURCE: E-Verify Web Survey: 2013.

Small companies differed from medium-sized and large companies in self-reported compliance rates for only a few key E-Verify policies. Small companies were more likely to report practices that constitute prescreening of workers, and they were less likely to report that they use E-Verify to confirm work authorization within three days of hire. For example, 79 percent of small companies reported that they verified workers' work authorization within three days of hire compared with 89 percent of medium-sized companies and 92 percent of large companies. However, small companies reported that they were more likely to comply with E-Verify procedures by comparing the photo provided in the E-Verify Photo Matching response to the photo on the document workers provided.

This page intentionally left blank.

CHAPTER VI. EMPLOYER SATISFACTION WITH E-VERIFY FEATURES, RESOURCES, AND COMMUNICATION

The U.S. Citizenship and Immigration Services (USCIS) has continued to improve the usability of E-Verify. In addition to improving browser and system features, customer services, and technical assistance, USCIS has also expanded and enhanced its communication and outreach program to better inform U.S. employers about E-Verify. For example, some of the more recent outreach activities included opportunities to participate in webinars, blogs, and online forums on the E-Verify website.

An important goal of these improvements is to increase employer satisfaction with E-Verify and to improve the usability of the system. This chapter describes employer satisfaction with E-Verify, including:

- Employer satisfaction with enrollment and start-up system navigation, system reliability, program resources, and technical help;

- Levels of satisfaction among employers that were mandated to use E-Verify; and

- Reasons that some employers do not use E-Verify.

Although the primary focus is to present data from the 2013 E-Verify Web survey, this chapter also presents comparable data from the 2010 and 2008 Web surveys. Differences in satisfaction levels by selected employer characteristics are also presented.

1. SATISFACTION WITH ENROLLMENT AND START-UP PROCESS

➢ **Since 2008, most E-Verify employers continue to agree with positive statements about E-Verify's enrollment process,[88] the online tutorial, and the knowledge test.**

➢ **However, in response to negative statements about these processes and tools, some E-Verify users agreed that the enrollment process was too time-consuming, the online tutorial took too long to complete, and it was a burden to pass the knowledge test prior to using E-Verify.**

In 2013, almost all E-Verify users agreed that the tutorial adequately prepared them to use the online verification system (93 percent) and that the content of the online tutorial was easy to understand (91 percent) (Figure VI-1). In addition, most E-Verify users agreed that the tutorial answered all of their questions about using E-Verify (87 percent) and that the online enrollment process was easy to complete (87 percent). These percentages remained fairly consistent since 2008.

---

[88] Throughout this report, the terms "enrollment" and "registration" are used interchangeably.

Figure VI-1. Percent of E-Verify users reporting their company's experience with the system enrollment and start-up process: 2013, 2010, and 2008
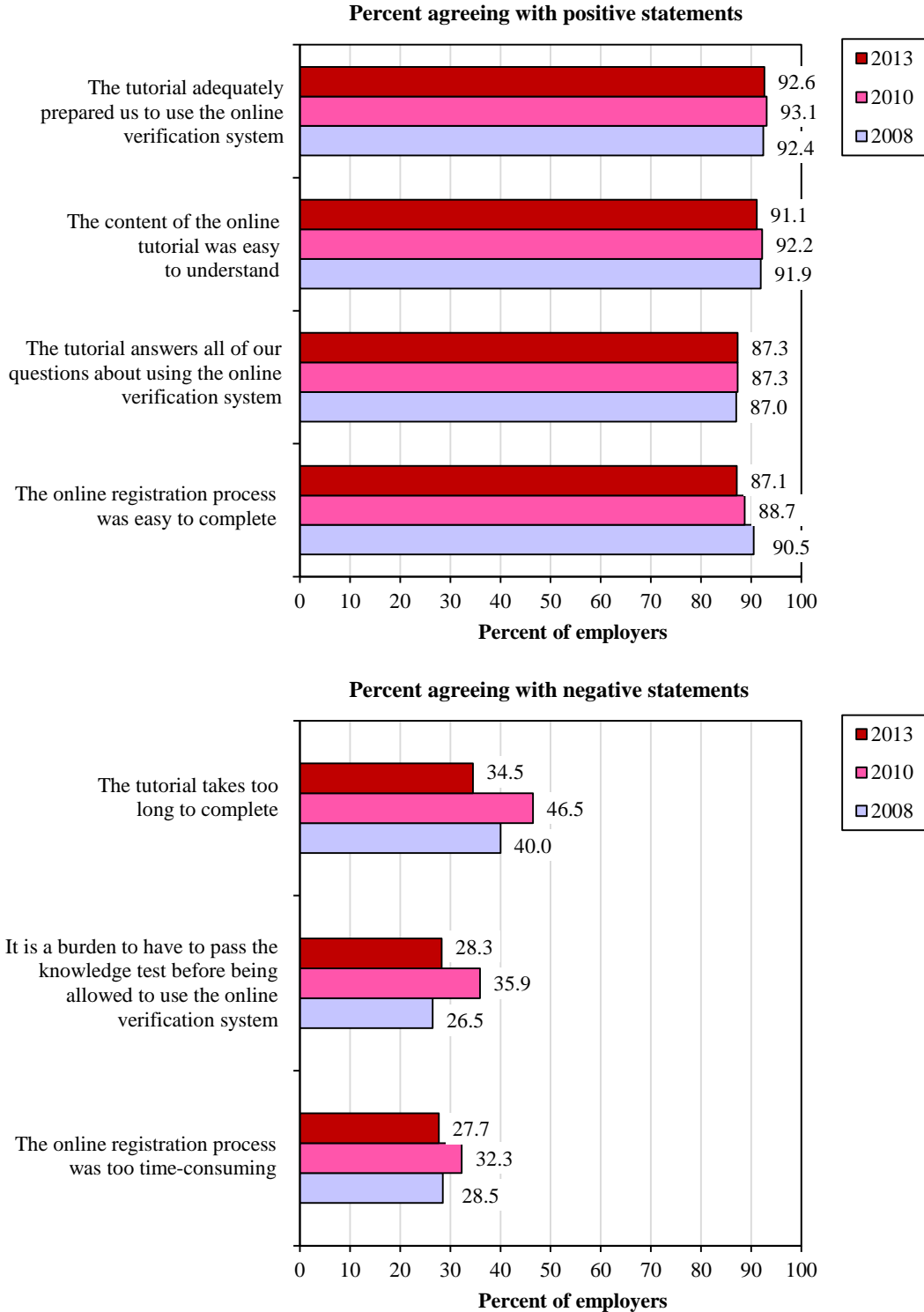
Percent agreeing with positive statements

Percent agreeing with negative statements

NOTE: Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

Employer dissatisfaction with the E-Verify enrollment and start-up process was directly assessed by examining their responses to negative statements about these processes. In 2013, some E-Verify users agreed that:

- The online tutorial took too long to complete (35 percent).

- Passing the knowledge test before using E-Verify was a burden (28 percent).

- The online registration process was too time-consuming (28 percent).

As shown in Figure VI-1, the percentage of E-Verify employers surveyed in 2013 that agreed the tutorial took too long to complete decreased from 2010 and 2008. In addition, the percentage of E-Verify employers that agreed that passing the knowledge test before using E-Verify was a burden dropped from 2010 but did not change significantly from 2008. While these changes reflect an improvement in the burden associated with taking the tutorial and the knowledge test, it is noteworthy that a sizeable proportion of E-Verify users continue to report such burden.

2. SATISFACTION WITH ACCESSING AND USING E-VERIFY

- **Some E-Verify users reported they experienced problems with accessing the E-Verify system due to the federal system being down or system timeouts that required the company to reenter information. This represented an improvement from 2008 when slightly larger percentages of employers experienced these problems.**

- **While almost all E-Verify users reported that the E-Verify system was user-friendly, about one in five users indicated that it was easy to make errors when entering worker information into the E-Verify system.**

- **Over time, entering some names into the E-Verify system has continued to pose problems for about one in three E-Verify users.**

To examine the extent to which companies are able to access and use E-Verify with ease, current program users were asked about the user-friendliness of E-Verify and the reliability of accessing the Program.

2.1 Reliability of Access to E-Verify

Access to the E-Verify system could be hindered by problems such as E-Verify system timeouts, the federal system being down, or the employers' internet system being down. In 2013, a few E-Verify employers (5 percent) reported that E-Verify was not always available because the federal system was down (Figure VI-2). In addition, 14 percent of the employers agreed that system timeouts required the company to reenter information previously entered, and 5 percent agreed that E-Verify was not always available due to the unreliability of the employers' internet system.

Since 2008, there was a decline in the percentage of E-Verify users that agreed E-Verify was not always available because the federal system was down (from 13 percent in 2008 to 5 percent in 2013). There was also a decline in the percentage of users reporting E-Verify system timeouts that required the employer to reenter information (from 20 percent in 2008 to 14 percent in 2013). While these changes reflect an improvement in the reliability of access to E-Verify, it is a concern that some E-Verify users continue to report issues with system timeouts.

A common source of data entry errors is the incorrect spelling of workers' names, especially names that are unusual or complex. When asked about this experience, one in three E-Verify users in 2013 agreed that they were sometimes unsure about how to enter certain types of names (e.g., single names, compound/hyphenated last names, and very long names) (Figure VI-2).[89] This percentage has remained about the same as in 2010. However, one might expect this percentage to decrease in the future due to additional instructions on how to enter names in the updated Form I-9 that went into effect on May 7, 2013.[90]

Figure VI-2. Percent of E-Verify users agreeing that they experienced various problems with using the E-Verify system: 2013, 2010, and 2008
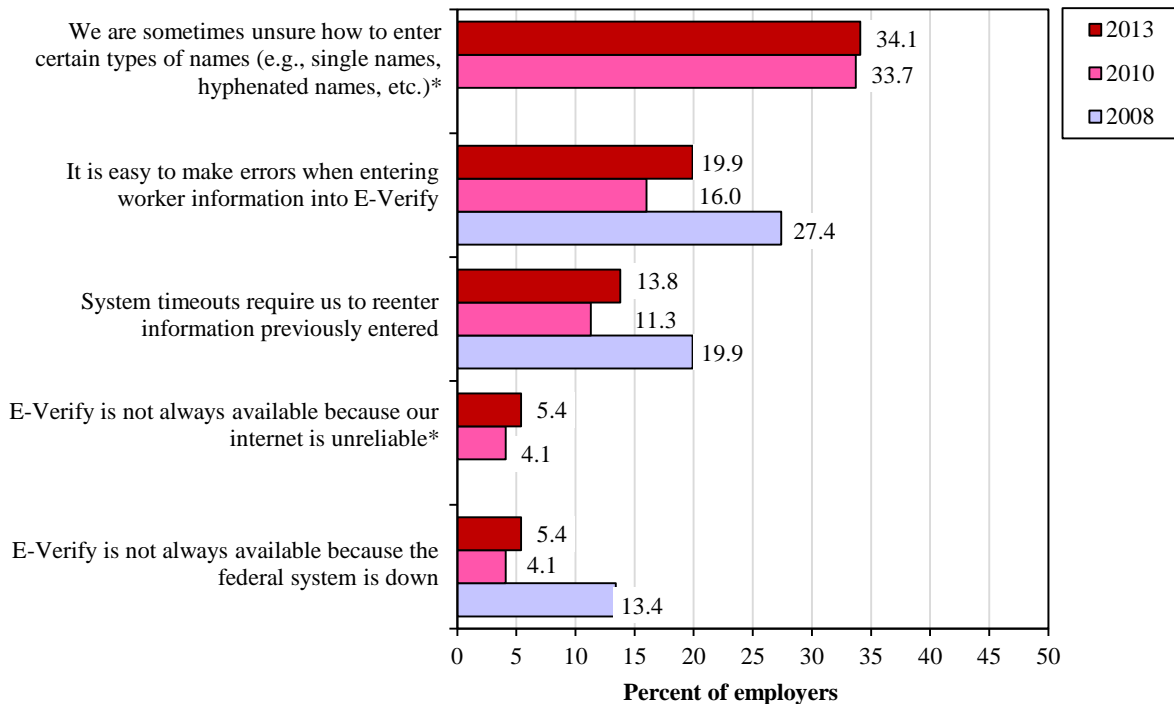
* Question was not asked in 2008.
NOTE: The question wording for the response option "E-Verify is not always available because the federal system is down" was phrased slightly differently in 2008: "E-Verify not always being available is a problem." Data for 2010 and 2008 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

2.2   E-Verify User-Friendliness and Likelihood of Data Entry Errors

In 2013, almost all E-Verify users (97 percent) reported that E-Verify was user-friendly: 62 percent indicated that the Program was very user-friendly and 36 percent felt it was somewhat user-friendly

---

[89] This question was first asked in 2010.

[90] For additional background information on issues relating to entering complex names, see the report *Evaluation of the Accuracy of E-Verify Findings*, July 2012 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/ Everify%20Studies/Evaluation%20of%20the%20Accuracy%20of%20EVerify%20Findings.pdf).

(Figure VI-3).[91] Few employers indicated that the E-Verify system was not user-friendly (3 percent). The percentage of 2013 users reporting that the E-Verify system was very user-friendly did not change significantly from 2008, although it fluctuated in 2010.

Figure VI-3. Percent of E-Verify users reporting the extent to which the E-Verify navigation system is user-friendly: 2013, 2010, and 2008
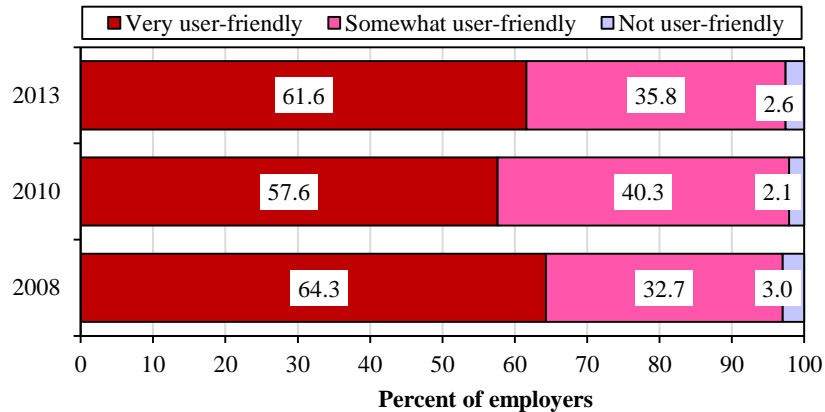
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

One measure of the user-friendliness of E-Verify is the extent to which the system includes features that minimize data entry errors. For example, pre-Tentative Nonconfirmation (TNC) checks, instituted in September 2007, allow employers to recheck their data input when an initial check indicates that the worker is about to receive a TNC or the case is about to be sent for a secondary verification review. Despite this enhancement, some 2013 E-Verify users (20 percent) agreed that it was easy to make errors when entering worker information into the E-Verify system (Figure VI-2). However, this percentage represents a decline from 2008, indicating that the cumulative effect of USCIS efforts to reduce employers' data entry errors might have contributed to this decline.

3.   SATISFACTION WITH E-VERIFY ONLINE RESOURCES

➢   **Most E-Verify users agreed that the online tutorial was helpful.**

➢   **While a majority of E-Verify users found the online User Manual to be helpful, more than one-third of the respondents either had not used this resource or were unaware of it.**

➢   **Some E-Verify users found the E-Verify webinars to be helpful. However, a large majority of the respondents either had not used this resource or were unaware of it.**

➢   **While some E-Verify users reported that the reports generated by the E-Verify system were helpful, substantial percentages of the respondents either had not used these reports or were unaware of them.**

---

[91]   Sum does not add to 97 percent due to rounding.

> ➤ **It is important to note that sizeable percentages of E-Verify users reported that they either had not used various online resources or were unaware of these resources; this finding suggests a need for outreach activities to promote awareness and use of these resources.**

3.1   E-Verify Online Resources

E-Verify offers a variety of online resources to ensure that employers using the Program receive customer-focused service and accurate information when processing cases for employment eligibility. Key among these online resources are the E-Verify tutorial and the User Manual. Webinars have also become an important vehicle for ongoing training on the use of E-Verify.

In 2013, while most E-Verify users (83 percent) reported that the online tutorial was helpful, a small proportion, 6 percent of the employers, indicated that it was not helpful (Table VI-1). However, 11 percent of E-Verify users indicated that they were either unaware of the tutorial (1 percent) or had never completed it (10 percent); this finding may be explained in part by some users sharing IDs, since it is not possible to obtain a password to access E-Verify without completing the tutorial.

Table VI-1. Percent of E-Verify users reporting the helpfulness of resources and features that are provided as part of the Program: 2013 and 2010

Resource	2013				2010			
	Helpful	Not helpful	Not aware	Never used	Helpful	Not helpful	Not aware	Never used
Online tutorial	83.2	5.7	1.4	9.6	87.9	5.4	0.5	6.3
Mouse-over features on data entry fields	66.8	2.1	10.8	20.4	70.0	2.8	7.9	19.3
Online User Manual	58.8	4.6	4.5	32.1	68.5	4.1	2.4	25.0
Reports to monitor status of cases	54.3	3.6	4.4	37.8	67.1	3.4	1.2	28.3
Reports to monitor our use of system	32.1	3.8	9.4	54.8	39.9	4.5	5.3	50.3
Other online resources	25.3	3.7	13.3	57.7	25.5	2.4	8.7	63.3
Online webinars	20.9	4.0	13.3	61.9	23.5	3.0	10.9	62.7

NOTE: Data for 2010 may differ from previously published reports because cases with a "not aware of item" or "never used item" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

While a majority of E-Verify users in 2013 found the online User Manual to be helpful (59 percent), a few reported that it was not helpful (5 percent) and more than one-third of employers reported they either were not aware of this resource (5 percent) or had never used it (32 percent). Some E-Verify employers reported that they found E-Verify webinars helpful (21 percent) as well as other online resources helpful (25 percent). However, as with the findings for the helpfulness of the User Manual, it is important to note the percentages of users that either were not aware of these resources or had never used them. For example, as shown in Table VI-1, 13 percent of E-Verify users were unaware of online webinars and 62 percent had never used this resource. Together, these findings suggest a need for expanding outreach and communication activities to promote awareness and use of these important online resources.[92]

---

[92] USCIS has commissioned a separate, more in-depth study with E-Verify users and potential users designed to enhance the effectiveness of their E-Verify communication and outreach efforts and resources.

The percentage of E-Verify users reporting that the online tutorial and the online manual were helpful declined from 2010 (Table VI-1). However, a closer look at the data for the User Manual shows that the decline in the percentage reporting that it was helpful was due to the increase in the percentage of users that had never used this online resource. (There was no significant change in the percentage of E-Verify employers that never used the online tutorial.) Thus, the primary concern is the declining use of the User Manual, not a decline in the reported helpfulness of this resource.[93] The decline in the use of the online manual could be attributed to a number of related changes. These changes could include changes in demographics (e.g., small employers may have less need of the manual), and E-Verify software improvements that make using the manual less necessary.

The E-Verify system includes mouse-over features on data entry fields to provide guidance to E-Verify users. In 2013, about two-thirds of E-Verify users reported that the mouse-over features on data entry fields were helpful, and this percentage did not change significantly from 2010 (70 percent) (Table VI-1). Again, however, some employers were unaware of this feature (11 percent in 2013 and 8 percent in 2010) or had never used it (20 percent in 2013 and 19 percent in 2010).

3.2   E-Verify System Reports Available to Employers

The E-Verify system generates reports to monitor the status of workers' cases and the company's use of the system. In 2013, the majority of E-Verify users (54 percent) indicated that E-Verify reports that monitor case statuses were helpful, and 4 percent did not find these reports helpful (Table VI-1). However, 4 percent of E-Verify users reported that they were unaware of these reports, and 38 percent indicated that they had never used this resource.

