

**USCIS Needs to Improve
Its Electronic Employment
Eligibility Verification
Process**





OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

August 23, 2021

MEMORANDUM FOR: The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services

FROM: Joseph V. Cuffari, Ph.D. *Glenn Sklar for*
Inspector General

SUBJECT: *USCIS Needs to Improve Its Electronic Employment
Eligibility Verification Process*

Attached for your information is our final report, *USCIS Needs to Improve Its Electronic Employment Eligibility Verification Process*. We incorporated the formal comments from USCIS in the final report.

The report contains 10 recommendations aimed at improving USCIS' electronic employment eligibility verification process. Your office concurred with all 10 recommendations. Based on the information provided in your response to the draft report, we consider the recommendations open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Bruce Miller, Deputy Inspector General for Audits, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

USCIS Needs to Improve Its Electronic Employment Eligibility Verification Process

August 23, 2021

Why We Did This Audit

The United States is home to millions of undocumented individuals who are often motivated to come here in search of work. U.S. Citizenship and Immigration Services (USCIS) verifies the employment eligibility of newly hired individuals through the E-Verify system. E-Verify is critical for helping to maintain the integrity of the Nation's immigration system and ensuring only authorized individuals gain employment. We conducted this audit to assess the effectiveness of E-Verify to electronically confirm employment eligibility.

What We Recommend

We made 10 recommendations to improve E-Verify's accuracy, internal controls, identity verification, and workload capabilities.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

E-Verify needs additional capabilities to more effectively confirm that individuals are eligible for employment in the United States. We identified deficiencies in E-Verify's processes for confirming identity during employment verification. E-Verify's photo-matching process is not fully automated, but rather, relies on employers to confirm individuals' identities by manually reviewing photos. We also determined that in fiscal year 2019, E-Verify returned an "Employment Authorized" result for about 280,000 non-U.S. citizens without using the photo-matching process to confirm their identities. Additionally, although the majority of individuals submit a driver's license to prove identity, E-Verify's process does not use photos to ensure that individuals match the license submitted. We found errors in E-Verify's license verification process that resulted in E-Verify deeming about 613,000 individuals "Employment Authorized" without meeting USCIS' own identification system use requirement.

We further determined that E-Verify returned an "Employment Authorized" result for almost 3,000 non-U.S. citizens who did not meet USCIS' verification requirements. E-Verify also deemed nearly 4,000 non-U.S. citizens as "Employment Authorized" based on an employer-sponsored visa without verifying that the individual was hired by the employer that sponsored them. Lastly, USCIS has not completed full testing of E-Verify's capabilities to determine whether the system can handle the projected increase in users. We attribute these deficiencies to USCIS not developing or evaluating the plans and internal controls needed to improve its processes and detect, track, and investigate system errors. Until USCIS addresses E-Verify's deficiencies, it cannot ensure the system provides accurate employment eligibility results.

USCIS Response

USCIS concurred with all 10 recommendations.



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Abbreviations

CBP	U.S. Customs and Border Protection
EAD	Employment Authorization Document
NLETS	National Law Enforcement Telecommunications System
SSA	Social Security Administration
TNC	Tentative Nonconfirmation
USCIS	U.S. Citizenship and Immigration Services



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Background

In its most recent strategic plan,¹ the Department of Homeland Security reported that one of its objectives was to reduce incentives that encourage illegal immigration and to compel foreign nationals and businesses to comply with Federal laws and procedures. As of 2019, there were almost 29 million immigrants in the U.S. labor force.²

Within DHS, U.S. Citizenship and Immigration Services (USCIS) helps ensure lawful immigration to the United States. USCIS adjudicates requests for various immigration benefits, such as asylum, lawful permanent residency, and U.S. citizenship. According to USCIS, on an average day, it adjudicates 30,000 requests for immigration benefits and processes 3,000 applications to sponsor relatives and future spouses.

USCIS manages the E-Verify program, which allows employers to verify an employee's employment eligibility and identity as required by law for individuals. USCIS verifies the employment eligibility of newly hired individuals in the United States, including U.S. citizens, non-citizen nationals, lawful permanent residents, and aliens authorized to work. Employers initiate the verification process to check identity and employment eligibility due to their responsibility to obtain documentation from each person they hire.³ To do this, employers use the USCIS Form I-9, *Employment Eligibility Verification*.⁴ Form I-9 includes biographic information — the employee's name, address, date of birth, and social security number. See Appendix C for a sample Form I-9.

