# Recommendations of the E-Verify User Survey Report - June 2014

In 2013, the research firm Westat conducted a survey of recent E-Verify users to gather information on employers' opinions and experiences with using the program. The study is part of an ongoing evaluation of E-Verify. The survey sample consisted of 2,819 employers randomly chosen from a list of 76,828 eligible employers in the E-Verify Transaction Database. Below is a summary of Westat's recommendations based on the survey results. USCIS has included the steps it has taken, or intends to take, to address these recommendations.

## Communication, Outreach, and Training

1. **Continue to strengthen and 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. Enhanced communication with these entities will increase awareness of E-Verify and make USCIS aware of the unique needs of different types of employers.**

   USCIS agrees that this is a good approach. USCIS has established relationships with many national and local stakeholders, such as chambers of commerce, business associations, and other organizations and groups throughout the nation. USCIS does work with the Small Business Administration, the Internal Revenue Service and other federal agencies to disseminate information and intends to strengthen these ties. USCIS continuously seeks to develop new partnerships with businesses and associations, and to strengthen existing relationships.

   USCIS communicates with stakeholders through promotional and educational materials, E-Verify articles in newsletters and electronic communications. In addition, USCIS has conducted a large array of national, regional and local E-Verify campaigns, including live presentations, panel discussions, and exhibits at conferences of national business associations.

   USCIS lists standard webinar offerings on the E-Verify website. In fiscal year (FY) 2013, the number of public webinar sessions conducted by USCIS increased by nearly 73 percent from the previous year and the number of webinar participants increased by nearly 107 percent. USCIS hosted 627 webinars that were attended by a total of 44,308 participants. USCIS also partners with stakeholders to offer free customized webinars to meet the needs of a specific audience and which the stakeholder promotes to its members and associates. USCIS reached 9,692 participants through customized webinars in FY 2013.

   USCIS also provides the business community with E-Verify information and resources via instructional videos, including the release of the short video "E-Verify for Business Leaders" in January of 2014.

2. **Provide E-Verify press packages for dissemination of accurate information to key professional organizations as well as state and local governments.**

   USCIS is exploring the idea of developing press packages. Currently, USCIS uses a variety of methods to keep the public informed. These methods include the E-Verify website, www.dhs.gov/E-Verify; a mailing list with over 180,000 subscribers; alerts to E-Verify users; regularly scheduled and special topic webinars; and the E-Verify Connection e-newsletter. USCIS also places articles in the publications of other entities, including the SSA/IRS Reporter quarterly newsletter for employers.

USCIS released the Employee Rights Toolkit in December 2012. The Employee Rights Toolkit compiles a variety of resources useful to workers and those who assist workers. The resources include multimedia and print materials about employee rights in the employment eligibility verification process and E-Verify Self-Check. The toolkit aims to provide our stakeholders with resources to educate workers about their rights. The toolkit is available on our website (www.dhs.gov/E-Verify) as well as through DVD/CD mail order.

3. **Incorporate personal experiences or stories and quotes from employers that have found E-Verify most useful into USCIS's media campaigns.**

USCIS is exploring this idea. USCIS will continue to develop opportunities to incorporate the experiences of E-Verify users, and to provide forums for the public to engage one another and exchange information. For example, USCIS held a virtual conference in June 2014, to discuss the future and present state of E-Verify and the latest information on Form I-9. We dedicated a significant portion of this event to receiving feedback regarding these programs from the public, as well as encouraging businesses to share best practices.

USCIS is also harnessing the power of social media to capture customer stories and ideas. E-Verify Listens, an online community, uses crowd sourcing to gain feedback from the public. Participants can submit, comment and vote on ideas for improving USCIS programs. E-Verify users can also exchange comments about using the program. Through this forum, USCIS has obtained innovative ideas from the public and has used several submissions to improve our programs. Moreover, we hold teleconferences to gain feedback from the general public on a wide variety of immigration issues.

4. **Continue to identify the specialized needs of different subgroups of employers (such as small employers, employers who hire many foreign-born workers, and employers in industries where there are many undocumented workers) and create materials targeted to these subgroups.**

USCIS fully supports this recommendation. USCIS will continue to identify the informational needs of different subgroups of employers and create materials targeted to these subgroups. Currently, USCIS maintains electronic mailing lists for subgroups, such as worker advocacy and immigration groups, which will allow us to widely disseminate educational materials. USCIS also works with a variety of trade and professional organizations to communicate with industry segments. USCIS works with a number of other government agencies, such as the Small Business Administration, and state departments of labor to reach businesses of all sizes and types.

USCIS also offers many multilingual resources and services for employers and employees. The E-Verify website is available in English and Spanish, and USCIS offers webinars in both English and Spanish. Many of the informational materials are available in as many as 18 languages and found online at our Foreign Language Resource Center.

5. **Prepare specific job aids for employers to print out from the E-Verify website and post in locations where they conduct verifications. These job aids could remind users about the key E-Verify requirements and their responsibility to ensure the security of user names and passwords.**

USCIS will consider preparing more printable job aids for employers.