When asked about the E-Verify reports on the company's usage of the system and of individual users within the company, about one third of the respondents in 2013 reported that they found these reports helpful, and 4 percent did not find the reports helpful. Again, almost two thirds of the respondents were unaware of this type of report (9 percent) or had never used it (55 percent).

As shown in Table VI-1, there was a decrease in the percentage of E-Verify users that indicated that E-Verify system reports on workers' case statuses were helpful and in the percentage of users that indicated that reports on the company's usage of the system were helpful. However, a closer look at the data shows that these declines were due primarily to the increase in the percentage that reported they had never used these resources. Thus, the key issue is a decline in use of these reports.

4.   SATISFACTION WITH E-VERIFY HELP DESK AND CUSTOMER SERVICE

➢ **While a majority of E-Verify users reported that they had no need to call the E-Verify Technical Help Desk or Customer Service number, most of the respondents that called these resources reported being satisfied with their experience.**

➢ **Among the few respondents that were dissatisfied with their contacts with the E-Verify Technical Help Desk or Customer Service, the most frequently cited reason was that it was difficult to understand the answer they received. Other respondents indicated that the Help Desk or Customer Service USCIS representative was rude or discourteous or referred them to another phone number.**

---

[93] Among respondents that reported using the online manual, the percentage that found this resource helpful was about the same across survey years (ranging from 93 to 94 percent).

In 2010 and 2013, current users of E-Verify were asked if they had ever tried calling the E-Verify Technical Help Desk or Customer Service number.[94] Respondents that had called either number were asked about their satisfaction with the experience and the reasons for their satisfaction or dissatisfaction.

4.1   Contacting E-Verify Help Desk or E-Verify Customer Service Number

The majority of E-Verify users reported that they did not have any need to call the E-Verify Technical Help Desk or the E-Verify Customer Service number (64 percent in both 2013 and 2010; not shown in figures or tables). In 2013, of those respondents that called either of the numbers, about one-third (34 percent) called the Customer Service number only, 18 percent called the Help Desk only, 17 percent called both numbers, and 30 percent were unsure which number they had called (Figure VI-4).

Figure VI-4. Among E-Verify users that ever tried calling the E-Verify Technical Help Desk or the E-Verify Customer Service number, percent reporting the service that was called: 2013 and 2010
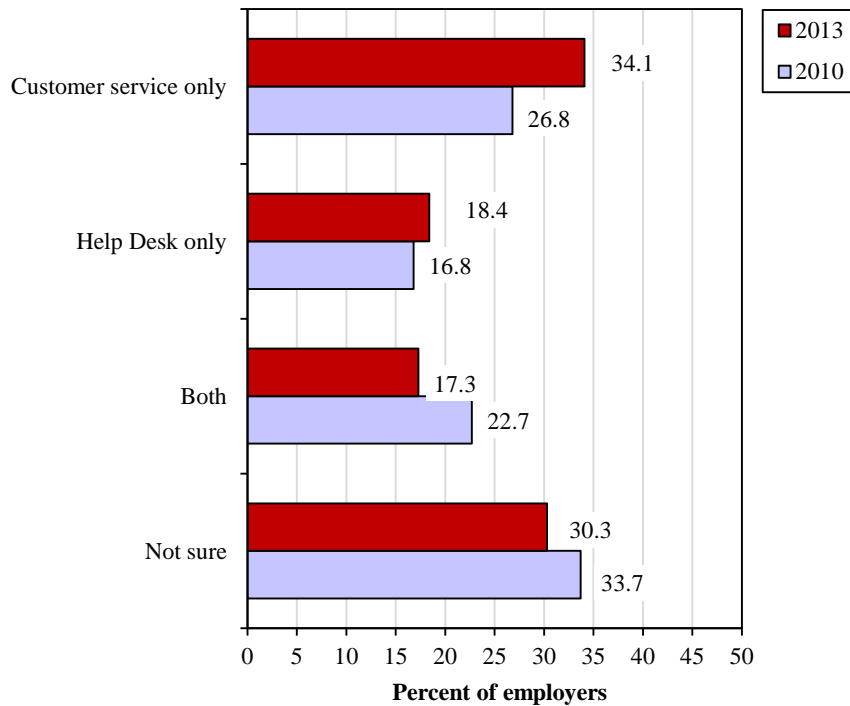
NOTE: Data for 2010 may differ from previously published reports because cases with a "don't know" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

In 2013, most E-Verify users reported that they did not require frequent assistance from the E-Verify Help Desk (89 percent; not shown in figures or tables). When asked if USCIS usually provides adequate training when introducing new program features, more than half of the respondents agreed with this statement, 8 percent disagreed, and 35 percent reported 'not applicable' (not shown in figures or tables). Thus, a key issue is that some E-Verify users were not aware of new program features or were unaware of

---

[94] This question was first asked in 2010.

USCIS training on the use of these features. Alternatively, it is possible that some E-Verify users have not submitted E-Verify cases or encountered cases in which these new features were relevant.

4.2 Satisfaction With E-Verify Help Desk or Customer Service

Most E-Verify users that called the E-Verify Technical Help Desk or Customer Service number were satisfied with their experience in using these services, and the level of satisfaction was about the same across those that contacted either service. For example, 89 percent of 2013 E-Verify respondents reported that they were either very satisfied (54 percent) or satisfied (35 percent) with their experiences in contacting the Help Desk (Figure VI-5). Similarly, 90 percent of E-Verify users that called the Customer Service number were either very satisfied or satisfied with their experience, and 89 percent of those who were unsure about which number they called (i.e., Technical Help Desk or Customer Service) were also very satisfied or satisfied with the experience.

Between 2010 and 2013, there were no significant differences in the percentage of E-Verify employers that reported being very satisfied with their experiences in contacting the E-Verify Technical Help Desk or Customer Service.

Figure VI-5. Among E-Verify users that tried calling USCIS for the help desk or customer service, percent reporting satisfaction with their experience: 2013 and 2010
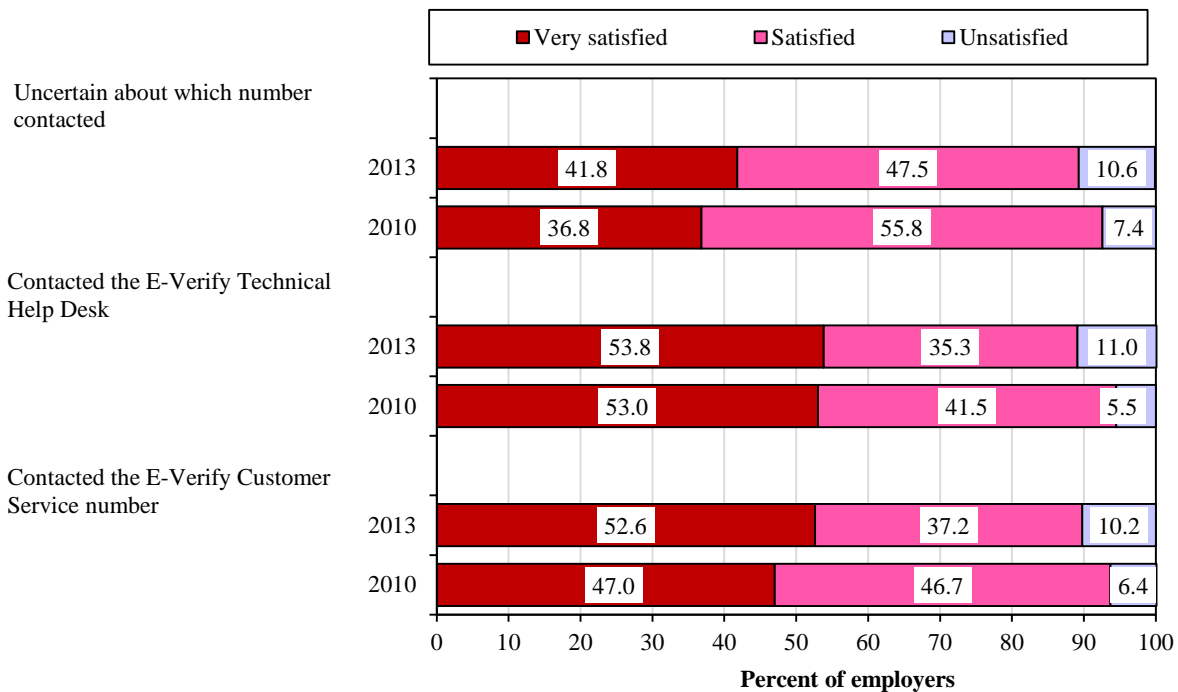
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

## 4.3 Reasons for Dissatisfaction With E-Verify Help Desk or Customer Service

The few respondents that expressed dissatisfaction with either the E-Verify Technical Help Desk or Customer Service were asked about reasons for their dissatisfaction with the services. In 2013, the most frequently cited reason for respondents' dissatisfaction with the Technical Help Desk or Customer

Service was that the individual they contacted was unable to answer the questions asked (72 percent) (not shown in figures or tables). In addition, close to half of the dissatisfied respondents indicated that it was difficult for them to understand the answer provided by these services, 36 percent felt that the Help Desk or Customer Service representative was rude or discourteous, and 26 percent of the respondents were referred to another phone number to get help. In general, these complaints about the Technical Help Desk or Customer Service in 2013 were ranked in a similar order in 2010.

5. SATISFACTION AMONG MANDATED E-VERIFY USERS AND NONUSERS

➢ **A majority of mandated employers reported that they would be likely to continue using E-Verify, even if they were not required to do so. The most frequently cited reasons were to improve the company's ability to verify work authorization; to avoid a possible U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine; and to satisfy clients who like E-Verify.**

➢ **Among the mandated companies opting to discontinue using E-Verify if they were not required to use it, the most common reason for discontinuing use was that their companies seldom had any new hires.**

5.1 Likelihood That Mandated Employers Would Use E-Verify

As reported in Table III-1 in Chapter III, 62 percent of E-Verify users in 2013 stated that they were currently required to use E-Verify, either due to having a federal contract requiring participation and/or doing business in a state or locality that requires participation. Among these mandated employers, 60 percent reported that they would be 'very likely' or 'likely' to continue using E-Verify, even if their company was no longer required to use the Program (Figure VI-6).[95]

Figure VI-6. Among employers mandated to use E-Verify, percent reporting the likelihood of their company continuing to use the Program if no longer mandated: 2013 and 2010
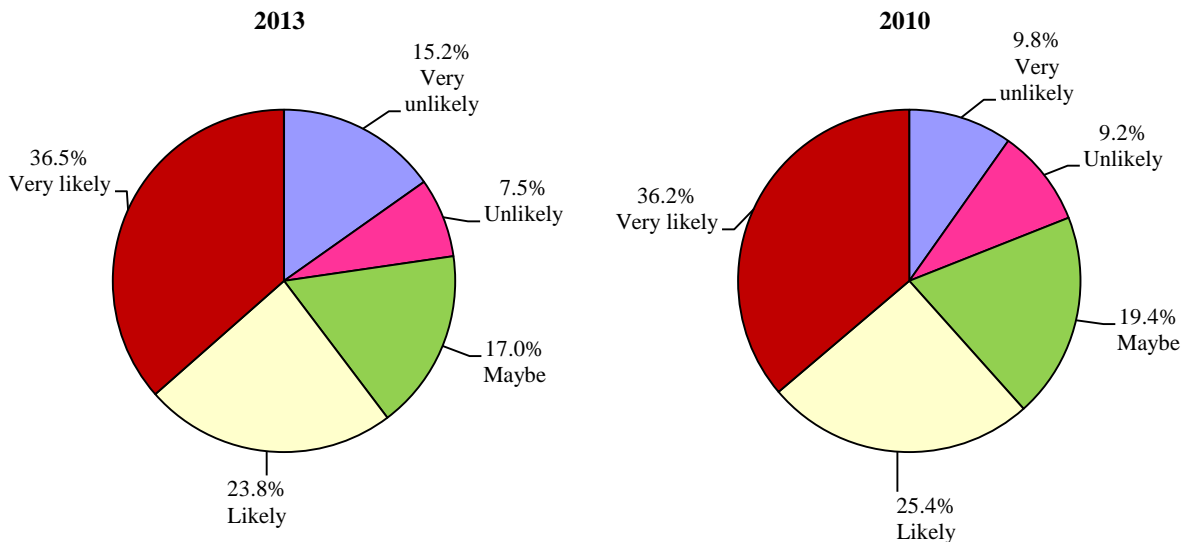
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

---

[95] This question and the follow-up questions on the subsequent pages were first asked in 2010.

Among mandated E-Verify users who reported that their companies were likely to continue using E-Verify even if not mandated, the most frequently reported reason in 2013 was to improve their ability to verify work authorization status (96 percent) (Figure VI-7). This was followed by the percentage of respondents (54 percent) who reported that their companies would be likely to continue using E-Verify to avoid a possible ICE audit, raid, or fine. Some respondents indicated that that they would be likely to continue using E-Verify because their clients liked that they used it (37 percent) or because using E-Verify will help them to remain more competitive with other companies in their industries (36 percent).

Among mandated E-Verify employers reporting that their companies were *not* likely to continue using the Program if not mandated, the most frequent explanation in 2013 was that their companies seldom had any new hires (60 percent) (Figure VI-7). The next most frequently cited reason was that E-Verify was burdensome to use (45 percent). In addition, a small percentage of mandated E-Verify users in 2013 (8 percent) reported that they would not continue to use E-Verify because using E-Verify made it difficult to attract qualified workers, or because using E-Verify made them less competitive with other companies in their industry (7 percent).

In general, for each of the reasons mandated E-Verify users would or would not continue using E-Verify, even if not mandated, the percentages did not change significantly from 2010 (Figure VI-7). However, an exception is that the percentage of respondents that reported that their companies were unlikely to use E-Verify because the Program was too burdensome dropped from 51 percent in 2010 to 45 percent in 2013.

Figure VI-7. Among mandated employers that reported being likely or unlikely to continue using E-Verify, percent reporting their company's reasons for this position: 2013 and 2010
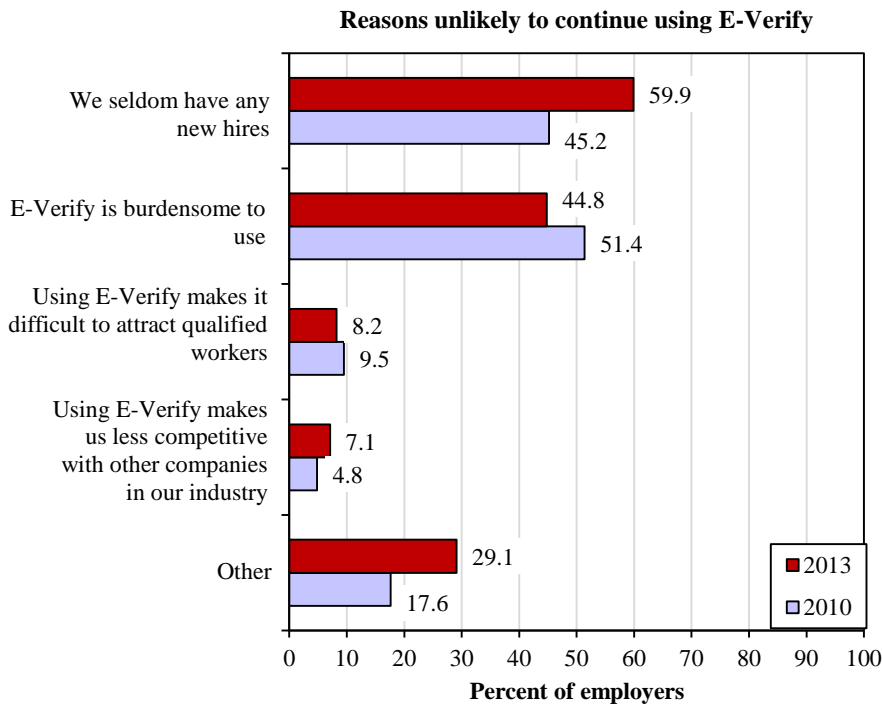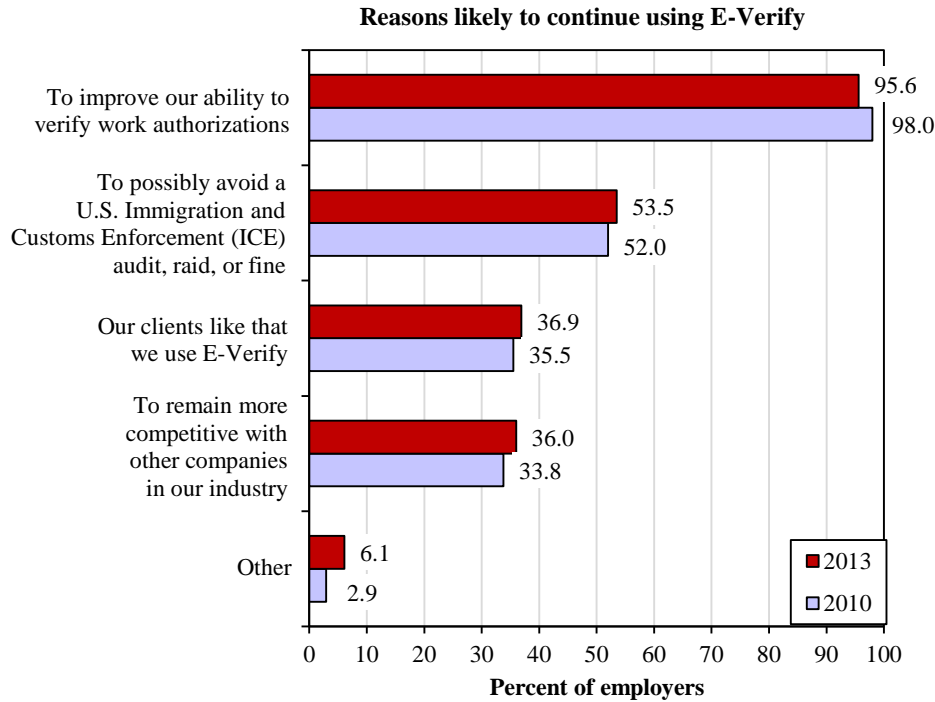
Reasons likely to continue using E-Verify

Reasons unlikely to continue using E-Verify

NOTE: Data for 2010 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages.
SOURCE: E-Verify Web Survey: 2013 and 2010.

5.2 Reasons Nonusers and Prior Users Do Not Currently Use E-Verify

Survey respondents who did not use E-Verify at the time of the survey were asked why their companies were not using the Program.[96] In the 2013 survey, 14 percent of the respondents reported that their companies did not currently use E-Verify, compared to 18 percent in the 2010 survey (not shown in figures/tables).

In 2013, the most frequently cited reason for not using E-Verify was having no new hires in the past 6 months (62 percent) (Table VI-2). Reasons less frequently reported by respondents for not using E-Verify were because it was too burdensome (15 percent) or because the person who originally wanted to use E-Verify had left the company (6 percent). Very few companies reported any of the other reasons specified in the survey.

Table VI-2. Among employers not currently using E-Verify, percent reporting why their company is not currently using the Program: 2013 and 2010

Reasons	2013			2010		
	Yes	No	Don't know	Yes	No	Don't know
We had no new hires in the past 6 months	62.1	34.2	3.7	60.6	32.1	7.3
We decided it would be too burdensome to use the system	14.6	67.2	18.2	15.6	62.9	21.5
The person who originally wanted to use the Program has left the company	6.4	82.3	11.3	7.0	72.3	20.7
We decided that there was a better way to improve our verification process	4.7	75.0	20.3	3.7	71.6	24.7
Using E-Verify would reduce our number of job applicants	0.8	81.7	17.5	3.5	73.0	23.5
Using E-Verify would make us less competitive in the market place	0.5	79.4	20.1	1.7	75.8	22.5
Using E-Verify would result in the loss of some existing employees	0.4	82.6	17.0	1.1	76.2	22.7
Other	45.9	31.1	23.0	25.1	42.1	32.9

NOTE: Data for 2010 may differ from previously published reports because cases with a "not applicable" response option were previously excluded in the calculation of percentages. Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013 and 2010.