When completing the Form I-9, employees also must present original documentation that establishes their identity and employment eligibility. To prove their identity and demonstrate employment eligibility, individuals may use documents such as a driver's license, birth certificate, or U.S. passport. Table 1 shows some documents individuals may use, according to the Form I-9.

¹ *The DHS Strategic Plan, Fiscal Years 2020–2024*.

² Bureau of Labor Statistics, <https://www.bls.gov/news.release/pdf/forbrn.pdf>.

³ *Immigration Reform and Control Act of 1986*, Pub. L. No. 99-603, 100 Stat. 3359 (1986). The Act added specific employer procedural requirements for all U.S. employers to implement procedures to verify identity and employment eligibility.

⁴ USCIS Form I-9, *Employment Eligibility Verification*, OMB No. 1615-0047.



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Table 1. Documents Used for Identity and/or Employment Eligibility

Provides Evidence of Identity and/or Employment Eligibility	Document Type
Identity	Driver’s License
Employment Eligibility	Social Security Card
Identity and Employment Eligibility	U.S. Passport
	Permanent Resident Card (Form I-551)
	Employment Authorization Document
	Foreign Passport (with I-94 stamp)

Source: DHS Office of Inspector General (OIG)-generated based on Form I-9

Roles and Responsibilities for Verifying Form I-9 Information

Federal law authorizes immigration officials to review Forms I-9 from U.S. employers and impose civil and criminal penalties for failure to comply with the Act.⁵ Both USCIS and the Social Security Administration (SSA) have roles and responsibilities in the employment verification process to confirm an individual’s identity and employment eligibility status on the Form I-9 for employers participating in E-Verify. Specifically, SSA verifies Form I-9 information to confirm the individual has a valid social security number. Then, USCIS verifies Form I-9 information to confirm the individual’s identity and to determine whether the individual is authorized for employment.

USCIS operates an electronic web-based system, known as E-Verify, which allows employers to verify Form I-9 information and determine the eligibility of employees to work in the United States. The Verification Division of USCIS’ Immigration Records and Identity Services Directorate maintains and operates E-Verify. E-Verify electronically fulfills USCIS and SSA responsibilities in verifying Form I-9 information that newly hired employees provide to employers.

E-Verify Overview

Congress authorized E-Verify in 1996 as a Basic Pilot Program to prevent undocumented workers and other people who have violated immigration laws from obtaining employment illegally in the United States. The E-Verify system electronically compares information from an employee's Form I-9 to DHS’ and DHS partners’ records. E-Verify relies on numerous data sources, both internal and external to DHS, to verify identity and employment eligibility. Key

⁵ *Immigration Reform and Control Act of 1986*, Pub. L. No. 99-603, 100 Stat. 3359 (1986).



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partners are listed in Table 2. See Appendix D for a complete list of data sources.

Table 2. E-Verify’s Primary Data Sources

Entity	System Name	Data Provided to E-Verify
International Justice and Public Safety Network	National Law Enforcement Telecommunications System (NLETS)	Department of Motor Vehicle data on driver’s licenses and state identification cards for 41 states, the District of Columbia, and Puerto Rico
U.S. Customs and Border Protection (CBP)	CBP Pass	U.S. passport data from the Department of State
CBP	Arrival and Departure Information System	Consolidated data related to admission status information, as well as travel entry and exit information
USCIS	Computer-Linked Application Information Management System 3.0	Data on immigration requests, with the exception of naturalization, intercountry adoption, and certain requests for asylum and refugee status
SSA	Numident System	Verification of social security numbers

Source: DHS OIG-generated based on USCIS data

E-Verify performs employment eligibility and identity verification concurrently. E-Verify verifies individuals’ employment eligibility by searching and comparing information from Federal Government data sources based on the information entered into the system by the employer. E-Verify’s search of system records yields matches between the information entered and the existing records that contain biographical information about employees. Specifically, E-Verify uses:

- biographical records, such as name and date of birth, to confirm employment eligibility by determining if the records belong to an individual who is known to be authorized to work, according to DHS records; and
- official records, such as a foreign passport, to confirm employment eligibility by verifying the document is valid and grants an immigration status that authorizes work.

At the same time, E-Verify confirms the individual’s identity by checking that his or her state-issued identification card or driver’s license, U.S. passport,



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Permanent Resident Card, and Employment Authorization Document (EAD) are valid.⁶ Specifically, E-Verify confirms:

- driver's licenses, by comparing license data provided by NLETS to the driver's license data provided on the Form I-9; and
- an individual's identity, by electronically retrieving photos from DHS records (U.S. passports, Permanent Resident Cards, and EADs) and sending them to the employer for visual inspection to determine whether the photo on the document presented matches DHS records.