Currently, USCIS offers E-Verify Self-Assessment Guides, which are useful tools to help employers evaluate their E-Verify practices and maintain compliance.

USCIS also provides reference tools in multimedia formats. The "How to Create a Case" video demonstrates how to create a case in E-Verify. USCIS has three short video vignettes for employees and employers that demonstrate how to complete each section of the Employment Eligibility Verification Form I-9.

We have also upgraded our website to include more graphics, and to provide easy-to-find access to specific reference guides and materials. As a result, the Federal Consulting Group selected E-Verify to receive the 2014 Annual Customer Satisfaction Award. The award honors USCIS and E-Verify's committed and comprehensive use of customer experience analytics and related technology to develop, assess and improve customer-oriented websites for the American public.

6. **Outreach to employers to make them more aware of the Self Check program and encourage them to advise their job applicants and workers of its availability.**

USCIS agrees with the recommendation to increase awareness of Self Check among employers. USCIS recognizes that Self Check enhances an individual's ability to maintain accurate employment eligibility related government records. Accordingly, USCIS is continuously exploring various communication channels to expand employers' knowledge of Self Check, and to provide useful information to the public regarding the service.

USCIS currently offers a monthly Self Check webinar and mentions Self Check in all E-Verify webinars and presentations. In addition, USCIS has built the online Self Check Toolkit which contains a variety of materials that employers and other stakeholders can download to promote Self Check.

In September 2014, USCIS will launch myE-Verify, a website that will include a free web-based suite of services for workers. myE-Verify will include both Self Check and a new feature, Self Lock, as well as worker and job seeker-focused educational resources.

## Programmatic Changes

7. **Work with congressional stakeholders to establish a small, time-limited pilot program to test and evaluate a provision allowing employers to verify their job applicants' employment authorization before hiring them.**

The E-Verify statute does not permit prescreening of job applicants through E-Verify. See section 404(d)(4)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a note. USCIS will consider developing an exploratory study design to see if a pilot is feasible under current legislative constraints.

8. **Extend the three-day rule for creating a case for verification to five days. (This would require a change in legislation.)**

Unless there are extenuating circumstances, the E-Verify statute requires employers to verify the identity and employment eligibility of all individuals hired in the United States within three business days of the date employment begins. See section 404 (a)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a note. The current E-Verify configuration allows employers to enter into a text field reasons why a query was delayed beyond three days if extenuating circumstances occur.

9.  **Continue to work on increasing the types of documents that can be used with Photo Matching.**

    USCIS will explore additional opportunities to increase the types of documents that can be used with Photo Matching.

10. **Develop an administrative process that workers can 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 developing a review process for employees who disagree with the final nonconfirmation response issued by the Department of Homeland Security or the Social Security Administration (SSA). Additionally, we will include robust communication tools in the FNC review process, including notification to both the employee and employee. The new process will not allow the employer to contest on behalf of the employee due to the provisions in section 404(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208 (Sept. 30, 1996) and the Privacy Act of 1974, Pub. L. 93-579 (Dec. 31, 1974), along with USCIS and SSA policies that govern who can request records corrections.

11. **Consider whether E-Verify procedures need to be modified to meet the needs of specific groups of employers, such as small employers.**

    USCIS is working on an enhancement that would provide greater flexibility to employers in how they access and use E-Verify.


## Technical Enhancements

12. **Make I-9 software available free of charge to employers and encourage them to use this software.**

    Currently the I-9 is available as an electronic PDF file. Additionally, USCIS is exploring the development of an electronic I-9 that will populate an E-Verify case.

13. **Explore how to streamline the tutorial.**

    USCIS will explore ways to streamline the tutorial.

14. **Explore options for providing just-in-time training for handling cases, such as pop-up help text.**

    Currently, USCIS has a robust helper text associated with the case-creation process. USCIS will also explore other options for providing additional help to users during the case-creation process.

15. **Adapt or supplement current training materials, tutorials, webinars, FAQs, and on-screen help to instruct employers about procedures known to lead to violations of E-Verify and Form I-9 requirements (such as the three-day rule or prescreening).**

    USCIS will explore ways to adapt or supplement current training materials with best practices that will help reduce E-Verify and Form I-9 violations.


## Monitoring and Compliance

16. **Expand E-Verify's monitoring and compliance capabilities in order to monitor employer behaviors by randomly selecting companies for desk audits.**

    Monitoring and compliance efforts continue to increase the efficiency and capacity of employer monitoring. A new data analytics tools will allow USCIS to reallocate our resources to expand compliance actions, including desk audits. Our ongoing strategy will evaluate all avenues for compliance actions, and we will conduct random desk audits when appropriate.

17. **As the Monitoring and Compliance Branch expands its algorithms to detect program misuse, consider the discriminatory behaviors noted in the findings of the report.**

    Currently, the Monitoring and Compliance Branch monitors E-Verify participants to detect discriminatory activities. Our new data analytic tools will increase our capacity and increase the complexity of our analysis in monitoring employers, especially with respect to fraud and discrimination. Going forward, we will expand our monitoring of these activities, including the consideration of those cited in the report.