6. EMPLOYER RECOMMENDATIONS REGARDING E-VERIFY

➢ **A majority of E-Verify users in 2013 indicated support for allowing verification of job applicants, requiring all companies in the United States to use E-Verify, allowing all companies to verify existing employees, and increasing the types of documents that can be used with Photo Matching. It should be noted that the implementation of most of these recommendations would require legislative action.**

➢ **Close to half of E-Verify users indicated support for adding a formal appeal process for cases with a Final Nonconfirmation finding.**

In 2010 and 2013, all E-Verify users were asked to indicate **whether they supported, opposed, or had no opinion to a series of statements** regarding potential changes to E-Verify. These statements referred to potential changes such as:

---

[96] Due to changes in question phrasing, 2008 data are not comparable and are not presented here.

- Expanding E-Verify to job applicants, existing employees, and all U.S. companies. It should be noted that the implementation of these recommendations would require legislative changes;

- Improving the company's ability to confirm a worker's identity by increasing the documents that can be used with Photo Matching and allowing employers to take and verify fingerprints;

- Changing related aspects of the E-Verify process, including elimination of the paper Form I-9, making TNC notices and referral letters available in more languages, and adding a formal appeal process for cases with Final Nonconfirmation (FNC) findings.

As shown in Table VI-3, many of these potential changes were endorsed by a majority of E-Verify users.

Table VI-3. Percent of E-Verify users reporting potential changes to E-Verify: 2013 and 2010[1]

	2013			2010		
	Support	Oppose	No opinion	Support	Oppose	No opinion
Allowing verification of job applicants	66.9	10.6	22.5	54.9	20.3	24.7
Allowing all companies to verify existing employees	59.2	12.6	28.2	54.9	19.9	25.2
Requiring all companies in the United States to use E-Verify	63.1	14.4	22.4	65.6	14.7	19.7
Eliminating the paper Form I-9	50.0	27.1	23.0	46.9	32.9	20.1
Including the ability to take and verify fingerprints	24.1	42.3	33.6	24.6	46.2	29.3
Increasing the types of documents that can be used with Photo Matching	52.2	12.6	35.3	45.9	10.4	43.7
Making Tentative Nonconfirmation notices and referral letters available in more languages	26.3	19.9	53.9	27.8	23.7	48.5
Adding a formal appeal process that employers or their employees could use if they disagree with the final case finding.	47.2	7.9	44.9	48.8	10.3	41.0
Any other changes you might want to suggest (specify)	7.8	1.0	91.2	8.1	1.0	90.9

[1] For presentation purposes, the response categories 'strongly support' and 'support' were collapsed into 'support,' and the categories 'strongly oppose' and 'oppose' were collapsed into 'oppose.' Due to the large number of participants who skipped the final 'other changes' option, the 'other changes' percentage may be overstated.

NOTE: Data for 2010 may differ from previously published reports because cases with a "no opinion" response option were previously excluded in the calculation of percentages. Sums may not add to 100 percent because of rounding.

SOURCE: E-Verify Web Survey: 2013 and 2010.

6.1   Expanding E-Verify

Currently, E-Verify procedures do not permit prescreening of job applicants (i.e., using E-Verify for workers before a job offer is made and accepted). When asked for their opinion about allowing prescreening, 67 percent of 2013 E-Verify users indicated support for this change, 11 percent opposed this potential change and 23 percent did not express an opinion. The percentage of E-Verify users who support this potential change increased from 2010 when 55 percent of the employers expressed this opinion (Table VI-3). As discussed earlier, implementing the recommendations regarding prescreening would require legislative changes.

As discussed in Chapter I, under the FAR clause, federal contractors have the option to verify all existing employees. When asked about extending this option to all workers, a majority of 2013 E-Verify users

(59 percent) indicated support for this potential change. This percent did not change significantly from 2010.

In 2013, almost two-thirds of E-Verify users (63 percent) were in support of requiring all U.S. companies to use E-Verify. This support for mandatory use of E-Verify has not changed significantly from 2010 when 66 percent of users supported this potential change.

6.2   Improving Employers' Ability to Confirm Worker Identity

E-Verify users expressed support for various changes that would help them better confirm the identity of workers. As shown in Table VI-3, about half of the employers were in favor of increasing the types of documents that can be used with Photo Matching, up from 46 percent of employers in 2010 who supported this potential change.

In addition to permanent resident cards, work authorization documents, U.S. passports, and U.S. passport cards, USCIS now verifies identity information, but not photos, from state drivers' licenses from Mississippi, Florida, Iowa, and Idaho when these documents are presented in the I-9 process.

6.3   Additional Recommendations From Open-ended Survey Item

All survey respondents were given the opportunity to provide additional comments or suggestions for improvements to E-Verify. As described in the methods section, these open-ended responses were coded and frequently mentioned suggestions are summarized below.

Employers used this opportunity to suggest some changes that would require legislative action, such as allowing E-Verify users to prescreen job applicants and increasing the number of days to verify work authorization. Other common suggestions were:

- The TNC process should be made simpler,[97] including changes that would make TNC instructions easier to understand and informing employers by email when additional action on a case is needed.

- More documents should be added to Photo Matching, including state drivers' licenses.

- Provide additional training, guidance, or email updates from USCIS on how to address some problems such as entering compound names into E-Verify. Several employers also requested examples of typical documents that would be entered into E-Verify.[98]

Some employers requested changes that may not be possible. For example, some employers indicated that password requirements needed to be simplified and that users should not be required to change their password so frequently. However, password requirements are mandated for all federal systems, including E-Verify, and cannot be simplified or modified to require less frequent updates. In addition, several employers asked that all data entry fields be accessible by the 'tab' key, that the necessity for mouse clicks during data entry be eliminated, and that the fields for dates be numeric. In addition, a few

---

[97] Some of these suggestions may be addressed by USCIS' recent update to the TNC process; as of September 8, 2013, the TNC Notice and Referral Letter was replaced by the Further Action Notice, and the TNC process was streamlined. On February 23, 2014, E-Verify released an updated DHS TNC Further Action Notice to include information on correcting immigration records.

[98] Samples of documents are currently found in online resources in the *Guide to Selected Travel and Identity Documents* and in the M-274.

employers requested that it be easier to correct data entry errors in E-Verify, and several asked that system time-outs during data entry be reduced.

6.4   Changing Other Aspects of the E-Verify Process

In 2013, almost half of E-Verify users indicated support for adding a formal appeal process to E-Verify so that employers or their workers could resort to this process if they disagree with the FNC case finding. In addition, about half of E-Verify employers support the elimination of the paper Form I-9 and about one-fourth were in favor of making TNC notices and referral letters available in more languages (Table VI-3). One can expect a decrease in these latter percentages with the implementation of the electronic I-9 and ongoing effort to make TNCs and referral letters available in many languages other than English.

The percentage of E-Verify employers voicing support for these potential changes did not change from 2010, indicating a continued desire for the implementation of these changes.

7.   A CLOSER LOOK AT SELECTED INDICATORS OF SATISFACTION

As discussed in Chapters IV and V, it is reasonable to expect that employers with different characteristics may differ in their perceptions of E-Verify and their experiences in using the Program. Past E-Verify evaluations provide some support for the expectation that various subgroups of E-Verify users will differ in their levels of satisfaction with Program features and resources. For example, findings from the 2011 User Survey report indicate that mandated users of E-Verify reported less satisfaction with the Program than nonmandated users.[99]

In 2013, survey responses were examined to determine whether satisfaction rates varied by selected employer characteristics. These characteristics were employer *mandated status* (whether companies were required by federal, state, or local mandates to use E-Verify), *industry type* (employment agencies, companies in industries with historically high percentages of undocumented workers, and companies in other types of industries), and *company size* (small, medium-sized, and large).[100] For the remainder of this section, companies in industries with historically high percentages of undocumented workers will be referred to as "high-risk" companies, due to a higher likelihood of cases resulting in TNCs and FNCs. Descriptive analyses are included to provide initial insights on how satisfaction with E-Verify was associated with these employer characteristics.

7.1   Mandatory Use of E-Verify

It was hypothesized that companies that voluntarily use E-Verify may be more favorably disposed toward the Program and may express more satisfaction with it compared to those that were required to use it. The 2013 data provided some limited support for these expectations (not shown in figures/tables).

Mandated E-Verify users in 2013 differed from voluntary users in only two areas of E-Verify system usability and program features.

---

[99] *Findings of the E-Verify User Survey*, July 8, 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/Findings_of_the_EVerify_User_Survey.pdf).

[100] The following definitions are used to characterize employer size: small (1–24 workers), medium (25–150 workers), and large (151 or more workers).

- Consistent with expectations, mandated E-Verify users were less likely than nonmandated users to characterize the online tutorial as being helpful (82 percent versus 89 percent); and

- Mandated E-Verify users were also less likely than voluntary users to agree that the available E-Verify system reports covered all of their reporting needs (69 percent versus 78 percent).

For all of the other areas of E-Verify features and resources, mandated users did not differ from nonmandated users in their experiences with or perceptions of the Program. For example, satisfaction level did *not* differ by the employers' mandated status for any of the following key features and resources of E-Verify:

- The overall user-friendliness of E-Verify.

- Whether it is easy to make a data entry error when entering information into E-Verify.

- Whether the tutorial takes too long to complete.

- The helpfulness of the online User Manual.

7.2   Type of Industry

As discussed in earlier chapters, employment agencies and companies in "high-risk" industries may experience a disproportionately high percentage of cases resulting in TNCs and FNCs.[101] The 2013 survey data were examined to explore whether rates of satisfaction with the E-Verify system features and program resources varied among these three groups of E-Verify users (employment agencies, companies in high-risk industries, and companies in other types of industries). Table IV-4 includes only selected statistically significant differences among these groups. For example:

For many E-Verify system features and program resources, employment agencies reported higher rates of satisfaction compared with companies in high-risk industries and companies in other types of industries (Table VI-4). Employment agencies were more likely to agree that E-Verify was very user-friendly, and mandated employment agencies were more likely to report that they would continue using E-Verify even if not mandated. Employment agencies were also more likely to report satisfaction with many E-Verify features and resources, including the online User Manual, system-generated reports to monitor the status of cases and the company's use of E-Verify, mouse-over features, and USCIS training on new E-Verify features. However, perhaps due to their higher hiring volume, employment agencies were more likely to report problems with entering certain types of names into the system and with E-Verify system timeouts that require them to reenter information.

In general, few significant differences were observed in satisfaction levels between companies in high-risk industries and companies in other types of industries. However, companies in high-risk industries were more likely to express satisfaction with the online webinars and system-generated reports to monitor the status of cases and the company's use of E-Verify.

---

[101] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings and Dwellings; Accommodations; and Food Services and Drinking Places.

Employment agencies were more likely to support certain types of changes to E-Verify, compared with companies in high-risk industries and companies in other types of industries. Employment agencies were more likely to support increasing the types of documents that could be used with Photo Matching. They were also more likely to support making Tentative Nonconfirmation notices and referral letters available in more languages.

Companies in high-risk industries were less likely to support a few changes to E-Verify, compared to employment agencies and companies in other types of industries. For example, companies in high-risk industries were less likely to support eliminating the paper I-9. They were also less likely than employment agencies to support allowing all companies to verify existing employees.

Table VI-4. Percent of employers responding to selected indicators of satisfaction, by type of industry: 2013[1]

Indicator	Employment agencies	Companies in high-risk industries[2]	Companies in other types of industries
Thinking about system navigation and data entry issues, how user-friendly is the E-Verify system? **Very user-friendly.**	69.3[b,c]	62.1[a]	61.3[a]
We are sometimes unsure about how to enter certain types of names (e.g., single names, compound/hyphenated last names, very long names, etc.). **Agree or strongly agree.**	49.5[b,c]	38.7[a,c]	31.8[a,b]
System timeouts require us to reenter information previously entered. **Agree or strongly agree.**	26.4[b,c]	12.4[a]	14.1[a]
The online webinars were **very helpful or helpful.**	28.9[c]	25.4[c]	18.8[a,b]
The reports to monitor the status of worker cases were **very helpful or helpful.**	73.2[b,c]	56.9[a]	52.8[a]
The reports to monitor the company's use of the system and the use of individual users in the company were **very helpful or helpful.**	49.0[b,c]	36.0[a,c]	30.0[a,b]
Mouse-over features on data entry fields were **very helpful or helpful.**	75.0[b,c]	64.6[a]	67.6[a]
The online User Manual was **very helpful or helpful**.	69.2[b,c]	62.4[a]	57.0[a]
The online tutorial was **very helpful or helpful**.	88.2[c]	85.3	82.3[a]
Other online resources were **very helpful or helpful.**	35.3[b,c]	26.7[a]	24.5[a]
USCIS usually provides adequate training when introducing new program features. **Agree or strongly agree.**	70.4[b,c]	56.7[a]	56.7[a]
If your company were no longer required to use E-Verify, how likely is it that you would continue to use it? **Very likely.[3]**	59.9[b,c]	32.1[a]	38.3[a]
Why would you be likely to continue using E-Verify? To remain more competitive with other companies in our industry. **Yes.[4]**	79.9[b,c]	38.4[a]	34.2[a]
Why would you be likely to continue using E-Verify? Our clients like that we use E-Verify. **Yes.[4]**	87.4[b,c]	48.2[a,c]	31.2[a,b]
Why would you be unlikely to continue using E-Verify? We seldom have any new hires. **Yes.[5]**	12.4[b,c]	58.8[a]	60.7[a]
It is a burden to have to pass the Tutorial Knowledge Test (previously called the Mastery Test) before being allowed to use the online verification system. **Agree or strongly agree.**	21.5[c]	26.3	29.3[a]
It is easy to make errors when entering employee information into the E-Verify system. **Agree or strongly agree.**	30.1[b,c]	21.7[a]	19.0[a]
E-Verify is not always available because the federal system is 'down.' **Agree or strongly agree.**	9.0[c]	6.5	4.9[a]

Table VI-4. Percent of employers responding to selected indicators of satisfaction, by type of industry: 2013[1]—Continued

Indicator	Employment agencies	Companies in high-risk industries[2]	Companies in other types of industries
Allowing all companies to verify existing employees. **Support or strongly support.**	62.1[b]	56.2[a]	60.5
Eliminating the paper Form I-9. **Support or strongly support.**	52.5[b]	44.6[a,c]	52.2[b]
Increasing the types of documents that can be used with Photo Matching. **Support or strongly support.**	58.8[b,c]	49.0[a]	53.4[a]
Making Tentative Nonconfirmation notices and referral letters available in more languages. **Support or strongly support.**	39.5[b,c]	27.5[a]	25.5[a]
Adding a formal appeal process that employers or their employees could use if they disagree with the final case finding. **Support or strongly support.**	43.0[c]	43.2	49.0[a]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from employment agencies at the .05 level. A 'b' indicates that the percentage is significantly different from high-risk companies at the .05 level. A 'c' indicates that the percentage is significantly different from companies in other industries at the .05 level. The questions in Table VI-4 were asked of E-Verify users in 2013, unless otherwise noted, and the reported percentages reflect this population. Percentages were calculated separately within employment agencies, high-risk, and companies in other industries.

[2] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings an Dwellings; Accommodations; and Food Services and Drinking Places.

[3] This question was asked only of E-Verify users who reported that their companies were mandated to use E-Verify. Percentages reflect this population of survey respondents.

[4] This question was asked only of E-Verify users who reported that their companies were mandated to use E-Verify and that they would be very likely or likely to continue using E-Verify if not mandated. Percentages reflect this population of survey respondents.

[5] This question was asked only of E-Verify users who reported that their companies were mandated to use E-Verify and that they would be very unlikely or unlikely to continue using E-Verify if not mandated. Percentages reflect this population of survey respondents.

SOURCE: E-Verify Web Survey: 2013.

7.3   Company Size

Company size appears to be related to satisfaction rates for many E-Verify features and resources, including the enrollment process, the online tutorial and knowledge test, and navigation and data entry processes. Table VI-5 shows significant differences in satisfaction rates by company size.

In general, small companies expressed less satisfaction with the E-Verify system features and program resources. Small companies were less likely than medium-sized and large companies to express satisfaction with the E-Verify enrollment process, the online tutorial, and the knowledge test (Table VI-5) perhaps because of limited staff and time resources to meet these requirements. Compared with large companies, small companies were also less likely to report that E-Verify was user-friendly in general, and they were less likely to rate E-Verify resources, such as the online webinars, as being helpful. Small companies were less likely than large companies to report that it was easy to make errors when entering worker information into the E-Verify system and less likely to indicate that they were unsure about how to enter certain types of names into E-Verify.

Table VI-5. Percent of employers responding to selected indicators of satisfaction, by company size: 2013[1]

Indicator	Small	Medium-sized	Large
The online registration process was too time-consuming. **Agree and strongly agree.**	35.5[c]	25.9	18.4[a]
The content of the online tutorial was easy to understand**. Agree and strongly agree.**	89.8[c]	91.1	95.4[a]
The tutorial adequately prepared us to use the online verification system. **Agree and strongly agree.**	90.9[c]	93.4	95.7[a]
The tutorial takes too long to complete. **Agree and strongly agree.**	39.9[c]	32.5	28.7[a]
It is a burden to have to pass the knowledge test (previously called the Mastery Test) before being allowed to use the online verification system. **Agree and strongly agree.**	37.3[b,c]	23.5[a]	22.2[a]
Thinking about system navigation and data entry issues, how user-friendly is the E-Verify system? **Very user-friendly.**	47.8[b,c]	69.1[a]	70.6[a]
It is easy to make errors when entering employee information into the E-Verify system. **Agree and strongly agree.**	16.2[c]	19.9	24.7[a]
We are sometimes unsure about how to enter certain types of names (e.g., single names, compound/hyphenated last names, very long names, etc.). **Agree and strongly agree.**	29.9[c]	32.5	45.7[a]
The online tutorial **was very helpful or helpful.**	80.2[c]	83.1	90.8[a]
The online webinars were **very helpful or helpful.**	17.4[c]	20.7	27.3[a]
Other online resources were **very helpful or helpful.**	21.8[c]	23.3	36.4[a]
USCIS usually provides adequate training when introducing new program features. **Agree and strongly agree.**	48.3[b,c]	59.2[a,c]	67.0[a,b]
If your company were no longer required to use E-Verify, how likely is it that you would continue to use it? **Very likely.[2]**	20.7[b,c]	42.4[a]	54.3[a]
If your company were no longer required to use E-Verify, how likely is it that you would continue to use it? **Very unlikely.[2]**	23.1[b,c]	13.3[a,c]	4.0[b,c]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from small companies at the .05 level. A 'b' indicates that the percentage is significantly different from medium-sized companies at the .05 level. A 'c' indicates that the percentage is significantly different from large companies at the .05 level. The questions in Table VI-5 were asked of E-Verify users in 2013, unless otherwise noted, and the reported percentages reflect these populations. Percentages were calculated separately within small companies, within medium-sized companies, or within large companies. The following definitions are used to characterize employer size: small (1–24 workers), medium-sized (25–150 workers), and large (151 or more workers).

[2] This question was asked only of E-Verify users who reported that their companies were mandated to use E-Verify. Percentages reflect this population of survey respondents.

