SUMMARY OF FINDINGS OF THE E-VERIFY USER SURVEY

This document summarizes the major findings and recommendations from a report authored by the Westat Corporation, dated July 2011, and entitled *Findings of the E-Verify User Survey.* U.S. Citizenship and Immigration Services (USCIS) retained the services of Westat, a social science research firm, to evaluate the E-Verify Program. Westat has over 15 years of experience evaluating the E-Verify Program. The report presents the results of a nationally representative survey of E-Verify users conducted in 2010 that collected data on employers' opinions and experiences with using E-Verify. Specifically, the primary goals of the report were to assess changes from 2008 to 2010 in program usage, impacts of program changes, employer motivation to enroll in and use the system, employer satisfaction, and employer compliance with program guidelines. The survey was completed by 83 percent (or 2,928) of surveyed employers who were found to be within the desired scope, and confirms strong E-Verify user satisfaction.

KEY FINDINGS

- **Employers continued to express high levels of satisfaction with E-Verify in 2010.** The majority of employers surveyed (94 percent) continued to report that E-Verify is a highly accurate and effective tool for employment verification. These results are consistent with the findings of Westat's 2009 survey and a 2012 Customer Satisfaction Survey, which also found exceptionally high levels of E-Verify user satisfaction.

- **E-Verify usage increased rapidly between 2008 and 2010.** The number of cases transmitted to the E-Verify Program grew substantially from 1.7 million cases submitted in April through June 2008 to nearly 4.6 million cases submitted during the same period in 2010. The number of employers using E-Verify more than doubled to 64,000 employers in April through June 2010.

- **The majority of employers surveyed (68 percent) reported that they were motivated to use E-Verify in order to improve their ability to verify work authorization**. In addition, nearly half of employers reported they were motivated to enroll because of a state/local government mandate (49 percent) and/or Federal government mandate (48 percent).

- **The majority of mandated employers (62 percent) reported that they would likely continue using E-Verify** even if no longer required to do so.

- **The majority of employers (79 percent) continued to report no direct costs** in setting up E-Verify operations within their businesses. A majority (83 percent) of employers also reported that they incurred no direct annual costs in maintaining E-Verify.

- **Almost all employers (97 percent) reported that they use E-Verify to verify work authorization for all newly hired employees**.

- **There was an increase in the percentage of employers that are prescreening**. When asked, 9 percent of employers surveyed in 2010 reported practices that constitute prescreening even though USCIS specifies that E-Verify should be used only for new hires.

- **Employers showed increased compliance with E-Verify procedural requirements regarding how to notify workers about a Tentative Nonconfirmation (TNC).** More employers reported notifying workers of TNC findings within a day or less (80 percent in 2010 compared with 73 percent in 2008), always notifying workers about TNC findings in private (96 percent in 2010 compared with 91 percent in 2008), and always providing workers with written notification of TNC findings (91 percent in 2010 compared with 86 percent in 2008).

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

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

- **Overall, employers that reported participating in E-Verify only because they were mandated to do so were more compliant with E-Verify requirements than voluntary users.**

STUDY RECOMMENDATIONS

Westat's recommendations are summarized below. USCIS has noted in italics steps it has taken, or will be taking, to address these recommendations.

Enhance current training materials, tutorials, webinars, and on-screen help to further instruct employers about procedures known to lead to violations of E-Verify and Form I-9 requirements (e.g., 3-day rule, prescreening). Increase the guidance to employers entering information of workers with complex names. Additionally, USCIS should develop and maintain further supplemental materials, such as question and answer documents similar to the one USCIS developed for Federal contractors.

USCIS continuously updates and enhances its training materials, tutorials, webinars and on-screen help features to assist employers with understanding the Form I-9 requirements and avoid E-Verify violations such as prescreening. Since the research for the User survey was completed, USCIS published the E-Verify Self Assessment Guide that helps employers identify and avoid mistakes and added a comprehensive set of Questions and Answers (Q&As) to the E-Verify website. The Form I-9 Central website also provides valuable guidance to employers on how to complete the Form I-9. In addition, E-Verify now has helper text next to the fields where names are entered to help employers avoid input errors when entering names. Furthermore, USCIS already has Q&A's accessible on the E-Verify website.

- **USCIS should continue to establish formal relationships with professional employer organizations and state and local governments** that mandate the use of E-Verify to increase awareness of the Program.

USCIS recognizes the importance of public awareness and education in states that have implemented mandatory E-Verify laws in an effort to increase employer compliance and educate workers about their rights. USCIS regularly conducts national and local outreach campaigns using print media, television, online and radio advertisements, and billboards. Other mediums of public education in which USCIS participates include live presentations, panel discussions, conferences, public and private webinars, and joint presentations with stakeholders such as local chambers of commerce, small business associations and other state-specific industries and groups. USCIS has also developed an employee initiative to include an Employee Rights Toolkit and produced a number of multilingual materials for the "Know your Rights" campaign aimed at educating employees. Similar to the employer outreach campaigns, the employee outreach initiatives use television, online and radio advertisements.

- **Explore the feasibility of developing software to produce electronic Forms I-9** and encourage employers to use this service.

USCIS is currently developing an electronic I-9 to supplement the E-Verify system.

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

USCIS continues to expand its E-Verify Monitoring and Compliance Branch (M&C) efforts. M&C uses behavioral algorithms to detect patterns of potential program misuse in E-Verify transactional data. M&C also uses different compliance assistance tools to assist employers with the proper use of E-Verify, such as emails, telephone calls, desk reviews, and site visits. In FY 2012, M&C issued more than 65,000 compliance assistance actions (telephone calls, letters, and e-mails) and completed 35 site visits to provide assistance to employers and help them gain a better understanding of their E-Verify responsibilities. Another example of M&C's compliance assistance efforts is the [E-Verify Self Assessment Guide](), a publication launched in FY 2012 that employers can use to help detect and deter noncompliant activities and resolve them quickly.