E-Verify System Results

After an initial check to verify identity and employment eligibility using biographical and official records, E-Verify generates one of three possible results:

1. Employment Authorized. If E-Verify is able to match Form I-9 information with biographical and official records and confirms employment eligibility and identity, the system generates an "Employment Authorized" result to notify the employer that the individual is eligible to work in the United States.
2. DHS Verification in Process. If E-Verify is unable to match Form I-9 information and biographical and official records, the system may generate a result of "DHS Verification in Process" to route the case to USCIS personnel for manual review to determine employment eligibility and/or identity.⁷ USCIS personnel typically complete manual reviews within 24 hours.
3. Tentative Nonconfirmation (TNC). If E-Verify is unable to confirm identity and/or employment eligibility,⁸ individuals may receive a "TNC." In this case, E-Verify sends an alert to the employer stating that the employee has an opportunity to contest the TNC and should contact DHS or SSA (as appropriate) within 8 working days. If the employee responds with the necessary additional documentation or information within the

⁶ For the purposes of this report, we refer to driver's licenses and state-issued identification cards as driver's licenses.

⁷ Cases may also receive a "DHS Verification in Process" due to an E-Verify system backlog. These cases do not necessarily receive a manual review and will be processed electronically once E-Verify regains its capacity.

⁸ Employees work with either SSA, DHS, or both, depending on which I-9 source information (e.g., social security card) could not be confirmed.

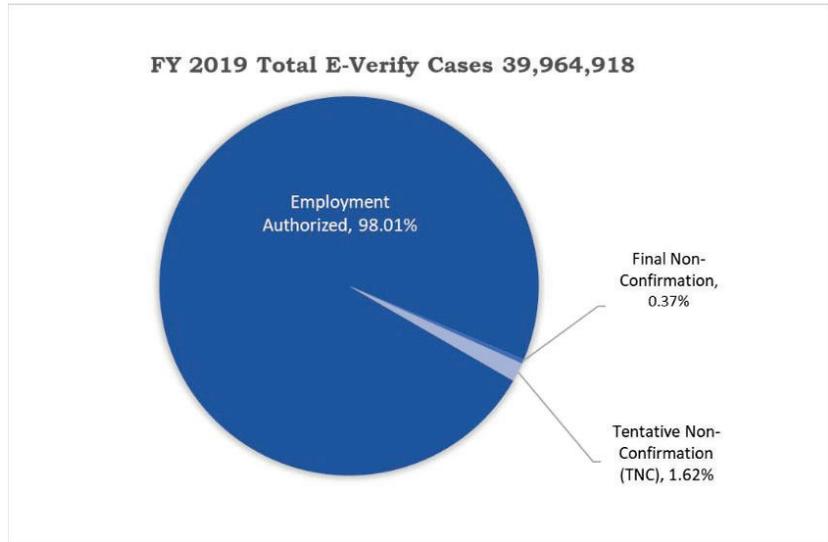


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required timeframe, the employee is permitted to work while DHS or SSA further investigates the case.

Figure 1. E-Verify System Results, FY 2019

As shown in Figure 1, in fiscal year 2019, E-Verify processed more than 39 million cases to confirm employment eligibility. USCIS issued “Employment Authorized” results for nearly 98 percent of its cases. See Appendix E for a description of the complete E-Verify process to verify employment eligibility.



Source: DHS OIG-generated based on USCIS data

Requirement for States to Use E-Verify

E-Verify is available in all 50 states, U.S. territories, and the District of Columbia. Approximately 1 million employers are enrolled to use E-Verify to confirm employment eligibility. Additionally, as of August 2015, 22 states had implemented individual mandates that require the use of E-Verify in some capacity. The Federal Government requires that many Federal contractors use the system to confirm employment eligibility.⁹

Use of E-Verify may expand over time. The FY 2019 President’s Budget, *Budget of the U.S. Government*, proposed mandatory, nationwide use of the E-Verify system, stating, “the integrity of the immigration system relies upon everyone in the United States doing their part to follow the law.” DHS’ FY 2020 budget authorized approximately \$122 million to further strengthen the E-Verify system’s data and analytic technologies to enhance the accuracy and efficiency of employment verification capabilities.

⁹ A presidential executive order and subsequent Federal Acquisition Regulation rule required Federal contractors to use E-Verify to electronically verify the employment eligibility of employees working under covered federal contracts. See 48 Code of Federal Regulations § 22.18.



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We conducted this audit to assess the effectiveness of the E-Verify system to electronically confirm employment eligibility.