[3] Not significantly different by company size. This question was asked only of E-Verify users who reported that their companies were mandated to use E-Verify. Percentages reflect this population of survey respondents.

SOURCE: E-Verify Web Survey: 2013.

CHAPTER VII. FINANCIAL IMPACT OF E-VERIFY ON EMPLOYERS

An important goal of E-Verify is to minimize the financial burden on employers participating in the Program. In recent years, increased legislative and regulatory mandates at the federal, state, or local levels have resulted in an increasing number of employers being required to use E-Verify. For some employers, especially those with fewer staff and financial resources, the mandatory use of E-Verify may be associated with increased financial burdens. This chapter examines the perceived burden and estimated cost of E-Verify on employers, including direct and indirect costs incurred in setting up and maintaining E-Verify.

In addition to presenting user survey data from 2013, this chapter also examines changes from 2010 and 2008 when feasible.

1. SETTING UP E-VERIFY

➢ **In 2010 and 2013, about one in five current and prior E-Verify employers reported any direct costs associated with setting up E-Verify.**

➢ **The most frequently cited direct cost was training the company's staff to use E-Verify.**

➢ **The majority of respondents reported that the indirect costs associated with setting up E-Verify were not a burden at all.**

Current and prior users of E-Verify were asked whether they incurred various types of direct costs for setting up E-Verify, the estimated dollar amounts for those costs, and the perceived burden of indirect setup costs for E-Verify. When reporting setup costs, employers were asked to exclude costs for equipment they had prior to setting up E-Verify.

About one in five current and prior E-Verify users in 2010 and 2013 reported any direct costs related to setting up E-Verify at their companies (21 percent and 22 percent, respectively) (Table VII-1). Although 26 percent of current and prior E-Verify users reported having direct setup costs in 2008, this was not a statistically significant difference from 2013 when 22 percent reported direct setup costs.

Table VII-1. Percent of current and prior E-Verify users reporting direct costs incurred in *setting up* the Program: 2013, 2010, and 2008

	2013	2010	2008
Any direct setup costs	21.7	21.1	25.7
Training	21.8	22.1	17.2
Computer hardware	1.3	1.6	1.4
Telephone line to access Internet	1.1	0.7	1.1
Internet connection and access charges	2.1	2.5	0.7
Filing cabinets or other office equipment	4.5	3.5	2.4
Remodeling or restructuring of physical plant	0.1	0.1	0.1
Other	2.3	1.3	8.1

SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

In all three survey years, the most frequently cited setup cost was for training staff at the company to use E-Verify. Few employers reported incurring other costs listed in the survey, ranging from less than 1 percent for remodeling or restructuring the physical plant to 5 percent for filing cabinets or other office equipment.

Among current and prior E-Verify users that incurred setup costs for E-Verify, the overall median cost was $100 in 2013, the same as the median setup cost reported in 2008 and 2010 (Table VI-2).[102] A closer look at the employers that spent considerably more than the typical amount reported shows that the 10 percent of employers with the highest costs reported spending $300 or more for setup costs. This was a sharp decline from 2010, when the 10 percent of employers with the highest setup costs reported spending $1,000 or more, and from 2008, when the 10 percent of employers with the highest costs reported spending $700 or more.

Table VII-2. Direct *setup* expenditures reported by current and prior users that incurred any setup costs: 2013, 2010, and 2008

	2013			2010			2008		
	10th per-centile	Median	90th per-centile	10th per-centile	Median	90th per-centile	10th per-centile	Median	90th per-centile
Any direct setup costs	$25	$100	$300	$30	$100	$1,000	$50	$100	$700
Training	25	100	500	32	100	670	40	100	500
Computer hardware	100	600	800	100	1,000	1,800	100	500	3,000
Telephone line to access Internet	25	160	600	2	25	200	30	30	800
Internet connection and access charges	10	80	200	10	50	350	50	200	1,000
Filing cabinets or other office equipment	15	60	400	25	150	500	80	200	500
Remodeling or restructuring of physical plant	25	25	2,000	500	500	500	2,000	2,000	9,999
Other	20	100	250	30	100	5,000	20	100	1,000

SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

Current and former E-Verify users were asked if the indirect costs associated with setting up E-Verify were a burden. These include costs associated with activities such as reassigning workers, conducting additional recruitment, and delayed production. While three-fourths of current and former E-Verify users reported that these costs were not a burden at all, some respondents in 2013 reported that these indirect costs were either a slight burden (19 percent) or a moderate or extreme burden (6 percent) (Figure VII-1). The percentage reporting that indirect setup costs were a burden did not change significantly across the survey years.

[102] Throughout this chapter, all cost estimates include only those companies that reported costs. Companies that reported zero costs were not included in the calculation of median costs.

Figure VII-1. Percent of current and prior E-Verify users reporting the burden of *indirect* costs associated with *setting up* E-Verify: 2013, 2010, and 2008
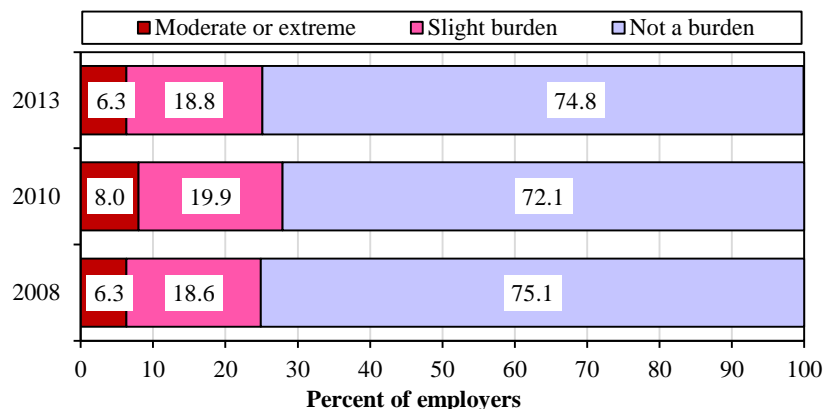
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

2.   MAINTAINING E-VERIFY

➢ **In the 2013 survey year, 15 percent of current E-Verify employers reported direct costs associated with maintaining E-Verify; this percentage represents a decrease from 2008 when 23 percent of the employers reported that they incurred direct maintenance costs.**

➢ **While a majority of E-Verify users reported that the indirect costs associated with maintaining E-Verify were not at all a burden, some reported that these costs were a slight, moderate, or extreme burden.**

Current users of E-Verify were asked whether they incurred various direct costs for maintaining E-Verify at their company, the estimated dollar amounts for those costs, and the perceived burden of the indirect costs for maintaining E-Verify.

Fifteen percent of current E-Verify users in 2013 reported that they incurred direct costs in maintaining E-Verify at their companies (Table VII-3). This represents a decrease from 2008 when 23 percent of E-Verify users reported any direct maintenance costs.

In 2013, the percentage of current E-Verify users that reported specific types of direct costs ranged from 5 percent for telephone fees for internet access to 9 percent for training replacement staff. Since 2008, these percentages have remained small.

Table VII-3. Percent of current E-Verify users reporting direct costs incurred in *maintaining* the Program: 2013, 2010, and 2008

	2013	2010	2008
Any direct maintenance costs	14.7	17.2	22.7
Computer maintenance	6.1	7.1	4.2
Telephone fees for internet access	4.7	5.1	2.0
Internet access fees	5.9	7.3	4.0
Training of replacement staff	9.4	10.6	9.0
Wages for E-Verify specialist	8.3	10.5	7.8
Other	0.7	1.6	6.6

SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

Among current and prior E-Verify users that incurred maintenance costs for E-Verify, the overall median cost was $300 in 2013, which was higher than in 2010 when the cost was $200 but lower than in 2008 when the cost was $350 (Table VII-4). However, the 10 percent of employers that spent considerably more than the typical amount reported by most employers reported spending $2,300 or more, representing a sharp decline from 2010 and 2008 ($3,860 and $4,500, respectively).

Table VII-4. Direct *maintenance* expenditures reported by current users that incurred any maintenance costs: 2013, 2010, and 2008

	2013			2010			2008		
	10th per-centile	Median	90th per-centile	10th per-centile	Median	90th per-centile	10th per-centile	Median	90th per-centile
Any direct maintenance costs	$50	$300	$2,300	$39	$200	$3,860	$50	$350	$4,500
Computer maintenance	50	150	1,200	50	200	950	50	200	1,100
Telephone fees for internet access	25	240	1,320	38	300	960	25	150	1,500
Internet access fees	45	200	1,200	45	456	1,200	25	350	1,200
Training of replacement staff	25	100	950	50	150	1,000	50	150	1,000
Wages for E-Verify specialist	50	400	2,000	25	200	5,000	120	500	5,000
Other	50	200	6,000	0	100	5,000	10	400	5,000

SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

As with the perceived burden of indirect setup costs, most 2013 E-Verify users reported that indirect maintenance costs were not a burden at all (85 percent) (Figure VII-2). However, some users indicated that indirect maintenance costs were a slight burden (12 percent) or a moderate or extreme burden (3 percent). Across survey years, there were no significant differences in the percentage of E-Verify users who reported that indirect maintenance costs were a burden.

Figure VII-2. Percent of E-Verify users reporting the burden of *indirect* costs associated with *maintaining* E-Verify: 2013, 2010, and 2008
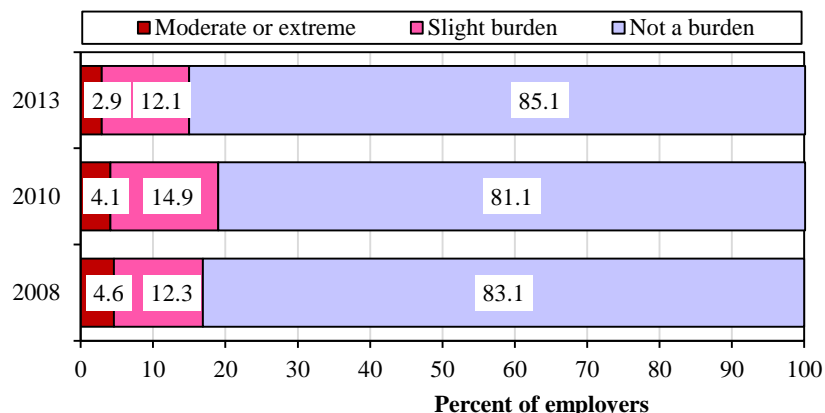
NOTE: Sum may not add to 100 percent because of rounding.
SOURCE: E-Verify Web Survey: 2013, 2010, 2008.

3.   A CLOSER LOOK AT SELECTED INDICATORS OF FINANCIAL BURDEN

Employer characteristics are an important consideration when discussing the financial impact of E-Verify, as differences in burdens for different types of employers might point to the need for special adaptations for these employers (e.g., small employers may need special assistance). Financial costs and perceptions of financial burden may vary based upon employers' characteristics, such as mandated status, industry type, or company size. For example, in the 2011 User Survey report, mandated employers were more likely than voluntary E-Verify users to perceive financial costs as burdensome.[103] Employment agencies and large companies also reported higher costs than other companies.

This section provides insights on the association between key indicators of financial burdens of E-Verify and three employer characteristics: employer *mandated status* (whether companies were required by federal, state, or local mandates to use E-Verify), *industry type* (employment agencies, companies in industries with historically high percentages of undocumented workers, and companies in other types of industries), and *company size* (small, medium-sized, and large).[104] For the remainder of this section, companies in industries with historically high percentages of undocumented workers will be referred to as "high-risk" companies, due to a higher likelihood of cases resulting in Tentative Nonconfirmations (TNCs) and Final Nonconfirmations (FNCs).

3.1   Indicators of E-Verify Financial Burden by Mandatory Status of Companies

It was anticipated that mandated employers might report higher costs than nonmandated users, due to the fact that some companies may have been unwilling to participate voluntarily because of cost considerations.

---

[103] *Findings of the E-Verify User Survey*, July 8, 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/Findings_of_the_EVerify_User_Survey.pdf).

[104] The following definitions are used to characterize employer size: small (1–24 workers), medium (25–150 workers), and large (151 or more workers).

Perceived burden of indirect setup and maintenance costs. As expected, employers that were mandated to use E-Verify were more likely than voluntary users to perceive indirect setup costs for E-Verify as a burden (27 versus 20 percent) (Table VII-5). Mandated users were also more likely to indicate that indirect maintenance costs were a burden (19 percent versus 10 percent).

Direct expenditures for setting up and maintaining E-Verify. There were no significant differences between mandated and nonmandated companies in the median expenditure for setting up E-Verify ($100 for both). However, reported median costs for maintaining E-Verify were lower for current E-Verify employers that are mandated to use E-Verify ($240) than for those that use E-Verify voluntarily ($398).

Table VII-5. Percent of employers responding to selected indicators of financial burden and the median costs reported for setting up and maintaining E-Verify, by mandated status: 2013[1]

Indicator	Mandated to use E-Verify	Not mandated to use E-Verify
Perceptions of financial burden		
Indirect setup costs were a burden[2]	27.3[a]	19.8[b]
Indirect maintenance costs were a burden[3]	18.6[a]	9.7[b]
Median cost		
Overall median direct cost for setting up E-Verify[4]	$100	$100
Overall median direct cost for maintaining E-Verify[5]	$240[a]	$398[b]

[1] Within each line, statistically significant comparisons at the .05 level are indicated with a letter in a superscript. An 'a' indicates that the percentage is significantly different from 'not mandated to use E-Verify' at the .05 level. A 'b' indicates that the percentage is significantly different from 'mandated to use E-Verify' at the .05 level. Percentages were calculated separately within companies with a federal or state requirement to use E-Verify or with no federal or state requirement.
[2] Asked of current and prior E-Verify users in 2013, and the reported percentage reflects this population.
[3] Asked of current E-Verify users, and the reported percentage reflects this population.
[4] Asked of current and prior E-Verify users that reported specific costs for setting up E-Verify, and the reported median reflects only incurred costs.
[5] Asked of current E-Verify users that reported specific costs for maintaining E-Verify, and the reported median reflects only incurred costs.
SOURCE: E-Verify Web Survey: 2013.

3.2   Indicators of E-Verify Burden by Company's Industry Type

Companies in high-risk industries (i.e. industries with historically high percentages of undocumented workers) typically have a disproportionate number of cases resulting in TNCs and FNCs than those in the other types of industry. Due to the nature of their business to provide other companies with new hires, employment agencies may incur disproportionately higher costs to process cases. Past E-Verify evaluations provide some support for the likelihood that employment agencies may incur higher costs for setting up and maintaining E-Verify.[105]

Perceived burden of indirect setup and maintenance costs. Compared with other companies, employment agencies were more likely to state that indirect costs of setting up E-Verify were a burden (Table VII-6). Employment agencies were the most likely to perceive indirect maintenance costs as a burden, followed by high-risk companies, and companies in other types of industries.

---

[105] *Findings of the E-Verify User Survey*, July 8, 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/ E-Verify_Native_Documents/Everify%20Studies/Findings_of_the_EVerify_User_Survey.pdf).

Overall median costs for E-Verify setup and maintenance. As expected, direct setup and maintenance costs were higher for employment agencies than other types of companies (Table VII-6). The higher costs reported by employment agencies may relate to the additional costs of coordinating with clients and processing E-Verify cases.

Table VII-6. Percent of employers responding to selected indicators of financial burden and the median costs reported for setting up and maintaining E-Verify, by type of industry: 2013[1]

Indicator	Employment agencies	Companies in high-risk industries[2]	Companies in other types of industries
Perceptions of financial burden			
Indirect setup costs were a burden[3]	29.8[c]	27.9	23.9[a]
Indirect maintenance costs were a burden[4]	21.4[b,c]	17.8[a,c]	13.6[a,b]
Median cost			
Overall median direct cost for setting up E-Verify[5]	$250[b,c]	$102[a]	$100[a]
Overall median direct cost for maintaining E-Verify[6]	$500[b,c]	$240[a,c]	$300[a,b]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from employment agencies at the .05 level. A 'b' indicates that the percentage is significantly different from high-risk companies at the .05 level. A 'c' indicates that the percentage is significantly different from companies in other industries at the .05 level. These questions were asked of all current E-Verify users in 2013, unless otherwise noted. The reported percentages reflect this population. Percentages were calculated separately within employment agencies, high-risk companies, and all other companies.

[2] High-risk industries historically have high percentages of undocumented workers. These industries were Agriculture, Forestry, Fishing, and Hunting; Construction; Food Manufacturing; Services to Buildings an Dwellings; Accommodations; and Food Services and Drinking Places.

[3] Asked of current and prior E-Verify users, and the reported percentage reflects this population.

[4] Asked of current E-Verify users, and the reported percentage reflects this population.

[5] Asked of current and prior E-Verify users who reported specific costs for setting up E-Verify, and the reported median reflects only incurred costs.

[6] Asked of current E-Verify users who reported specific costs for maintaining E-Verify, and the reported median reflects only incurred costs.

SOURCE: E-Verify Web Survey: 2013.

3.3   Indicators of E-Verify Burden by Company Size

Small companies typically have fewer staff and financial resources to process E-Verify cases but they may also process a smaller number of E-Verify cases.

Perceived burden of indirect setup and maintenance costs. In 2013, small companies were more likely than medium-sized and large companies to perceive indirect setup costs and maintenance costs for E-Verify as a burden (Table VII-7). This is consistent with the expectation that small companies have fewer resources to set up and maintain E-Verify and therefore perceive these requirements as a financial burden.

Overall median costs for E-Verify setup and maintenance. Consistent with expectations, the overall median cost for direct maintenance was lower for small companies that currently use E-Verify ($300) compared with large companies ($500).

Table VII-7. Percent of employers responding to selected indicators of financial burden and the median costs reported for setting up and maintaining E-Verify, by company size: 2013[1]

Indicator	Small companies	Medium-sized companies	Large companies
Perceptions of financial burden			
Indirect setup costs were a burden[2]	28.8[b,c]	21.6[a]	24.2[a]
Indirect maintenance costs were a burden[3]	17.9[b,c]	11.8[a]	16.0[a]
Median cost			
Overall median direct cost for setting up E-Verify[4]	$100	$100	$100
Overall median direct cost for maintaining E-Verify[5]	$300[c]	$250	$500[a]

[1] Within each line, statistically significant comparisons are indicated by a letter in a superscript. An 'a' indicates that the percentage is significantly different from small companies at the .05 level. A 'b' indicates that the percentage is significantly different from medium-sized companies at the .05 level. A 'c' indicates that the percentage is significantly different from large companies at the .05 level. These questions were asked of all current E-Verify users in 2013, unless otherwise noted. The reported percentages reflect this population. Percentages were calculated separately within small, medium-sized, and large companies.

[2] Asked of current and prior E-Verify users in 2013, and the reported percentage reflects this population.

[3] Asked of current E-Verify users in 2013, and the reported percentage reflects this population.

[4] Asked of current and prior E-Verify users who reported specific costs for setting up E-Verify, and the reported percentage reflects this population.

[5] Asked of current E-Verify users who reported specific costs for maintaining E-Verify, and the reported percentage reflects this population.

SOURCE: E-Verify Web Survey: 2013.

CHAPTER VIII. FINDINGS AND RECOMMENDATIONS

This chapter presents key findings and related recommendations for changes to E-Verify 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; employer compliance and data entry accuracy; and future research.

Some of the recommendations in this chapter are for initiatives that can be implemented easily and with little cost to 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 one of the major goals of the Program 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 in the time between the 2010 and the 2013 user surveys, indicating that many employers and jurisdictions view E-Verify to be an important program. Since E-Verify's inception, there has been a strong upward trend in the number of cases transmitted to the Program.[106] The nearly 5.3 million cases submitted to E-Verify in January through March 2013 represent a substantial increase (25 percent) from the 4.2 million cases submitted in July through September 2010 at the time of the administration of the 2010 E-Verify User Survey. The rate of increase was, however, much slower than the almost 150 percent increase between the 2008 and 2010 surveys (from 1.7 million to 4.2 million).

The majority of employers reported that their companies agreed to enroll in E-Verify in order to improve their ability to verify work authorization. Some employers also reported that they enrolled in E-Verify due to a local, state, or federal government requirement.

In 2013, the majority of employers reported that their companies first learned about E-Verify from a variety of nonfederal sources, such as a state or local government office, media coverage, a request from a client to participate, or information from business/professional associations or other companies.

---

[106] *Findings of the E-Verify Program Evaluation,* December 2009 (http://www.uscis.gov/USCIS/E-Verify/E-Verify/Final%20
E-Verify%20Report%2012-16-09_2.pdf).

Since the first appearance of E-Verify Employer Agents (EEAs)[107] in the Transaction Database in **2005, the percentage of EEAs has increased from 0.2 percent of employers (April through June 2005) to 4 percent of employers (January through March 2013).** Although EEAs comprised only a small portion of users, they transmitted a disproportionally large number of cases, transmitting over one-third of cases (36 percent) in January through March 2013. This disproportionate volume of cases is attributable to the fact that each EEA may transmit cases on behalf of multiple employers.

1.3   Recommendations

USCIS should continue to strengthen and/or establish formal relationships with professional employer organizations such as the U.S. Chamber of Commerce and the National Association of Small Businesses, with other federal agencies, such as the Internal Revenue Service and Small Business Administration, 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 maximizing 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. Additionally, USCIS might consider providing E-Verify "press" packages for dissemination of accurate information to key professional organizations as well as state and local governments. USCIS might also explore incorporating personal experiences or stories and quotes from employers that have found E-Verify most useful into its media campaigns.[108]

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 volunteering to use the Program, not using E-Verify when it is mandated, and 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 E-Verify. The findings also suggest that recent improvements to E-Verify, 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 2013.** For example, almost all E-Verify users (97 percent) reported that E-Verify is user-friendly. Almost all current E-Verify users also agreed that E-Verify is effective (92 percent) and highly accurate (89 percent).

---

[107] EEAs are the subject of another evaluation report and were excluded from the survey included in this report.

[108] USCIS has commissioned a separate, more in-depth study with E-Verify users and potential users designed to enhance the effectiveness of their E-Verify communication and outreach efforts and resources.

- **Employers also reported that E-Verify did not appear to have a negative impact on companies' abilities to recruit qualified workers.**

Although most employers reported being very satisfied with E-Verify, some subgroups of employers reported that E-Verify is burdensome:[109]

- **Among the mandated companies that would discontinue using E-Verify if not required to use the Program, common reasons for discontinuing use were that they seldom had any new hires or that E-Verify was too burdensome to use.** However, the percentage of respondents providing the latter reason in 2013 decreased from 2010.

- **In general, small companies expressed less satisfaction** with E-Verify compared with large companies.

- **Mandated small companies were less likely than mandated large companies to report that they would continue to use E-Verify if not mandated to do so.**

- **Employment agencies were more likely to report that it was sometimes 'impossible' to submit information by E-Verify's deadlines** compared with companies in high-risk industries and other types of industries.

- **Large and medium-sized companies were more likely than small companies to report that it was sometimes impossible to submit case information by the required deadline.**

Employers also pointed to specific problems or requested changes to E-Verify that would increase their satisfaction and/or decrease their burden; many of these recommendations would require legislative action to implement.

- **A majority of employers supported allowing the verification of job applicants** (in 2013, 67 percent of current E-Verify users). The percentage that supported this change has increased since 2010, when 55 percent supported this recommendation.

- In response to negative statements about these processes and tools, some E-Verify users agreed that **the registration process was too time-consuming (28 percent), the online tutorial took too long to complete (35 percent), and that it was a burden to pass the Tutorial Knowledge Test prior to using E-Verify (28 percent).**

- **A majority of employers supported increasing the types of documents that can be used with Photo Matching.**

- Substantial numbers of current E-Verify users in 2013 supported **eliminating the paper Form I-9 (50 percent), adding a formal appeal process that employers or their workers could use if they disagree with the final case finding (47 percent), and making Tentative Nonconfirmation (TNC) notices and referral letters available in more languages (26 percent).** Support for these recommendations has remained stable since 2010.

---

[109] Over the long-term, the implementation of the E-Verify Self Check program should help minimize employer burden.

- A few employers asked **that all data entry fields be accessible by the 'tab' key,** that the **necessity for mouse clicks during data entry be eliminated,** and that the **fields for dates be numeric**. In addition, a few employers requested that it be easier to correct data entry errors in E-Verify, and several asked that system timeouts during data entry be reduced.

2.3   Recommendations

Work with Congressional stakeholders to establish a small time-limited pilot program to test and evaluate a provision allowing pilot employers to verify that job applicants are employment authorized prior to hiring them. Throughout the 15-year program evaluation, employers have consistently requested that they be allowed to prescreen job applicants to eliminate the cost of hiring and training workers whom they must subsequently fire when they are found not to be work authorized. To resolve the issue of prescreening, which is prohibited by statute because of the likely discriminatory impact, a small and carefully crafted pilot program could be authorized by Congress. This pilot should be limited in time and scope and fully evaluated to determine its impacts, including discrimination against authorized workers and employer burden. Recommendations to Congress on this issue would then be made to retain or amend the current policy prohibiting verification before hire.

Extend the three-day rule for creating a case for verification to five days. Although extending the rule on when E-Verify queries must be initiated to five days would require a change in 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 Form I-9 documents need to be transferred to another location for use in E-Verify. Such an extension of the three-day rule would likely make the Program more appealing to small employers and other types of employers, such as universities and employment agencies and their clients. It would, however, prolong the time that workers without work authorization were able to keep working.

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 burdens for employers as well as their workers. Although this is an inherent part of the Program when workers are found to be not employment authorized, decreasing the extent to which employment-authorized workers receive such findings should continue to be a high priority for E-Verify.[110] DHS is aware of the importance of this and has implemented a number of changes over time to enhance the Program's accuracy, including increasing the number of federal databases checked by the Program and improving the data input forms and edit checks to decrease the likelihood of employer data input errors.

Continue to work on increasing the types of documents that can be used with Photo Matching. In addition to permanent resident cards, work authorization documents, U.S. passports, and U.S. passport cards, USCIS now verifies identity information, but not photos, from state drivers' licenses from Mississippi, Florida, Iowa, and Idaho when the licenses are presented in the I-9 process. Sharing of information from state drivers' licenses should be expanded to include photographs of the bearer, which would help employers ensure identity. Further expansion of this program is also desirable to include other types of documents that include photographs. It is important to note that the current List B documents

---

[110] See the Westat report *Evaluation of the Accuracy of E-Verify Findings*, July 2012 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/ Evaluation%20of%20the%20Accuracy%20of%20EVerify%20Findings.pdf).

with photographs that could be incorporated in the Photo Matching process include Driver's License, State ID, Military ID and the Military Dependent ID, and Coast Guard Merchant Mariners card.

Develop an administrative process that workers could use if they disagree with the final E-Verify finding and expand the process under consideration to include employers as well as workers. USCIS is currently exploring an administrative review process allowing workers to request reviews of FNC letters. This should be expanded to include an option for employers to request such a review. In considering this review, USCIS should be aware of the potential disadvantage of prolonging the time that unauthorized workers can be employed by a given employer.

USCIS should work with the other DHS agencies involved in worksite issues and make software available free of charge to employers that allows them to complete the Form I-9 electronically without completing a paper Form I-9 and should encourage their use of this software. The USCIS software should extract the information needed for E-Verify and translate it into the proper format for electronic submission to E-Verify. 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 made one available free of charge to employers. 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 therefore be more efficiently completed and checked more closely for accuracy, thus reducing erroneous input into E-Verify.[112]

USCIS should consider conducting some testing with E-Verify employers to gain insights into specific ways in which the tutorial can be streamlined, if possible, without losing critical content and concepts. The time taken to complete the tutorial has been a consistent employer complaint. USCIS has taken steps to reduce the time taken to complete it, but it is likely that more can be done in this area.

Explore options that would provide effective just-in-time training for handling cases. Although some E-Verify employers may block pop-up notifications on their computers, this type of just-in-time training could be very valuable for those who do not block pop-ups in quickly accessing relevant instructions or in being referred to the appropriate videos or documents.

USCIS should continue to identify the specialized needs of different subgroups of employers and create materials targeted to these subgroups and should also consider whether E-Verify procedures need to be modified to meet their needs. The ongoing expansion of USCIS outreach efforts should be sensitive to the varying needs of subgroups, including small employers and employment services providers. 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 would be particularly helpful to small employers, many of whom use E-Verify infrequently. Since this group of employers tends to be less satisfied with E-Verify, specialized training to help them

---

[112] We understand USCIS is working on an enhanced Form I-9, which might serve as a precursor to an electronic Form I-9.

understand E-Verify may increase their satisfaction with the Program. It is also likely that they would benefit from greater knowledge about EEAs.[113]

- **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—the 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.

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 of workers, and, in some situations, makes it more likely that employment-authorized workers will receive FNCs. In some situations, noncompliance also results in discrimination against foreign-born workers who are employment authorized.

3.2 Findings

Employer compliance with E-Verify procedures related to the documents used for verification continues to be a challenge. For example, some employers (11 percent) reported that their use of E-Verify Photo Matching influenced the types of documents requested from workers. This is a violation of E-Verify procedures.

Some E-Verify users reported taking adverse actions (such as restricting work assignments, reducing pay, or delaying training) against workers who received TNCs until work authorization could be confirmed. Since work-authorized foreign-born individuals are more likely to receive TNCs than are U.S.-born individuals,[114] taking adverse actions against individuals with TNCs results in discrimination in some cases and is contrary to E-Verify requirements.

Some non-federal contractors (14 percent) reported violating E-Verify procedures by using E-Verify for existing workers.

Some E-Verify companies violated E-Verify policies by using the Program for workers they believed to be not work authorized.

Most current E-Verify employers reported adhering to E-Verify procedures requiring verification of new hires within three days of hire; however, 5 percent took more than three days to verify new

---

[113] See the report *Findings of the Case Study of E-Verify Employer Agents and Their Clients*, June 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/Findings%20of%20the%/20Case%20Study%20of%20EVerify%20Employer%20Agents%20and%20Their%20Clients.pdf).

[114] Data from the 2009 E-Verify report show that foreign-born workers with employment authorization are more likely to incorrectly receive TNCs than are U.S-born workers. The percentage of foreign-born workers found to be work authorized at any stage of the E-Verify process and who received a TNC prior to having their work authorization verified in April through June 2008 was 2.6 percent, compared to 0.1 percent of workers who are U.S. born. See Westat, *Findings of the E-Verify Program Evaluation,* December 2009 (http://www.uscis.gov/sites/default/files/USCIS/E-Verify/E-Verify/Final%20E-Verify%20Report%2012-16-09_2.pdf).

hires. Over time, there was a decline in employer compliance with the three-day rule, with 92 percent of the employers using E-Verify within three days of hire in 2008 compared with 86 percent in 2013.

Entering some names, particularly single names, compound names, or very long names, into the E-Verify system continued to pose problems for about one in three E-Verify users who reported being unsure about how to enter certain names.

A small percentage of current E-Verify employers reported practices that constitute prescreening (9 percent). These employers used E-Verify before a job offer was made and accepted which can result in discriminatory actions, especially if such a worker receives a TNC finding, and the employer decides not to hire the person.

Almost all E-Verify employers that received TNCs reported that they always complied with the requirement to inform workers about these results in writing (84 percent) and provided this information in private (93 percent).

Some respondents either had not used the tutorial (10 percent) or were unaware of it (1 percent). This finding suggests that there is circumvention of the requirement that users obtain their own user name and password to access E-Verify, a process that also requires the user to take the tutorial and pass the Knowledge Test.

There has been an increase in the percentage of current users that reported that they had not used the online manual, from 25 percent in 2010 to 32 percent in 2013. Possible explanations include changes in demographics (e.g., small employers may have less need of the manual), improvements in the E-Verify software making use of the manual less necessary, or reduction in outreach efforts related to the online manual.

In 2013, **about a quarter of current E-Verify employers reported having at least one TNC that was the result of data-entry errors.** This was an improvement from 2008 when about 42 percent of employers reported this type of TNC.

A small percentage of current E-Verify employers reported that they had heard about Self Check (16 percent). This lack of awareness about Self Check raises the question about the effectiveness of outreach related to the Self Check program. This program can be extremely helpful in reducing TNCs by permitting workers to correct record problems prior to employers' use of E-Verify.

3.3   Recommendations

Adapt and/or supplement current training materials, tutorials, webinars, FAQs, 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., three-day rule, prescreening).

USCIS should prepare specific job aids for employers to print out from the E-Verify website and post in locations where verifications are conducted to remind users about the key E-Verify requirements and their responsibility to ensure the security of user names and passwords.

USCIS' Monitoring and Compliance branch should expand its staff and capabilities to monitor employer behaviors by randomly selecting companies for desk audits.

USCIS' Monitoring and Compliance branch should consider the discriminatory behaviors noted in the findings of this report, as they expand their algorithms to detect Program misuse. USCIS could also enhance its pop-up reminders in the E-Verify system for employers that receive TNCs to inform them again about workers' rights.

As noted in the 2011 report, expanding the three-day requirement to five days[114] would accommodate employers that are outsourcing E-Verify as well as employers with temporary, off-site, and part-time workers.[115] Given their often limited staff and resources, small employers would also benefit from this extension.

USCIS should consider outreach to employers to make them more aware of the Self Check program and encourage them to advise their job applicants and workers of the availability of this program. Although employers are not permitted to require workers to use the Self Check program, increased efforts to publicize the program could reduce the number of TNCs issued to employment-authorized workers.

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, 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.

USCIS should continue its practice of evaluating E-Verify periodically as long as major changes continue to be made. In particular, the following recent and planned changes could have significant impact on the Program's ability to meet its goals and should be evaluated carefully:

- **USCIS' recent enhancement of providing email notifications directly to workers who have received TNCs when they supplied an email address on the Form I-9.** The goal of this measure is to increase the likelihood that workers will be correctly informed of TNCs in the future. However, like any new procedure, it is subject to possible misuse; for example, it is conceivable that some employers will decide that this notification process relieves them of the burden of notifying their workers of TNCs which was not the intent of the change.

- **Changes to the Form I-9 and accompanying instructions that were designed, among other things, to improve I-9 compliance.** The success of this measure should be evaluated.

- **The Self Check program.** The goal of this program is to allow workers to determine whether federal databases correctly reflect their identity and work-authorization status, so that they can take corrective

---

[114] Legislative changes would be necessary to implement this recommendation regarding the time frame of both E-Verify and the I-9 process.

[115] *Findings of the E-Verify User Survey*, July 8, 2011 (http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/Findings_of_the_EVerify_User_Survey.pdf).

actions, if needed, to avoid receiving TNCs. The general lack of employer awareness of this program raises concerns about the effectiveness of outreach efforts, which should be explored with workers. This evaluation should also examine the impact of the E-Verify Self Check program to determine what, if any, effect this new initiative has on reducing the practice of prescreening.

- **Adding new computer platforms (such as smart phones) to access E-Verify.** This improvement should meet the needs of small employers and workers to cost-effectively access E-Verify.

- **Measures to prevent fraud.** Assess the effectiveness of new and ongoing methods to prevent fraud. These include monitoring repeatedly used Social Security numbers (SSNs), additional identity assurance techniques like those used in Self Check, and giving workers the ability to lock their SSNs in E-Verify so no one else can use them.

This page intentionally left blank.

APPENDIX A

DESIGN OF E-VERIFY

This page intentionally left blank.

DESIGN OF E-VERIFY

E-Verify is a free program for employers to determine the employment eligibility of new hires by electronically comparing the information from a worker's Form I-9 with records available in the Social Security Administration (SSA) and/or U.S. Department of Homeland Security (DHS) databases to verify identity and employment eligibility. As applicable, Form I-9 data may also be checked against databases from the Department of State (DOS) and participating state departments of motor vehicles (DMVs) to confirm identity. E-Verify is voluntary for most employers but mandatory for some employers such as those with federal contracts that contain the Federal Acquisition Regulation E-Verify clause. This appendix discusses the E-Verify Program that existed as of March 2013. The first section provides readers with the description of how E-Verify generally works for determining employment eligibility, while the second section provides additional steps and checkpoints that have been implemented to reduce the likelihood of receiving erroneous Tentative Nonconfirmations (TNCs)[125] and to enhance the accuracy in resolving TNCs.

1.   BRIEF OVERVIEW OF HOW E-VERIFY WORKS

Although E-Verify has several different steps and checkpoints, depending on the characteristics of cases (i.e., citizenship status, types of documents submitted in the Form I-9 process), E-Verify begins with employers inputting information from Form I-9 into the E-Verify system within three days of hire. Immediately after employers submit this information, the SSA database is checked automatically against the information for all cases.

If the worker attests to being a U.S. citizen on Form I-9 and his or her Social Security number (SSN), name, and date of birth match SSA's records, the employer is immediately notified electronically through the E-Verify system that the worker is authorized to work.[126] In this situation, no further action is required on the part of workers, employers, or federal staff other than employers having to close these cases and retain the required verification information with their Form I-9 files.

If the worker attests to being a noncitizen on Form I-9 and the SSA database can verify the information provided by the employer, the information is electronically checked against the DHS databases. If the worker information entered matches the information stored in DHS records and indicates that a noncitizen is work authorized, the employer is immediately notified electronically through the E-Verify system that the worker is authorized to work. In this situation, no further action is required on the part of workers, employers, or federal staff other than employers having to close these cases and retain the required verification information with their Form I-9 files.

If a TNC is issued due to, for example, a mismatch between the data entered by employers and data stored in federal government databases, employers are required to inform the worker of the TNC so the worker is given a chance to correct the discrepancy.[127] The employer is required to discuss the TNC with the

---

[125] 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.

[126] As noted in the next section on additional steps in the E-Verify process, if the worker presents a U.S. passport or passport card or a driver's license or ID card from a Records and Information from DMVs for E-Verify (RIDE) participating state, there are additional processes that must occur prior to issuing the employment authorization response.

[127] Starting in July 2013, if workers provide an email address on Form I-9 (which the employer must also enter into E-Verify) and the case results in a TNC, the E-Verify system also sends the workers an email message to alert them about the finding and

---

worker in a private setting. When notified of the SSA and/or DHS TNC in writing, the employer should ask the worker whether he or she will or will not contest the finding. In either case, the employer should provide the worker with the Further Action Notice (FAN) to acknowledge his or her decision about the TNC. Workers choosing to contest an SSA TNC must visit an SSA field office within eight federal government working days to resolve the TNC. Workers choosing to contest a DHS TNC must contact DHS by phone within eight federal government working days to resolve the TNC. If a worker chooses not to contest or fails to contact SSA or DHS within eight federal government working days, E-Verify issues a Final Nonconfirmation (FNC) finding, and the employer may terminate the worker's employment.

2. ADDITIONAL STEPS IN THE E-VERIFY PROCESS

While the vast majority of workers' work authorizations are verified by the process described above, there are many additional steps and checkpoints that are activated for a variety of cases. Most of the additional steps and checkpoints are designed to reduce the likelihood of the workers receiving erroneous TNCs, or to help resolve TNCs. In the next section, those additional steps and checkpoints are discussed.

2.1 PRE-TNC CHECK

The pre-TNC check was launched in September 2007. This check instantly prompts employers to review the submitted information to ensure that data entered are correct.