Results of Audit

E-Verify needs additional capabilities to more effectively confirm that individuals are eligible for employment in the United States. We identified deficiencies in E-Verify's processes for confirming identity during employment verification. E-Verify's photo-matching process is not fully automated, but rather, relies on employers to confirm individuals' identities by manually reviewing photos. We also determined that in FY 2019, E-Verify returned an "Employment Authorized" result for about 280,000 non-U.S. citizens without using the photo-matching process to confirm their identities. Additionally, although the majority of individuals submit a driver's license to prove identity, E-Verify's process does not use photos to ensure that individuals match the license submitted. We found errors in E-Verify's license verification process that resulted in E-Verify deeming about 613,000 individuals "Employment Authorized" without meeting USCIS' own identification system use requirement.

We further determined that E-Verify returned an "Employment Authorized" result for almost 3,000 non-U.S. citizens who did not meet USCIS' verification requirements. E-Verify also deemed nearly 4,000 non-U.S. citizens as "Employment Authorized" based on an employer-sponsored visa without verifying that the individual was hired by the employer that sponsored them. Lastly, USCIS has not completed full testing of E-Verify's capabilities to determine whether the system can handle the projected increase in users. We attribute these deficiencies to USCIS not developing or evaluating the plans and internal controls needed to improve its processes and detect, track, and investigate system errors. Until USCIS addresses E-Verify's deficiencies, it cannot ensure the system provides accurate employment eligibility results.

E-Verify Does Not Effectively Confirm Identity and Employment Eligibility

E-Verify does not have the capabilities needed to accurately confirm identity and employment eligibility. Specifically, E-Verify does not have an automated photo-matching capability; instead, it relies on manual review by employers to confirm individuals' identities. E-Verify also does not always initiate photo comparison in accordance with USCIS' own policy. Finally, E-



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Verify's driver's license verification process does not have access to license photos to allow for photo matching and has system errors that authorized about 613,000 individuals without meeting the USCIS system use requirement. We attribute these deficiencies to USCIS not developing or evaluating the plans and internal controls needed to improve its processes and detect, track, and investigate system errors.

Identity Confirmation Limited by Manual Photo-Matching Process

The *Immigration Reform and Control Act of 1986*¹⁰ requires employers to verify individuals' identity during employment verification. Although USCIS has designed E-Verify with a photo-matching process to help employers meet this requirement, the process is not fully automated. Rather, the system performs a multi-step photo retrieval process that relies on employers to manually compare photos to verify identity. To illustrate, when an individual submits a U.S. passport, Permanent Resident Card, or EAD,¹¹ E-Verify retrieves the relevant document photo from system records and presents it to employers for visual comparison. Then, the employer is responsible for determining whether the photo retrieved from DHS records matches the photo in the U.S. passport, Permanent Resident Card, or EAD that the employee presented for Form I-9 verification.

USCIS provides employers with procedures to visually inspect document photos. According to USCIS' *E-Verify User Manual*, photos "match" if they are determined to be "reasonably identical."¹² However, the visual comparison is subject to interpretation by each employer. For example, each employer should consider any variations in shading and detail based upon age and wear of the employee's document and quality of the computer monitor. Moreover, USCIS does not ensure employers consistently execute identity verification processes. For example, USCIS does not have a mechanism to monitor whether employers are executing photo-matching requirements in accordance with E-Verify's system use requirements.

E-Verify's manual photo-matching process has been a long-standing concern. In a 2009 study, USCIS identified shortcomings in the process and concluded that using biometric technology to verify identity would be more effective.¹³

¹⁰ *Immigration Reform and Control Act of 1986*, Pub. L. No. 99-603, 100 Stat. 3359 (1986).

¹¹ E-Verify uses CBP Pass to obtain U.S. passport photos and DHS' Computer-Linked Application Information System 3.0 to obtain EADs and Permanent Resident Cards.

¹² *E-Verify User Manual*, M-775, April 2018.

¹³ USCIS, Verification Division, *A Conceptual Analysis for E-Verify Biometric Process*, May 2009.



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Although use of a biometric technology would reduce USCIS' reliance on employers' manual comparison, USCIS has not reexamined the process or explored new technologies for more than 11 years.