During the SSA verification process, if the SSA database does not match the worker information input by the employer, the system immediately asks the employer to recheck the data input (i.e., pre-SSA TNC check). This check works for both U.S. citizens and noncitizens. If the employer does not submit revised information or if the revisions are still inconsistent with the SSA database, an SSA TNC is issued. If the worker wishes to contest, he or she must visit an SSA field office to sort out the discrepancy.

During the DHS verification process, if the DHS databases are unable to match the worker information input by the employer, the system immediately asks the employer to recheck the data input (i.e., pre-DHS TNC check). If the employer does not submit revised information or if the revisions are still inconsistent with the DHS records, the E-Verify system issues the "Verification in Process" interim result where the case is automatically sent for review by a Management Program Assistant (MPA). The MPA searches other DHS databases to determine whether work authorization status can be confirmed using the additional information.

2.2 PHOTO MATCHING

The Photo Matching process was implemented in September 2007 and permits employers to compare and confirm the photographs on worker documents submitted for verification with digital photographs stored in government databases. If the match is confirmed, the system provides an immediate response that the worker is authorized to work. Initially, this tool was only available for noncitizen cases with the permanent resident card (i.e., I-551) or Employment Authorization Document (i.e., I-766).

In September 2010, the passport photograph for U.S. citizens was added as part of Photo Matching. If the photo displayed in the E-Verify system does not match the photo on the worker's U.S. passport or passport card, the worker will receive a DHS TNC and must be given the opportunity to correct the problem. If the worker chooses to contest the TNC, the employer must either attach and electronically

---

instruct them to contact the employer. A reminder email with more detailed information is sent if the employer has referred the case but the worker has not taken any action.

submit a copy of the worker's photo document or express mail a copy of the worker's document to DHS at the employer's expense.

2.3 U.S. CITIZENSHIP CONFIRMATION (NATURALIZED CITIZENS AND U.S. PASSPORT QUICK CHECK)

<u>Naturalization Phase I:</u> Since May 2008, if a worker attests to being a U.S. citizen on Form I-9, and the SSA database verified the information, except for the citizenship status, the submitted information is checked against USCIS naturalization records. If USCIS databases can confirm the citizenship status, E-Verify issues a work-authorized finding. However, if neither SSA nor USCIS databases can confirm citizenship status, E-Verify issues an SSA TNC finding and the worker must go to an SSA field office to provide documentary proof of his or her citizenship status or call an MPA at USCIS to try to resolve the case.

<u>U.S. Passport Quick Check:</u> U.S. passport data are maintained in the Passport Information Electronic Records System (PIERS) by the Department of State, Consular Affairs. The Bureau of Consular Affairs electronically transfers data on passport issuance to Customs and Border Protection (CBP) for port of entry inspection purposes. Since 2009, CBP has made these data available to E-Verify to assist in verifying the U.S. citizenship of persons presenting U.S. passports or passport cards during the Form I-9 process. This process is invoked when the person claims to be a U.S. citizen and SSA is unable to confirm the citizenship status. If the person uses a U.S. passport or passport card during the Form I-9 process, then E-Verify automatically checks CBPPass in order to confirm U.S. citizenship. If the status is confirmed, then an employment authorization response is issued. If it is not confirmed, then an SSA TNC is issued.

2.4 RECORDS AND INFORMATION FROM DMVS FOR E-VERIFY (RIDE)

The USCIS Verification Division developed a new enhancement to the E-Verify Program in June 2011. The Records and Information from Departments of Motor Vehicles (DMVs) for E-Verify (RIDE) initiative is an enhancement to the E-Verify Program that verifies the validity of driver's license and ID card information by matching the data entered by employers against jurisdiction records. By partnering with the American Association of Motor Vehicle Administrators and state motor vehicle offices, USCIS leverages the existing driver status exchange system, Problem Driver Pointer System (PDPS), to verify driver's license information against state records. Currently, Mississippi, Florida, Idaho, and Iowa are participating in RIDE.

If a worker in one of the four RIDE states, regardless of citizenship status, presents a driver's license, driver's permit, or state-issued ID card during the I-9 process, the employer is prompted to enter the document number and expiration into the E-Verify system, which will automatically check the information against Motor Vehicle Administration (MVA) records. Although the RIDE program does not display the driver's license photo, the system will check to see if the data itself is valid and issue a TNC if it does not match DMV records. In the event of a TNC, the worker must contact an MPA and fax in a copy of his or her driver's license. The MPA will attempt to resolve the TNC by reviewing the faxed copy of the driver's license against the MVA database or by contacting MVA support for more information. If the MPA is unable to resolve the mismatch, the E-Verify system will issue an FNC.

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

Exhibit A-1.   Verification process for persons attesting to be U.S. citizens on Form I-9[1]
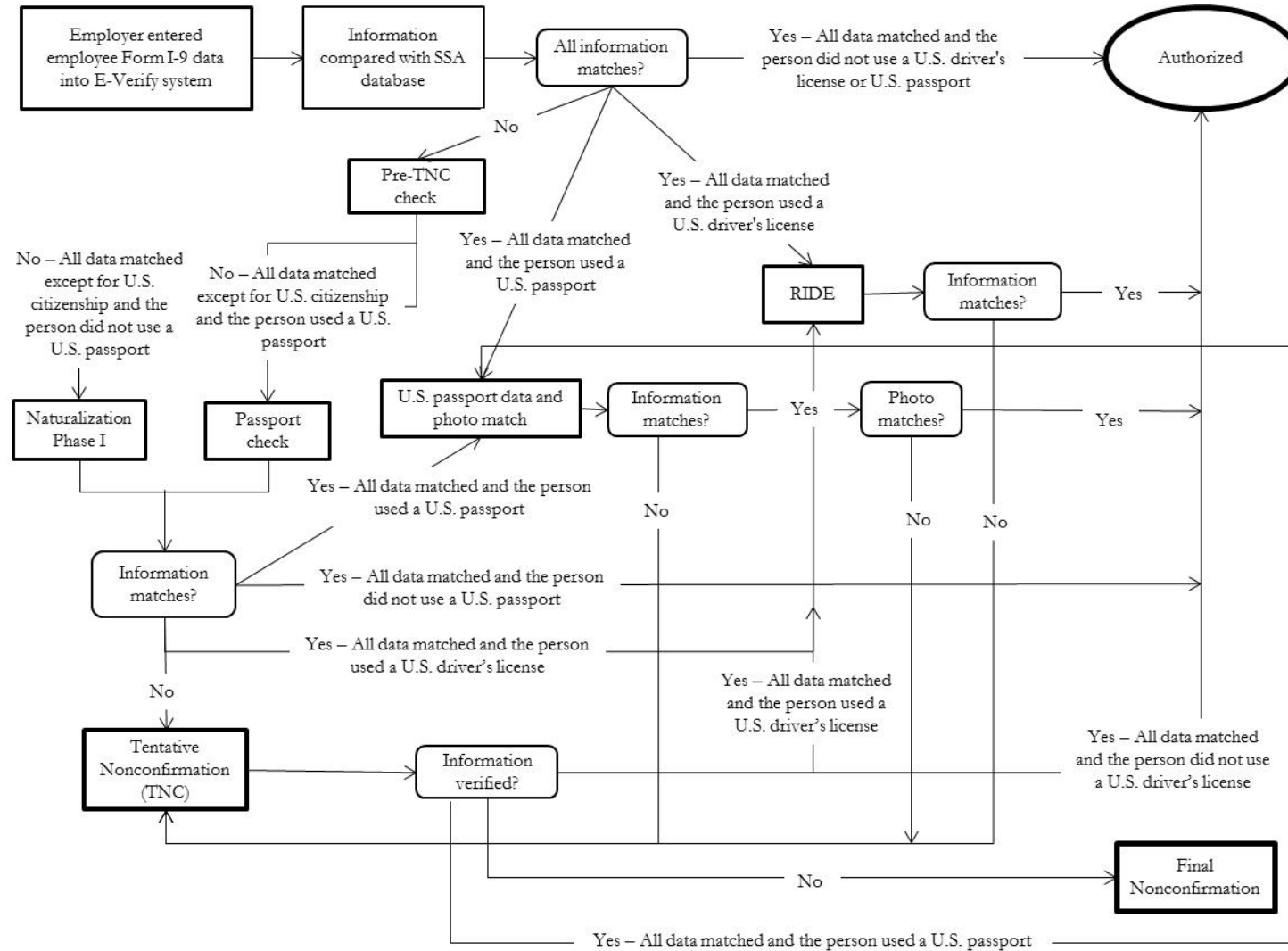
RIDE = Records and Information from Departments of Motor Vehicles (DMVs) for E-Verify.

[1] It is important to note that a worker can present either a U.S. passport **or** a driver's license but not both documents to verify identity. To make it easier to follow, this level of detail is not provided in the diagram; however, it is explained in the text. In addition, RIDE is available only in the following states as of April 2014: Mississippi, Florida, Idaho, and Iowa.

EXHIBIT A-2. VERIFICATION PROCESS FOR PERSONS ATTESTING TO BE NONCITIZENS ON FORM I-9

RIDE = Records and Information from Departments of Motor Vehicles (DMVs) for E-Verify.
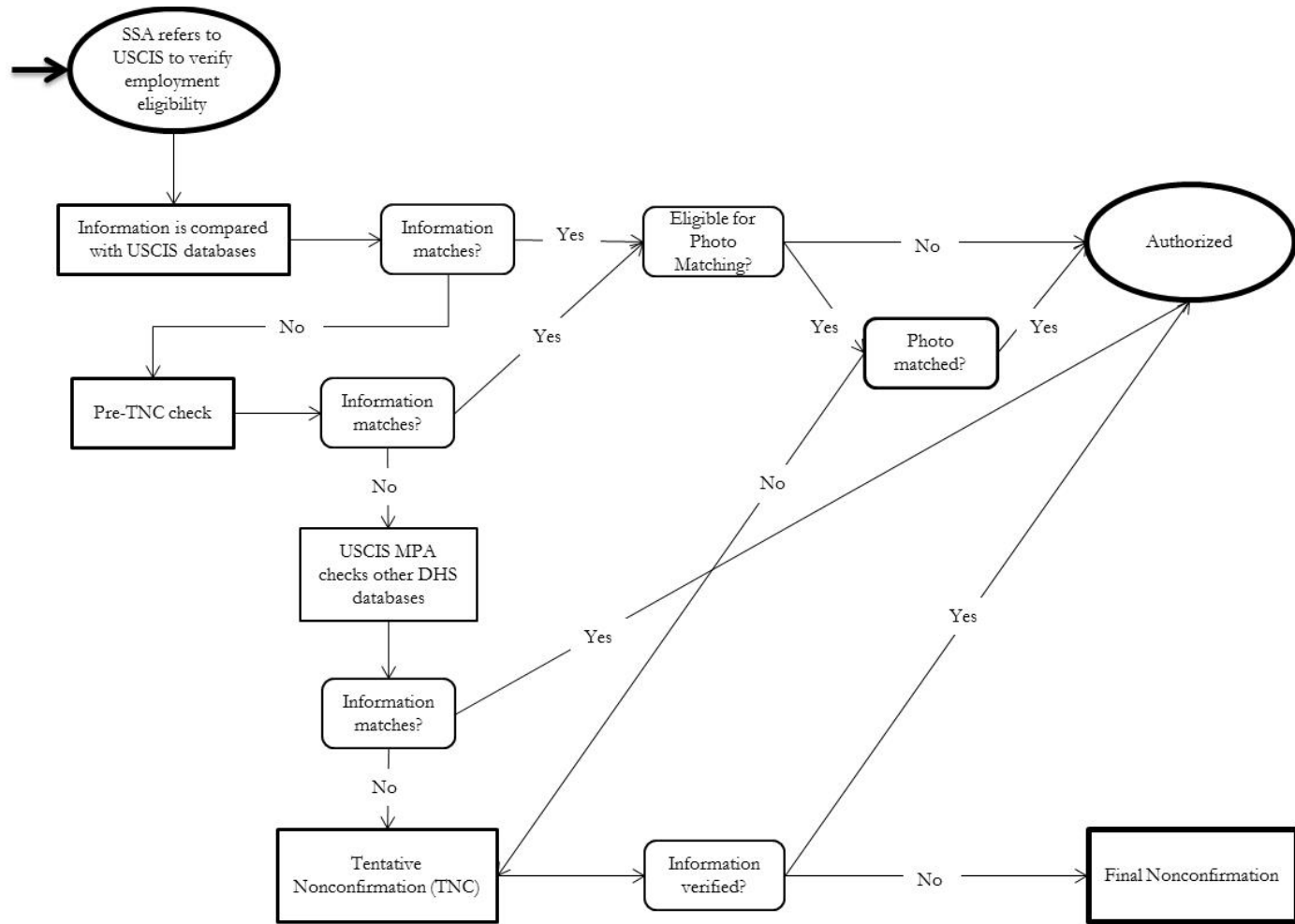
MPA = Management Program Assistant.

APPENDIX B.

STATUS OF STATE LEGISLATION RELATED TO E-VERIFY: MARCH 2014

This page intentionally left blank.

Table B-1.   Status of state legislation related to E-Verify: March 2014

State	2008 Requirement			2010 Requirement			2014 Requirement			Notes
	State employees	State contractors	All employers	State employees	State contractors	All employers	State employees	State contractors	All employers	
Alabama							✓	✓	✓	
Arizona	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Colorado		✓			✓		✓	✓		Public contractors must participate in either E-Verify or the Colorado Department of Labor and Employment Program
Florida							✓	✓		
Georgia	✓	✓		✓	✓		✓	✓	✓	Private employers with 10 or fewer employees are exempt.
Idaho	✓	✓		✓			✓	✓		
Indiana							✓	✓		Private employers must use E-Verify to qualify for certain tax credits on their state income tax.
Louisiana							✓	✓		All private employers must either use E-Verify or retain copies of certain identity and work authorization documents.
Minnesota	✓	✓		✓	✓			✓		The previous legislation expired in 2011; new legislation no longer applies to new state employees and only to state contractors with $50,000 worth of services.
Mississippi	✓	✓	✓[1]	✓	✓	✓[1]	✓	✓	✓	
Missouri				✓	✓		✓	✓		

Table B-1.   Status of state legislation related to E-Verify: March 2014—Continued

State	2008 Requirement			2010 Requirement			2014 Requirement			Notes
	State employees	State contractors	All employers	State employees	State contractors	All employers	State employees	State contractors	All employers	
Nebraska				✓	✓		✓	✓		Not mandated for private employers but there are tax incentives for private employers using E-Verify.
North Carolina	✓			✓			✓	✓	✓	Private employers with fewer than 25 employees are exempt.
Oklahoma	✓	✓		✓	✓		✓	✓		
Pennsylvania							✓	✓		All public works contractors and subcontractors with contracts of $25,000 or greater.
Rhode Island	✓	✓		✓	✓					E-Verify legislation repealed, effective January 5, 2011.
South Carolina							✓	✓	✓	
Tennessee							✓	✓	✓	All private employers must either use E-Verify or retain copies of certain identity and work authorization documents. Employers with fewer than 6 employees are exempt.
Utah	✓			✓	✓	✓	✓	✓	✓	Private employers with fewer than 15 employees are exempt.

Table B-1.   Status of state legislation related to E-Verify: March 2014—Continued

State	2008 Requirement			2010 Requirement			2014 Requirement			Notes
	State employees	State contractors	All employers	State employees	State contractors	All employers	State employees	State contractors	All employers	
Virginia				✓			✓	✓		Required for public contractors with more than 50 employees in contracts worth more than $50,000.

[1]For private employers, E-Verify implementation phased in by size.

SOURCE: LawLogix E-Verify Requirements Reference Chart, http://www.fairus.org/legislation/E-Verify_Requirements_Dec.pdf.

This page intentionally left blank.

APPENDIX C.

STATISTICS ON IMPACT OF CHANGES IN SAMPLING METHODOLOGY

This page intentionally left blank.

EXHIBIT C-1. PERCENTAGE OF EMPLOYERS AGREEING WITH QUESTIONNAIRE STATEMENT: ORIGINAL 2008 STATISTIC AND REVISED 2008 STATISTIC TO INCLUDE HEADQUARTERS ONLY

Statement	2008 establishment 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.

This page intentionally left blank.

APPENDIX D.

2013 WEB QUESTIONNAIRE

This page intentionally left blank.

2013 SURVEY FOR E-VERIFY EVALUATION

Login Page:

2013 Survey for E-Verify Evaluation

To enter the 2013 Survey for E-Verify Evaluation, please type your User Name and Password in the boxes below, then click on **Login**.

User Login:	
Password:	
LOGIN	RESET

OMB # 1615-0115 Expires: 09/30/2014

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB number. Send comments regarding this burden of estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Mr. Sunday Aigbe, Chief, Regulatory Products Division, U.S. Department of Homeland Security, 111 Massachusetts Avenue NW, 3rd Floor, Washington, DC 20529.   ***Do not return the completed form to this address.***

2013 Survey for E-Verify Evaluation

Introduction:

The questions in this survey ask about your opinions and your experiences with how E-Verify 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.

> **Privacy** – 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 that you are unable to answer, we would appreciate your obtaining the necessary information.

After submitting your completed survey, you will have an opportunity to print a copy of it for your records. If you have any questions about the survey, please call 1-888-292-9071 or send an email to OKtoWorkSurvey@westat.com.

Thank you for your help.

2013 Survey for E-Verify Evaluation

Instructions:

Answer each question, then click the "Save & Continue" button to save your responses and move to the next question.

Warning: If you exit the survey **without saving**, you will lose any unsaved answers.

Note: After 20 minutes of inactivity, your session will end and a new screen will be displayed with instructions on how to log back into the survey.

To begin, click the "Continue" button below.

Links near the top of each screen will take you to:

Introduction screen

Instructions (this screen)

Section Status screen: Open any section that has been or is now ready to be opened. You must answer the questions in order; you will be unable to open sections before they are available.

Contact email message: Fill in and send an email to the study staff.

FAQs (Frequently Asked Questions) list

Print Survey: Displays your responses in a format for printing.

Sign Out: Allows you to exit the survey.

When you are **finished**:

You may print and review a copy of your answers.

Make any answer changes needed.

Click the "Submit" button.

Print your final completed survey for your records.

SECTION A: CONTACT INFORMATION

(ALL COMPANIES)

A1. **Please enter any corrections to the company address information listed below.**

[MOST RECENT COMPANY INFORMATION IS DISPLAYED BELOW]

Company name: _____

Address: STREET _____

CITY _____ STATE _____ ZIPCODE _____

(ALL COMPANIES)

A2. **This survey is designed to be completed by the person in your company who is most knowledgeable about your entire company's use of E-Verify. That person could be located at any company office and could operate as part of your company's human resources, security, or other services.**

The following information was provided for the person who would be most appropriate to respond to this survey. Please note that this information will only be used by Westat staff in case we need to contact the person.

[MOST RECENT CONTACT INFORMATION IS DISPLAYED AS <u>READ-ONLY</u> BELOW.]

FIRST NAME _____ LAST NAME _____

JOB TITLE _____

Is this the correct person to respond to the survey?

(Please choose only one response)

1 ☐   Yes

2 ☐   No

3 ☐   Don't know

[IF A2 = '1' THEN SKIP TO A4]

[ALL OTHERS, INCLUDING A2 = 'BLANK', ASK A3]

(ALL COMPANIES IF NOT THE CORRECT CONTACT PERSON)

A3. **We would appreciate it if you provide the contact information for the person at your company who could best answer our questions about your hiring and work-authorization procedures.**

[NEW PERSON'S CONTACT INFORMATION]

New name: FIRST NAME _____ LAST NAME _____

New title: JOB TITLE _____

New telephone: FULL PHONE

                    (_____) - _____-_____ Extension _____

New email address: _____

IF A3 FIRST NAME OR LAST NAME IS 'BLANK', SHOW 'THANK YOU' SCREEN.

THEN SURVEY ENDS

IF SURVEY CONTINUES (SURVEY DOES NOT END):

IF A3 BOTH FIRST NAME AND LAST NAME ARE ANSWERED (NOT 'BLANK'):

SKIP TO QUESTION A5

(ALL COMPANIES)

A4. **Please review the contact information provided below and enter any corrections.**

[MOST RECENT CONTACT INFORMATION IS DISPLAYED BELOW.]

Name: FIRST NAME _____ LAST NAME _____

Title: JOB TITLE _____

Telephone: FULL PHONE

                  (_____) - _____-_____ Extension _____

Email address: _____

(ALL COMPANIES)

A5. **Are you [RESPONDENT FIRST AND LAST NAME FROM A3 OR A4]?**

(Please choose only one response)

1 ☐ Yes

2 ☐ No

IF A2 = '1' AND A4 = (no new information) AND A5 ≠ '1' (INCLUDING A5 = 'BLANK'), SAY:

> [*Screen #1:*]
>
> Please tell us how we can reach [RESPONDENT NAME].
>
> _____
>
> _____
>
> SAVE AND CONTINUE

> [*Screen #2:*]
>
> Thank you for your help. We have no further questions for you at this time. The information you have provided is appreciated.   **[IF NEW NAME AND EMAIL ADDRESS OR PHONE GIVEN**: We will contact **[RESPONDENT FIRST AND LAST NAME].**
>
> EXIT

END

FOR ALL OTHER CASES WHERE A5 ≠ '1', (INCLUDING A5 = 'BLANK'), SAY:

> Thank you for your help. We have no further questions for you at this time. The information you have provided is appreciated.   **[IF NEW NAME AND EMAIL ADDRESS OR PHONE GIVEN**: We will contact **[RESPONDENT FIRST AND LAST NAME].**

END

IF A5 = '1', THEN GO TO A6.

(ALL COMPANIES)

A6. **Which description below best fits your company?**

(Please choose only one response)

1 ☐ Single location company

2 ☐ Multiple location company

3 ☐ Don't know

[IF A6 = '1' OR IF A6 = '3' OR IF A6 = 'BLANK', THEN SKIP TO A8]

[OTHERWISE ASK A7]

(ALL MULTIPLE LOCATION COMPANIES)

A7. Are you located at your company headquarters/central office?

(Please choose only one response)

    1 ☐ Yes

    2 ☐ No

(ALL COMPANIES)

A8. Is your company an E-Verify Employer Agent; i.e., a <u>company</u> that provides E-Verify and possibly other services to other companies for a fee? An E-Verify Employer Agent used to be called a Designated Agent or DA. *(Please choose only one response)*

    1 ☐ Yes

    2 ☐ No

    3 ☐ Don't know

[IF A8 = '1' THEN GROUP = '1 DA' AND SHOW:]

> This survey is for companies that only use E-Verify for their own workers. Thank you for your help on this survey. The information you have provided is greatly appreciated.
>
> ## END

(ALL COMPANIES)

A9. Does your company <u>use</u> an E-Verify Employer Agent; i.e., <u>another company</u> that provides E-Verify and possibly other services for a fee? An E-Verify Employer Agent used to be called a Designated Agent or DA.

(Please choose only one response)

    1 ☐ Yes

    2 ☐ No

    3 ☐ Don't know

[IF A9 = '1' THEN GROUP = '1 UD' AND SHOW:]

This survey is for companies that use E-Verify themselves as opposed to having another company provide this service. Thank you for your help on this survey. The information you have provided is greatly appreciated.

END

(ALL COMPANIES)

A10. Which one of the following statements best describes this company's use of E-Verify?

Note: Your answer here will determine which questions you will be asked as you go through the rest of this survey. *(Please choose only one response)*

   1 ☐   This company has never used E-Verify **(NEVER USED)**

   2 ☐   This company has used E-Verify but has decided to no longer use it **(PRIOR USER)**

   3 ☐   This company has used E-Verify and plans to continue using it in the future **(CURRENT USER)**

[IF A10 = '1' THEN GROUP = '3 NEVER USED']

[IF A10 = '2' THEN GROUP = '4 PRIOR USER']

[ALL OTHERS, INCLUDING A10 = 'BLANK', GROUP = '5 OTHER']

(ALL COMPANIES)

A11. Do the following statements describe your company? *(Please choose one response for each row)*	Yes	No
a. This company provides workers on <u>our payroll</u> to work at our clients' sites (e.g., our company is a Temporary Staffing agency)	☐	☐
b. This company refers job candidates for permanent placement to potential employers who may hire and pay them (e.g., our company is a Placement or Recruiting firm)	☐	☐

A12. **Is your company a Professional Employment Organization (PEO); i.e., does your company provide a range of <u>human resources services</u> to clients (e.g., benefits, payroll, training, worker compensation) for a fee?** *(Please choose only one response)*

1 ☐ Yes

2 ☐ No

[IF GROUP = '3 NEVER USED' OR GROUP = '4 PRIOR USER' THEN SKIP TO A14]

[IF A6 = '1' OR A6 = '3' OR A6 = 'BLANK' THEN SKIP TO SECTION B]

[OTHERWISE, ASK A13]

(ALL USERS WITH MULTIPLE LOCATIONS)

A13. **Which of the following best describes how your company uses E-Verify?**

(Please choose only one response)

1 ☐ Headquarters handles all E-Verify submissions for all locations (i.e., all branches)

2 ☐ One location, but not headquarters, handles all E-Verify submissions for all locations

3 ☐ All locations use E-Verify, but not all submissions are done from a single location

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

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

6 ☐ Other (specify): _____

[ALL, INCLUDING A13 = 'BLANK', SKIP TO SECTION B]

(NOT CURRENTLY USING E-VERIFY) A14. Why isn't this company currently using E-Verify? *(Please choose one response for each item)*	Yes	No	Don't Know
a. The person who originally wanted to use E-Verify 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 have had no new hires in the past 6 months	☐	☐	☐
e. Using E-Verify would reduce our number of job applicants	☐	☐	☐
f. Using E-Verify would result in the loss of some existing employees	☐	☐	☐
g. Using E-Verify would damage the employee/management relationship	☐	☐	☐
h. Using E-Verify would make us less competitive in the market place	☐	☐	☐
i. Other (specify): _____	☐	☐	☐

SECTION B: SYSTEM IMPLEMENTATION

These questions are about implementing the E-Verify system.

(ALL COMPANIES)

B1. **Have you personally completed the E-Verify online tutorial?**

(Please choose only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

[IF GROUP = '3 NEVER USED' THEN SKIP TO SECTION D]

[IF GROUP = '4 PRIOR USER' THEN SKIP TO SECTION C]

(ALL CURRENT USERS)

B2. **Which staff members at this company who currently conduct verifications using E-Verify have completed the E-Verify online tutorial?**

(Please choose only one response)

1 ☐ I am the only 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 users have completed the tutorial

(ALL CURRENT USERS)

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

(ALL CURRENT USERS)

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 choose one response for each item)*	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
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 Tutorial Knowledge Test (previously called the Mastery Test) before being allowed to use the online verification system	☐	☐	☐	☐	☐

(ALL CURRENT USERS)

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 choose 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): _____	☐	☐	☐	☐	☐	☐

(ALL CURRENT USERS)

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

1 ☐ Very user-friendly

2 ☐ Somewhat user-friendly

3 ☐ Not very user-friendly

4 ☐ Not at all user-friendly

(ALL CURRENT USERS)

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 choose 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 = '1' THEN ASK B8]

[ALL OTHERS, INCLUDING B7 = 'BLANK' SKIP TO SECTION C]

(CURRENT USERS WHO TRIED TO CALL HELP DESK/CUSTOMER SERVICE)

B8. **Which service did you try to contact?** *(Please choose 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 B8 = '1' OR B8 = '3' THEN ASK B9]

[IF B8 = '2' THEN SKIP TO B10]

[IF B8 = '4' THEN SKIP TO B11]

[ALL OTHERS, INCLUDING B8 = 'BLANK', SKIP TO SECTION C]

(CURRENT USERS WHO TRIED TO CALL HELP DESK)

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

1 ☐ Very satisfied

2 ☐ Satisfied

3 ☐ Unsatisfied

4 ☐ Very unsatisfied

[IF B8 = '3' THEN ASK B10]

[ALL OTHERS, INCLUDING B8 = 'BLANK', SKIP TO INSTRUCTIONS BEFORE B12]

(CURRENT USERS WHO TRIED TO CALL CUSTOMER SERVICE)

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

1 ☐   Very satisfied

2 ☐   Satisfied

3 ☐   Unsatisfied

4 ☐   Very unsatisfied

[ALL, INCLUDING B10 = 'BLANK', SKIP TO INSTRUCTIONS BEFORE B12]

(CURRENT USERS WHO TRIED TO CALL BUT NOT SURE WHICH NUMBER)

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

1 ☐   Very satisfied

2 ☐   Satisfied

3 ☐   Unsatisfied

4 ☐   Very unsatisfied

[IF B9 = '3' OR B9 = '4' OR B10 = '3' OR B10 = '4' OR B11 = '3' OR B11 = '4', THEN ASK B12]

[ALL OTHERS, INCLUDING B9, B10, AND B11 = 'BLANK, SKIP TO SECTION C]

(CURRENT USERS WHO WERE UNSATISFIED WITH EITHER NUMBER)

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 choose 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): _____	☐	☐	☐

[IF GROUP = '3 NEVER USED' THEN SKIP TO SECTION D]

SECTION C: SETUP AND MAINTENANCE COSTS

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

Setup Costs:

(ALL CURRENT AND PRIOR USERS) **C1.** **What direct costs did this company incur in *setting up* E-Verify? Do not include costs for equipment that you had prior to setting up E-Verify.** *(Please choose 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): _____	☐	☐

[IF C1A = '1' OR C1B = '1' OR C1C = '1' OR C1D = '1' OR C1E = '1' OR C1F = '1' OR C1G = '1' OR (C1GSPECIFY = (not blank) AND C1G = blank), THEN ASK C2]

[ALL OTHERS, INCLUDING ALL ITEMS IN C1 = 'BLANK', SKIP TO C3]

(CURRENT AND PRIOR USERS WITH ANY SETUP COSTS)

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

[ONLY DISPLAY ITEMS THAT WERE CHECKED AS '1' IN C1 AND/OR TEXT FOR C1G]

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   **[DISPLAY TEXT FROM C1G)**

(ALL CURRENT AND PRIOR USERS)

C3. **Were the *indirect* costs associated with *setting up* E-Verify, such as reassignment of employees, additional recruitment, delayed production and so on:**

(Please choose only one response)

1 ☐   An extreme burden

2 ☐   A moderate burden

3 ☐   A slight burden

4 ☐   Not a burden at all

[IF GROUP = '4 PRIOR USER' THEN SKIP TO SECTION D]

Maintenance Costs:

	Yes	No
(ALL CURRENT USERS) **C4**. **What are the annual direct costs incurred by this company to _maintain_ E-Verify?** _(Please choose one response for each item)_		
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): _____	☐	☐

[IF C4A = '1' OR C4B = '1' OR C4C = '1' OR C4D = '1' OR C4E = '1' OR C4F = '1' OR (C4FSPECIFY = (not blank) AND C4F = blank), THEN ASK C5]

[ALL OTHERS, INCLUDING ALL ITEMS IN C4 = 'BLANK', SKIP TO C6]

(CURRENT USERS WITH ANY MAINTENANCE COSTS)

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

[ONLY DISPLAY ITEMS THAT WERE CHECKED AS '1' IN C4 AND/OR TEXT FOR C4F]

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 **[DISPLAY TEXT FROM C4F]**

(ALL CURRENT USERS)

C6. Have the _indirect_ costs associated with _maintaining_ E-Verify been:

(Please choose 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 E-Verify.

(ALL COMPANIES)

D1. How did this company *first* learn about E-Verify?

(Please choose only one response)

1 ☐　USCIS website

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

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

4 ☐　Information from a state or local office

5 ☐　Media coverage

6 ☐　Request from client to participate

7 ☐　Information from a business/professional association

8 ☐　Heard about it from other companies

9 ☐　Other (specify): _____

10 ☐　Don't know

(ALL COMPANIES)

D2. Which of the following were reasons this company agreed to participate in E-Verify? *(Please choose one response for each item)*	Yes	No	Don't Know
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 or organization	☐	☐	☐
h. Other (specify):_____	☐	☐	☐

[IF TWO OR MORE ITEMS IN D2 ARE CODED '1' (Yes), THEN ASK D3]

[ELSE IF GROUP = '3 NEVER USED' OR GROUP = '4 PRIOR USER' THEN SKIP TO SECTION E]

[ALL OTHERS, INCLUDING D2 = 'BLANK', SKIP TO D4]

(ALL COMPANIES WITH MORE THAN ONE 'YES' IN D2.)

D3. **Which of the following was the *main* reason this company agreed to participate in E-Verify?** *(Please choose only one response)*

[ONLY DISPLAY ITEMS THAT WERE CHECKED AS '1' IN D2 AND/OR TEXT FOR D2h]

1 ☐ State or local government required participation

2 ☐ Federal government required participation

3 ☐ To satisfy a client's request

4 ☐ Believed that using E-Verify would allow us to avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine

5 ☐ To improve ability to verify work authorization

6 ☐ Believed it would make us more competitive with others in our industry

7 ☐ Trusted recommendation from someone at another company or organization

8 ☐ Other **[DISPLAY TEXT FROM D2h)**

[IF GROUP = '3 NEVER USED' OR GROUP = '4 PRIOR USER' THEN SKIP TO SECTION E]

(ALL CURRENT USERS) **D4. Some states and localities have mandated the use of E-Verify for some or all their companies. E-Verify has also been mandated for most federal contractors.** **IF A11a OR A11b OR A12 =YES, ASK: Please answer the following for your own company.** *(Please choose one response for each row)*	Yes	No	Don't Know
a. Our company participates in E-Verify because we have federal contract(s) requiring participation	☐	☐	☐
b. Our company participates in E-Verify because we do business in a state or locality that requires participation	☐	☐	☐

[IF D4a = '1' OR D4b = '1', THEN ASK D5]

[ALL OTHERS, INCLUDING D4 = 'BLANK', SKIP TO D9]

(CURRENT USERS REQUIRED TO USE E-VERIFY)

D5. If your company were no longer required to use E-Verify, how likely is it that you would continue to use it? *(Please choose only one response)*

1 ☐   Very likely

2 ☐   Likely

3 ☐   Maybe

4 ☐   Unlikely

5 ☐   Very unlikely

[IF D5 = '1' OR D5 = '2' THEN ASK D6]

[IF D5 = '4' OR D5 = '5' THEN ASK D7]

[ALL OTHERS, INCLUDING D5 = 'BLANK', SKIP TO INSTRUCTIONS BEFORE D8]

(CURRENT USERS REQUIRED TO USE E-VERIFY LIKELY TO CONTINUE) **D6. Why would you be likely to continue using E-Verify?** *(Please choose one response for each item)*	Yes	No	Don't Know
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): _____	☐	☐	☐

[ALL, INCLUDING ALL ITEMS IN D6 = 'BLANK', SKIP TO INSTRUCTIONS BEFORE D8]

(CURRENT USERS REQUIRED TO USE E-VERIFY UNLIKELY TO CONTINUE) **D7. Why would you be unlikely to continue using E-Verify?** *(Please choose one response for each item)*	Yes	No	Don't Know
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 D4a = '1' THEN ASK D8]

[ALL OTHERS, INCLUDING D4 = 'BLANK', SKIP TO D9]

(CURRENT USERS REQUIRED TO USE E-VERIFY BECAUSE OF FEDERAL CONTRACTS)

D8. In response to the federal mandate, did you verify or are you verifying any of your existing employees who were working at this company prior to when the company began using E-Verify?

(Please choose 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) _____

(ALL CURRENT USERS) **D9. Please indicate your own perceptions related to the impact that E-Verify has had on this company.** *(Please choose 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	☐	☐	☐	☐	☐

(ALL CURRENT USERS) **D10.** **Please consider each of the following statements related to E-Verify and select the choice that best represents the experiences at this company.** *(Please choose 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. It is easy to make errors when entering employee information into the E-Verify system	☐	☐	☐	☐	☐
d. We are sometimes unsure about how to enter certain types of names (e.g., single names, compound/hyphenated last names, very long names, etc.)	☐	☐	☐	☐	☐
e. Frequent technical assistance is required from the Help Desk to use E-Verify	☐	☐	☐	☐	☐
f. At times, the number of employees hired is so great that it is impossible to submit the information required by the deadline	☐	☐	☐	☐	☐
g. E-Verify is difficult to use for hiring seasonal workers	☐	☐	☐	☐	☐

(ALL CURRENT USERS) **D11. Consider each of the following statements related to E-Verify and select the choice that best represents the experiences at this company.** *(Please choose one response for each item)*	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**	**Not Applicable**
a. USCIS usually provides adequate training when introducing new program features	☐	☐	☐	☐	☐
b. E-Verify is not always available because the federal system is 'down'	☐	☐	☐	☐	☐
c. E-Verify is not always available because our internet system is unreliable	☐	☐	☐	☐	☐
d. System time-outs require us to re-enter information previously entered	☐	☐	☐	☐	☐
e. We believe E-Verify is highly accurate	☐	☐	☐	☐	☐
f. It is easy for system users to obtain a lost or forgotten password	☐	☐	☐	☐	☐
g. The available E-Verify system reports cover all of our reporting needs	☐	☐	☐	☐	☐

(ALL CURREN T USERS)

D12. **E-Verify Photo Matching allows you to compare the picture on the person's Form I-9 documents to the one that is returned by E-Verify.**

Has your company ever used E-Verify Photo Matching?

(Please choose only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

[IF D12 = '1' THEN ASK D13]

[ALL OTHERS, INCLUDING D12 = 'BLANK', SKIP TO D17]

(CURRENT USERS USING PHOTO MATCHING) **D13.** **Please consider the following statements related to E-Verify Photo Matching and select the choice that best represents the experiences at this company.** *(Please choose one response for each item)*	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**	**Not Applicable**
a. We would like to have Photo Matching include more types of documents	☐	☐	☐	☐	☐
b. Using Photo Matching reduces our responsibility to be certain that the person presenting the document is the right person	☐	☐	☐	☐	☐
c. Photo Matching makes E-Verify more burdensome and time-consuming to use	☐	☐	☐	☐	☐
d. The use of Photo Matching has helped us identify cases of potential fraud	☐	☐	☐	☐	☐
e. Other (specify): _____	☐	☐	☐	☐	☐

Westat®

(CURRENT USERS USING PHOTO MATCHING)

D14. Has Photo Matching influenced the types of documents your company asks for during the verification process?

(Please choose only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

IF YES, ASK D15; OTHERWISE SKIP TO D16

(CURRENT USERS INFLUENCED BY PHOTO MATCHING) **D15. Has Photo Matching made it more likely that your company will do the following during the verification process?** *(Please choose one response for each item)*	Yes	No	Don't Know
a. Ask noncitizens for immigration documents during verification	☐	☐	☐
b. Ask U.S. citizens for passports during verification	☐	☐	☐

(CURRENT USERS USING PHOTO MATCHING)

D16. Does this company compare the photo provided in the E-Verify Photo Matching response to the picture on the document the worker provided?