Photo Matching Not Consistently Executed

Although the *Immigration Reform and Control Act of 1986* requires employers to examine documentation to verify identity, E-Verify does not always execute the photo-matching process to help employers comply with this statutory requirement. In FY 2019, E-Verify bypassed the photo-matching requirement for hundreds of thousands of individuals. Specifically, when E-Verify could not locate necessary documents in its initial search, the system bypassed the photo comparison step. For example, if an employer incorrectly entered a Permanent Resident Card or EAD number, the system would not be able to locate the document in system records and retrieve the photo for employer matching. In these cases, the system should trigger a manual review requiring the employee to submit the document for a USCIS examiner to confirm identity. However, during FY 2019, approximately 280,000 non-U.S. citizens (or 9 percent of all non-U.S. citizens processed by E-Verify¹⁴) were approved for employment without their cases being referred for manual review and without employer photo matching.

E-Verify Does Not Ensure Individuals Present Their Own Driver's License for Verification

Driver's licenses are the most commonly submitted document used to confirm identity. For example, in FY 2019, approximately 54 percent of all individuals used a driver's license to prove their identity. However, USCIS does not have access to driver's license photos in NLETS records to allow employers to compare the photos from system records to the photos on submitted licenses. Without such access, E-Verify confirms only whether a driver's license exists and is valid.

In 2018, USCIS added E-Verify functionality to match driver's license data provided on the Form I-9,¹⁵ such as the license number, to data in NLETS. Matching license data against data in NLETS allows E-Verify to confirm that the license is valid. However, without access to driver's license photos, USCIS cannot send a photo to an employer to determine whether the photo on the

¹⁴ E-Verify processed approximately 3.2 million non-U.S. citizens in FY 2019.

¹⁵ As of March 2020, NLETS shares Department of Motor Vehicle data for employment verification for 41 states, the District of Columbia, and Puerto Rico.



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submitted driver's license is reasonably identical to the photo from system records. As discussed previously, manual review may not be as effective as automated photo-matching technology, but it would provide more assurance that individuals are presenting their own driver's licenses.

Possible use of fraudulent driver's licenses for E-Verify approval has also been a long-standing concern. In its 2009 study, USCIS concluded that unauthorized workers often gain employment using false documents, especially driver's licenses. At the time, USCIS estimated that nearly 90 percent of "false positive" employment authorization was a result of identity theft or identity substitutions, including use of fraudulent, stolen, or altered documents. In the study, USCIS questioned whether the identity verification process was sufficient to meet its requirements.

In addition to not comparing driver's license photos, we identified system errors that prevented E-Verify from confirming even the existence and validity of driver's licenses. We reviewed E-Verify's FY 2019 system results for driver's license verification and identified seven types of system errors. For example, E-Verify did not always receive data in response to queries to NLETS to match driver's license data. Queries also timed out and failed to complete or rendered an error code that the query could not be completed. As a result of these system errors, in FY 2019, USCIS authorized employment for about 613,000 individuals (non-U.S. citizens and U.S. citizens) without confirming whether their driver's licenses and state identification cards existed in NLETS records and were valid.

Identity Confirmation Deficiencies Due to Inadequate Planning and Lack of Internal Controls

Although aware of these identity verification limitations, USCIS did not evaluate system requirements or develop a plan to identify the steps needed to enhance the photo-matching process with an automated or biometric technology. Likewise, USCIS did not establish a plan to verify identity when documents could not be located. Rather than programming E-Verify to initiate a manual review, the system bypassed the photo-matching requirement because USCIS prioritized enabling automated employment authorization decisions. USCIS officials we met with also expressed concerns that updating the system process could result in privacy concerns and employers becoming hesitant to use E-Verify.

Regarding E-Verify's driver's license verification process, according to USCIS officials, NLETS and states may have concerns about DHS' use of the photos



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and may not be willing to share them without a Federal mandate. Therefore, USCIS officials said they have not directly engaged with NLETS or states about photo-sharing agreements to enhance identity verification using driver's licenses.

USCIS did not detect errors in its existing driver's license verification process due to a lack of internal controls and system capabilities to monitor the process. Specifically, USCIS was not always alerted when states opted out of sharing information with E-Verify through NLETS. However, USCIS has not implemented a manual process to periodically validate the connection or E-Verify capabilities to detect erroneous cases (e.g., when driver's license verification processes do not follow USCIS policy and require further review). For example, without internal controls or system capabilities to detect the seven errors we identified with the driver's license verification process, the errors went undetected for at least one year, until we identified them through our audit. Further, E-Verify does not have system capabilities to effectively investigate system errors. Instead, USCIS personnel had to manually investigate these errors in the driver's license verification process.