(Please choose only one response)

1 ☐ Yes

2 ☐ No – this is not part of our procedures

(ALL CURRENT USERS)

D17. **How frequently during the Form I-9 process does this company compare the** *picture on the document(s) used for verification* **to the** *person* **presenting them?**
(Please choose 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

(ALL CURRENT USERS)

D18. **In the past few years, have you noticed any decrease in the use of immigration documents (Employment Authorization Documents or Permanent Resident Green Cards) provided by employees during the verification process?**

(Please choose only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

(ALL CURRENT USERS)

D19. **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 choose 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 D19 = '1' THEN ASK D20]

[IF D19 = '2' THEN SKIP TO D21]

[ALL OTHERS, INCLUDING D19 = 'BLANK', SKIP TO D22]

(CURRENT USERS WHO ARE MORE WILLING IN D19)

D20. Which of the statements below are reasons that this company is more willing now to consider hiring job applicants who appear to be foreign born? *(Please choose one response for each item)*	Yes	No
a. Using E-Verify is easier than using the Form I-9 to tell who is work authorized	☐	☐
b. Using E-Verify takes the guesswork out of determining the validity of the documents presented	☐	☐
c. Using E-Verify provides immediate results	☐	☐
d. Using E-Verify reassures us that we are not hiring unauthorized workers	☐	☐
e. Using E-Verify gives us confidence that all the workers we hire are legally authorized to work	☐	☐
f. Using E-Verify shows a good-faith effort that we are complying with the law	☐	☐
g. Some other reason (specify): _____	☐	☐

[ALL SKIP TO D22]

(CURRENT USERS WHO ARE LESS WILLING IN D19)

D21. Which of the statements below are reasons that this company is less willing now to consider hiring job applicants who appear to be foreign born? *(Please choose one response for each item)*	Yes	No
a. Using E-Verify can be disruptive if we first hire someone and then later have to let that person go	☐	☐
b. Using E-Verify creates extra work when someone is not work authorized	☐	☐
c. Using E-Verify is more difficult with foreign-born applicants	☐	☐
d. Some other reason (specify): _____	☐	☐

(ALL CURRENT USERS)

D22. **Self Check is a voluntary and free service of the USCIS E-Verify Program that allows individuals to check their employment eligibility in the United States.**

Have you heard about Self Check?

(Please choose only one response)

1 ☐   Yes

2 ☐   No

[IF D22 = 'I' THEN ASK D23]

[ALL OTHERS, INCLUDING D22 = 'BLANK', SKIP TO SECTION E]

(CURRENT USERS WHO HAVE HEARD ABOUT SELF CHECK) **D23.** **Do you agree with the following statements?** *(Please choose one response for each item)*	Yes	No	Don't know
a. Self Check reduces Tentative Nonconfirmations (TNCs)	☐	☐	☐
b. Self Check makes the hiring and verification process more efficient	☐	☐	☐
c. Self Check makes workers less concerned about the E-Verify verification process	☐	☐	☐

(CURRENT USERS WHO HAVE HEARD ABOUT SELF CHECK)

D24. **Does this company inform anyone (e.g., job applicants, new hires, existing workers) about the Self Check service?**

(Please choose only one response)

1 ☐   Yes (specify): _____)

2 ☐   No

3 ☐   Don't know

(CURRENT USERS WHO HAVE HEARD ABOUT SELF CHECK)

D25. **Does this company require anyone to use the Self Check service?**

(Please choose only one response)

1 ☐   Yes (specify): _____)

2 ☐   No

3 ☐   Don't know

(CURRENT USERS WHO HAVE HEARD ABOUT SELF CHECK)

D26. **Has anyone told you that they have used Self Check?**

(Please choose only one response)

1 ☐   Yes (specify): _____)

2 ☐   No

[IF A11b ≠ '1' THEN SKIP TO SECTION F]

SECTION E: COMPANIES THAT REFER JOB CANDIDATES

This section asks questions about your experiences in referring job candidates to companies wishing to hire new employees. Do NOT consider temporary placements or other workers on your own payroll in this section.

(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 choose one response for each item)_	All referrals	Some referrals	No referrals
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. Skills tests (typing tests, etc.)	☐	☐	☐
g. Other (specify): _____	☐	☐	☐

[IF E1A = '1' OR E1A = '2' OR E1B = '1' OR E1B = '2' OR E1C = '1' OR E1C = '2' OR E1D '1' OR E1D = '2' OR E1E = '1' OR E1E = '2' OR E1F = '1' OR E1F = '2' OR E1G = '1' OR E1G = '2' OR (E1GSPECIFY = (not blank) AND E1G = blank), THEN ASK E2]

[ALL OTHERS, INCLUDING ALL ITEMS IN E1 = 'BLANK',   SKIP TO E3]

(EMPLOYMENT AGENCIES WITH AT LEAST ONE CHECK DONE PRIOR TO REFERRING)

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 choose 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 choose 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 whomE-Verify has found to be work authorized?   *(Please choose only one response)*

1 ☐   Yes

2 ☐   No

3 ☐   Don't know

SECTION F: VERIFICATION PROCEDURES

IF PLACEMENT OR RECRUITING FIRM **[IF A11b = '1']**: "This section asks questions about your verification procedures for *your own employees, including internal staff and other employees on your payroll even if they are working off site or as temporary help for another company*."

ALL OTHER 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.

[IF GROUP = '3 NEVER USED' OR GROUP = '4 PRIOR USER' THEN SKIP TO F2]

(ALL CURRENT USERS) **F1. For which of the following does this company verify work authorization using E-Verify?** *(Please choose one response for each item)*	Yes	No	Not Applicable
All new hires	☐	☐	☐
Employees who started working for this company because of merger or buy-out	☐	☐	☐
Existing employees who worked at this company prior to when the company began using E-Verify	☐	☐	☐
Existing employees with work authorizations that are about to expire	☐	☐	☐
Existing employees not believed to be work authorized	☐	☐	☐
Other types (specify):_____	☐	☐	☐

(ALL COMPANIES) **F2.** [FOR EMPLOYMENT AGENCIES, BEGIN THIS QUESTION WITH: 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.] **Which of the following do you require from some or all prospective new employees before they can start work?** *(Please choose 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):_____	☐	☐	☐

THE FOLLOWING INSTRUCTION APPLIES WHEN THE QUESTION IS FIRST ANSWERED, AND ALSO APPLIES TO THE RESPONSE IF IT IS REVISED LATER.

[IF F2A = '1' OR F2A = '2' OR F2B = '1' OR F2B = '2' OR F2C = '1' OR F2C = '2' OR F2D = '1' OR F2D = '2' OR F2E = '1' OR F2E = '2' OR F2F = '1' OR F2F = '2' OR F2G = '1' OR F2G = '2' OR F2GSPECIFY = (not blank) AND F2G = blank), THEN ASK F3]

[ALL OTHERS, INCLUDING ALL F2 = 'BLANK', SKIP TO INSTRUCTIONS BEFORE F4]

(ALL COMPANIES WITH AT LEAST ONE CHECK DONE PRIOR TO HIRING)

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 choose only one response)

1 ☐ One to two days

2 ☐ Three to six days

3 ☐ One to two weeks

4 ☐ More than two weeks

[IF GROUP = '3 NEVER USED' OR GROUP = '4 PRIOR USER' THEN SKIP TO SECTION G]

(ALL CURRENT USERS)

F4. When is E-Verify _typically_ used to verify work authorization?

    (Please choose 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): _____

[IF F4 = '1' OR F4 = '2' OR F4 = '3' THEN ASK F5]

[ALL OTHERS, INCLUDING F4 = 'BLANK', SKIP TO F6]

(CURRENT USERS THAT VERIFY PRIOR TO THE START OF WORK)

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

(ALL CURRENT USERS)

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 choose only one response)

1 ☐   Yes

2 ☐   No

3 ☐   Don't know

[IF F6 = '1' THEN ASK F7]

[ALL OTHERS, INCLUDING F6 = 'BLANK', SKIP TO F9]

(CURRENT USERS IF HAD A DATA ENTRY TNC)

F7. Did those data entry mistakes when entering the I-9 information into E-Verify occur during the past 12 months? *(Please choose only one response)*

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

(CURRENT USERS IF HAD A DATA ENTRY TNC)

F8. When a data entry error is found, how do you *typically* correct it?

(Please choose 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): _____

(ALL CURRENT USERS)

F9. Did your company have any Tentative Nonconfirmation findings that were *NOT* the result of data entry errors? *(Please choose only one response)* 1 ☐Yes

2 ☐No

3 ☐Don't know

[IF F9 = '1' THEN ASK F10]

[ALL OTHERS, INCLUDING F9 = 'BLANK', SKIP TO F17]

(CURRENT USERS THAT HAD A TNC)

F10. How often does each of the following situations apply to this company's use of E-Verify for persons receiving Tentative Nonconfirmations? *(Please choose 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 a 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'	☐	☐	☐	☐	☐

Westat®

(CURRENT USERS THAT HAD A TNC)

F11. How often does each of the following situations apply to this company's use of E-Verify for persons receiving Tentative Nonconfirmations? *(Please choose one response for each item)* Note: *Select 'Not Applicable' if the situation has never arisen*	Never	Sometimes	Often	Always	Not Applicable
a. Employees tell us that they plan to contest	☐	☐	☐	☐	☐
b. Employees decide to quit rather than to contest the finding	☐	☐	☐	☐	☐
c. Employees quit before we have a chance to tell them about the finding	☐	☐	☐	☐	☐
d. We don't tell employees about Tentative Nonconfirmations but let them continue to work for us	☐	☐	☐	☐	☐
e. We decide not to hire employees receiving Tentative Nonconfirmations without telling them about the finding	☐	☐	☐	☐	☐
f. We decide to fire employees receiving Tentative Nonconfirmations without telling them about the finding	☐	☐	☐	☐	☐

(CURRENT USERS THAT HAD A TNC)

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

(CURRENT USERS THAT HAD A TNC)

F13. 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 choose 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 Tentative Nonconfirmations is not encouraged because the process requires too much time	☐	☐	☐	☐	☐
b. Providing assistance to employees who contest Tentative Nonconfirmations is an excessive burden on staff	☐	☐	☐	☐	☐
c. Contesting Tentative Nonconfirmations is not encouraged because work authorization rarely results	☐	☐	☐	☐	☐
d. Establishing work authorization has become a burden because there are so many Tentative Nonconfirmations	☐	☐	☐	☐	☐
e. Work assignments must be restricted until work authorization is confirmed	☐	☐	☐	☐	☐
f. Pay is reduced until work authorization is confirmed	☐	☐	☐	☐	☐
g. Training is delayed until after work authorization is confirmed	☐	☐	☐	☐	☐

(CURRENT USERS THAT HAD A TNC)

F14. Has your company ever had a worker receive a Final Nonconfirmation (or unauthorized to work)? *(Please choose only one response)*

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

[IF F14 = '1' THEN ASK F15]

[ALL OTHERS, INCLUDING F14 = 'BLANK', SKIP TO F17]

(CURRENT USERS THAT HAD AN FNC)

F15. Which of the following affect how long a worker could remain on the job after receiving a Final Nonconfirmation? *(Please choose 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): _____	☐	☐	☐	☐

(CURRENT USERS THAT HAD AN FNC)

F16. On average, how long do you usually let a person continue to work after the Final Nonconfirmation (FNC) (or unauthorized to work) has been received?

_____   Average number of workdays

OR

We do not usually terminate employment for workers with FNCs

(ALL CURRENT USERS)

F17. The following statements describe possible *changes that could be made* to E-Verify procedures. Please select the answer that best describes your views for each of these possible changes. *(Please choose 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 fingerprints	☐	☐	☐	☐	☐
f. Increasing the types of documents that can be used with Photo Matching	☐	☐	☐	☐	☐
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): _____	☐	☐	☐	☐	☐

(ALL CURRENT USERS)

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

(Please choose only one response)

1 ☐ Yes

2 ☐ No

3 ☐ Don't know

SECTION G: Company Characteristics

(ALL COMPANIES)

G1. Please estimate the total number of current employees in *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 who are paid by another company should NOT be included.

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

(ALL COMPANIES)

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

(_____) employees hired in last 12 months

(ALL COMPANIES)

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

(_____) employees terminated or quit in last 12 months

(ALL COMPANIES)

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

(ALL COMPANIES)

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

(Please choose 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.

- 0 ☐ 0 percent
- 1 ☐ 1-5 percent
- 2 ☐ 6-20 percent
- 3 ☐ 21-40 percent
- 4 ☐ 41-80 percent
- 5 ☐ 81 percent or more

(ALL COMPANIES)

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

[IF FEWER THAN 100 EMPLOYEES, SAY: We are particularly interested in your experiences and suggestions as a small company.]

_____

_____

_____

_____

_____

_____

_____

Thank you for taking the time to answer this survey.

Your effort and the information you have provided are greatly appreciated.

This page intentionally left blank.

APPENDIX E.

2010 WEB QUESTIONNAIRE

This page intentionally left blank.

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 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
Computer maintenance	☐	☐
Telephone fees for internet access	☐	☐
Internet access fees	☐	☐
Training of replacement staff	☐	☐
Wages for verification specialist(s)	☐	☐
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
State or local government required participation	☐	☐
Federal government required participation	☐	☐
To satisfy a client's request	☐	☐
Believed that using E-Verify would allow us to avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine	☐	☐
To improve ability to verify work authorization	☐	☐
Believed it would make us more competitive with others in our industry	☐	☐
Trusted recommendation from someone at another company/ organization	☐	☐
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
We have federal contract(s) requiring participation	☐	☐	☐
We have federal contract(s) but NONE require participation	☐	☐	☐
We do business in a state or locality that requires our participation in E-Verify	☐	☐	☐
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
To possibly avoid a U.S. Immigration and Customs Enforcement (ICE) audit, raid, or fine	☐	☐	☐
To improve our ability to verify work authorizations	☐	☐	☐
To remain more competitive with other companies in our industry	☐	☐	☐
Our clients like that we use E-Verify	☐	☐	☐
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
Displayed posters in areas where they would be easily seen	☐	☐	☐
Sent a memo to each existing employee	☐	☐	☐
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	☐	☐	☐	☐	☐
i. Qualified workers were difficult to recruit because E-Verify was used	☐	☐	☐	☐	☐
j. Using E-Verify resulted in some existing employees choosing to leave (e.g., resignation or retirement)	☐	☐	☐	☐	☐
k. Using E-Verify resulted in the firing or termination of some existing employees	☐	☐	☐	☐	☐
l. Using E-Verify damaged the employee/management relationship	☐	☐	☐	☐	☐
m. Using E-Verify created a competitive advantage for this company	☐	☐	☐	☐	☐
n. 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 noncitizens 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?***

(Please 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 thatE-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.

F1. For which of the following does this company verify work-authorization using E-Verify? *(Please check one response for each item)*	Yes	No	Not Applicable
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

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 F.

2008 WEB QUESTIONNAIRE

This page intentionally left blank.

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 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	☐	☐	☐	☐	☐

Westat

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) at least sometimes 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 at least sometimes 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) at least sometimes 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 <u>before placing</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):_____

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 typically 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 typically 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.	☐	☐	☐	☐	☐

APPENDIX **F**

I21. How soon after a tentative nonconfirmation is received does your establishment <u>typically</u> 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) _____

Findings of the E-Verify User Survey   F-37   **Westat**

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.

This page intentionally left blank.

APPENDIX G.

GLOSSARY

This page intentionally left blank.

GLOSSARY

Active employers. In this report, employers that actively participated in E-Verify by submitting cases to E-Verify between July and September 2012.

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 Department of Homeland Security (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 lawful 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).

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 query created in E-Verify to confirm the identity and determine the work eligibility status of a worker.

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 enrolling if they plan to have an E-Verify Employer Agent conduct 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 the Social Security Administration (SSA) or the Department of Homeland Security (DHS) 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.

Dun and Bradstreet Employer Check. A Dun 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 Dun 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.

Employer. This report uses the term "employers" to include companies, firms, and other types of E-Verify participants (e.g., government entities, unincorporated employers, and sole proprietors). A franchise that is independently owned and has acquired the rights to use the name of a national chain is considered a company rather than a branch of a larger company.

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 agency. Employment agencies are self-identified in the E-Verify Transaction Database based on a North American Industry Classification System (NAICS) code of 5613 (employment services). These companies include employment placement agencies, executive search services, temporary help services, and professional employer organizations.

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. Throughout the report, the term "E-Verify" may refer to the overall program or the electronic system used to operate it.

E-Verify Employer Agent (EEA). An individual or company that processes E-Verify cases on behalf of other employers (clients). Formerly known as Designated Agent or DA.

E-Verify users. Enrolled employers or designated employees (e.g., human resources personnel) that use the Program on behalf of companies.

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. Executive Order 12989, as amended on June 6, 2008, directs federal agencies to require that federal contractors and their subcontractors electronically verify the employment eligibility of their newly hired workers and workers performing work on a federal contract. The requirement only affects federal contractors that are awarded a new contract on or after September 8, 2009, that includes the Federal Acquisition Regulation (FAR) E-Verify clause (73 FR 67704). Federal contractors participating in E-Verify under the FAR clause must follow most of the same E-Verify rules and procedures as general employers. However, unlike general employers, covered federal contractors are required to use E-Verify to electronically verify existing employees that will be working on federal contracts that include the FAR clause. Covered federal contractors are also permitted to electronically verify work authorization for all existing employees, if they choose to do so.

Final Nonconfirmation (FNC). A result on the Transaction Database indicating that the worker's employment eligibility cannot be verified.

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, Employment Eligibility Verification. 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.

Further Action Notice (FAN). Previously referred to as Notice of Tentative Nonconfirmation (TNC). The form 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. As of September 8, 2013, the TNC Notice was replaced by the FAN.

Hire date. According to the USCIS public website, "The hire date is the date the employee began (or will begin) work for pay. Use the Section 2 'Certification' date from the employee's Form I-9 as the hire date in E-Verify." 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 E-Verify system between April and September 2012, and (2) employers that had not formally terminated use of the system, had signed a Memorandum of Understanding between January and March 2012, but had not transmitted any cases to E-Verify in the three months ending in September 2012.

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.

Management Program Assistants (MPAs). The group of USCIS field office staff who verify immigration status for benefit and licensing agencies and E-Verify employers. One of their functions is to verify the status of individuals receiving a Tentative Nonconfirmation from USCIS. MPAs were formerly called Immigration Status Verifiers (ISVs).

Memorandum of Understanding (MOU). A signed document in which an employer choosing to participate in E-Verify agrees to abide by the terms and conditions of E-Verify and that specifies DHS' 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 DHS to resolve a Tentative Nonconfirmation (TNC) did not contact the appropriate agency to resolve the TNC within the allotted time frame.

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.

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. Photo Matching is activated automatically only when a worker has provided a U.S. passport or passport card, Permanent Resident Card (Form I-551), or an Employment Authorization Document (Form I-766) as the Form I-9 document.

Prescreen. To evaluate the employment authorization status of an individual before a job offer is made and accepted.

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.

Professional Employment Organization (PEO): A company that provides a range of human resources services to clients (e.g., benefits, payroll, training, worker compensation) for a fee.

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 2013 Web survey, the sample frame consisted of companies that had submitted cases to E-Verify between July and September 2012, or had formally terminated involvement in E-Verify between April and September 2012, or had signed a Memorandum of Understanding for participation between January and March 2012 but had not transmitted any cases to E-Verify between April and September 2012.

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.

Self Check. A voluntary and free service of the USCIS E-Verify Program that allows individuals to check their employment eligibility in the United States.

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. As of September 8, 2013, the TNC Notice was replaced by the Further Action Notice (FAN).

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 or non-lawful permanent resident who does not have legal permission to work in the United States. 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 person who is employed who does not have authorization to work 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 confirmation of identity and work authorization.

Verification Information System (VIS). The USCIS information system used by the E-Verify Program. It 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.

This page intentionally left blank.