E-Verify Incorrectly Scored and Authorized Non-U.S. Citizens for Employment

E-Verify did not always apply the system's 50 percent approval threshold when determining non-U.S. citizens' employment authorization. From October 2018 to March 2019, E-Verify incorrectly authorized approximately 3,000 non-U.S. citizens with a less than 50 percent level of certainty that that Form I-9 biographical information matched DHS' records. USCIS did not identify and resolve the errors that allowed this to occur because it did not plan for or implement internal controls in E-Verify to monitor the confidence score process to ensure it operated as intended. Additionally, E-Verify did not always confirm that individuals complied with the employer-petitioned visa requirements. USCIS estimated that in FY 2019, it authorized approximately 4,000 employer-petitioned visa holders without ensuring they met visa requirements. USCIS was aware of this issue but did not develop a plan to address the system deficiency that allowed this to occur.



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Flawed Scoring Process to Confirm Employment Eligibility

Although most individuals verified through E-Verify are U.S. citizens,¹⁶ non-U.S. citizens pose the greater challenge in ensuring accurate employment verification results. Specifically, non-U.S. citizens' employment eligibility may fluctuate with changes in immigration status or visa-related authorizations. To reduce tentative nonconfirmations while maintaining system accuracy, E-Verify checks employment eligibility for non-U.S. citizens against available immigration documents¹⁷ and biographical records in DHS' systems.¹⁸

When E-Verify cannot locate necessary immigration documents, it uses an electronic scoring process to confirm employment eligibility, referred to as the "confidence score." E-Verify generates a confidence score from 0 to 99 percent to represent the level of certainty of the match between the Form I-9 biographical data and DHS' existing biographical records. According to USCIS officials, individuals who receive a confidence score of 50 percent or greater are authorized for employment; this threshold of 50 percent has been standard practice since 2018. However, we were unable to trace the source or exact timing of this specific requirement because it was not documented in USCIS' existing policy or system documentation. When USCIS implemented E-Verify's confidence score process in 2018, it initially planned for the approval threshold to be set at 70 percent. USCIS ultimately implemented the threshold at 50 percent due to management's desire to reduce manual cases. USCIS officials believed that reducing manual cases would increase system response times and users' satisfaction with the system.

Nonetheless, E-Verify did not consistently apply the 50 percent approval threshold when determining employment authorization. In reviewing E-Verify's system results from FY 2019, we determined that approximately 3,000 non-U.S. citizens were authorized even though they received a confidence score of less than 50 percent.¹⁹ More than 2,700 of these individuals were authorized with a score of zero percent. Figure 2 shows E-Verify confidence score results from this time period.

¹⁶ In FY 2019, nearly 92 percent of E-Verify's employment verification results were for U.S. citizens; 8 percent of the results were for non-U.S. citizens.

¹⁷ Immigration documents include Permanent Resident Card (Form I-551), EAD (Form I-766), and Arrival/Departure Record (Form I-94).

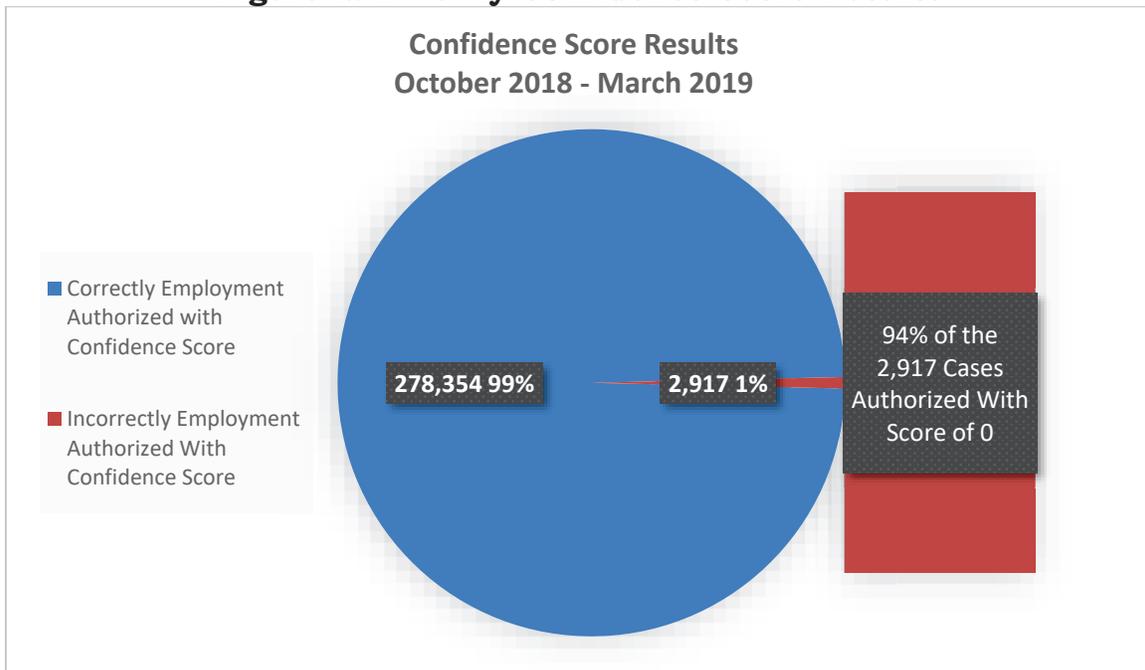
¹⁸ See Appendix D for a complete list of DHS and external E-Verify data sources.

¹⁹ We made this determination by reviewing system errors present from October 2018 to March 2019.



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Figure 2. E-Verify Confidence Score Results



Source: DHS OIG-generated based on USCIS data

USCIS could not detect or resolve the system error that led E-Verify to bypass the critical 50 percent confidence score requirement. The error went undetected for 6 months, from September 2018 to March 2019. According to USCIS officials, a system update to E-Verify or a data sharing error with one of its partner systems may have caused the issue. USCIS officials could not determine the exact error that led E-Verify to bypass the 50 percent confidence score requirement and, therefore, could not prevent it from reoccurring.

USCIS did not identify and resolve the errors that allowed the bypass because it did not plan for or implement internal controls in E-Verify to monitor the confidence score process to ensure it operated as intended. Specifically, USCIS did not develop a plan to implement system traceability tools, such as robust case auditing and reporting, to effectively identify and investigate system errors. Additionally, USCIS did not implement a process for periodic reviews of confidence score results to validate the process worked as intended. Although USCIS conducted a one-time internal review of E-Verify system results in 2019, the review did not include an evaluation of potential confidence scoring errors.



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E-Verify Confirmed Employment for Visa Holders without Verifying Required Employer Data

Through various pieces of legislation over the past few decades, Congress has authorized employment visa programs that grant non-U.S. citizens work authorization through employer-sponsored nonimmigrant visa petitions.²⁰ For example, the H-1B visa program allows companies in the United States to temporarily employ foreign workers in occupations that require highly specialized knowledge. Employment authorization in these nonimmigrant visa categories is limited to employment with the petitioning employer. These individuals may change employment if another employer files and obtains approval of a petition on behalf of the individual.

However, E-Verify did not always confirm that individuals complied with the employer-petitioned visa requirements. During the verification process, E-Verify does not verify whether the current employer is the original petitioner or a new petitioner. According to USCIS officials, the system only verifies that the visa is valid and matches the individual who submitted the application; it does not attempt to verify whether the employer submitting to E-Verify matches the employer on the visa. Even though USCIS officials were aware of this data limitation, they programmed E-Verify to generate employment authorization results for individuals with employer-petitioned visas without verifying they met sponsoring employer requirements.

USCIS estimated that in FY 2019, it authorized approximately 4,000 employer-petitioned visa holders without ensuring they met visa requirements. We could not identify the total number of employer-petitioned visa holders authorized due to a lapse between when employer data is entered into DHS records and when E-Verify refers to the data for verification. When DHS Service Center Operations offices do not enter employer data promptly, E-Verify does not have timely data needed to confirm employer information.

USCIS was aware of the challenge with obtaining data related to employer-petitioned visas. USCIS officials said the system was designed in this manner because of concerns that E-Verify could incorrectly provide a TNC result for visa holders who are employment eligible due to the system's data limitations.²¹ Rather than developing a plan to address the system deficiency, USCIS decided to bypass this data element in the verification process altogether. USCIS

²¹ USCIS systems may not always have up-to-date employer petitioned visa data due to delays in receiving and processing applicants' hard copy forms.



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officials stated only a limited number of individuals fail to comply with employer-petitioned visa requirements. They further noted that the cost and effort involved in obtaining the data needed to update the process might outweigh the benefit of doing so. USCIS did not complete a formal analysis to validate these concerns and understand the required system changes, associated costs, and negative impact of inaccurate verifications.

E-Verify May Not Meet USCIS' Projected Workload

USCIS has not yet confirmed that E-Verify can handle the projected expansion of users. The President's FY 2020 budget²² called for mandatory, nationwide use of E-Verify to help maintain the immigration system and protect the American workforce. Additionally, states have increasingly imposed individual mandates requiring E-Verify use. As of 2015, 22 states mandated employers use E-Verify to verify employment eligibility.²³

As part of the 2019 modernization effort, USCIS aimed to expand E-Verify's workload capabilities to handle a higher volume of queries and a higher number of concurrent users. In particular, USCIS established two objectives: 1) increasing capacity for the number of queries per minute, and 2) increasing the number of concurrent users.²⁴ USCIS set performance goals for each objective, as shown in Table 3. USCIS planned to use these performance goals as a baseline for evaluating its 2019 modernization effort.

²² The President's FY 2020 Budget, *A Budget for a Better America*.

²³ The 22 states implemented laws that mandate use of E-Verify in varying degrees for employers in their states, which may be limited to government agencies, government contractors, or other specific categories of employers.

²⁴ USCIS identified seven objectives that were considered critical or essential to the system's development; we reviewed the two objectives related to E-Verify's processing capacity and ability to support a high volume of concurrent users.



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Table 3. E-Verify Workload Capability Performance Objectives and Goals for 2019 Modernization

Performance Objective Description	Metric for Measuring Success	Minimum Performance Threshold	Actual Performance Goal
The system shall have a high processing capacity for initial verification queries.	Number of queries per minute	≥ 922 per minute	≥ 1,352 per minute
The system shall be capable of supporting a high number of concurrent users accessing the system at the same time.	Number of concurrent users	10,430	29,515

Source: DHS OIG-generated based on USCIS data

USCIS confirmed E-Verify could meet the minimum performance threshold for the number of queries per minute and the number of concurrent users. However, USCIS did not test E-Verify’s technical infrastructure to determine whether it could handle the actual performance goals of 1,352 queries per minute and 29,515 concurrent users. Instead, USCIS confirmed only that the system’s technology infrastructure could handle up to 1,040 queries per minute and 11,026 concurrent users.

Three factors have hindered USCIS from completing E-Verify testing to ensure it can meet projected workload capabilities. First, USCIS did not test E-Verify’s technology infrastructure against the actual performance goals due to funding constraints. According to USCIS officials, they need to purchase additional equipment, such as virtual servers, to configure E-Verify to test performance at the higher number of concurrent users. Also, according to USCIS officials, funding the component’s day-to-day operations prevented them from funding hypothetical scenarios. Second, USCIS officials believe the performance goal is based on an outdated methodology. They stated that the performance goal of 29,515 concurrent users may no longer be relevant because the figure was originally calculated prior to the modernization, using 2012 Census Bureau data. Finally, USCIS does not know whether its external data partners’ systems can match E-Verify’s workload capabilities because it has not coordinated with its partners to understand these capabilities, some of which have not been tested recently or at all. For example, SSA has not completed workload tests of its E-Verify Partner System, Numident, since 2014, and CBP was not sure CBP Pass had ever undergone workload testing. According to USCIS officials, they also did not know whether data partners would prioritize E-Verify requests in the event of a surge in employment verification cases.



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USCIS Cannot Ensure Accurate Employment Verifications

Given the limitations of E-Verify's capability to detect and prevent identity fraud and to verify non-U.S. citizens employment eligibility, USCIS cannot be assured the system provides accurate employment eligibility results. Specifically, E-Verify's photo-matching and driver's license verification limitations increase the risk of identity fraud in the employment verification process as individuals may be able to fraudulently use someone else's identity without being detected. Through identity fraud, individuals may gain unauthorized employment and be incentivized to continue to reside illegally in the United States. Additionally, E-Verify's confidence score limitations and inadequate verification of employer-petitioned visas increase the risk of unauthorized non-U.S. citizens being employed and potential abuse of visa work programs. Until USCIS improves its processes and addresses deficiencies in E-Verify, its mission to reduce unlawful employment and illegal immigration is at increased risk.

Recommendations

We recommend the Associate Director for Immigration Records and Identity Services, U.S. Citizenship and Immigration Services:

Recommendation 1: Implement a formal process to validate the accuracy of E-Verify's identity and employment verification processes on a periodic basis, at least annually.

Recommendation 2: Establish a mechanism for detection, notification, and timely resolution of E-Verify system errors.

Recommendation 3: Develop a plan to ensure E-Verify's photo-matching process for Permanent Resident Cards and EADs is conducted in accordance with E-Verify system use requirements.

Recommendation 4: Conduct a study to determine the feasibility of automating E-Verify's photo matching and identity verification capabilities.

Recommendation 5: Collaborate with individual states and/or the National Law Enforcement Telecommunications System to determine whether USCIS can obtain driver's license photos for E-Verify's photo matching.



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Recommendation 6: Conduct a study to determine an appropriate approval threshold for the confidence score and update USCIS procedure accordingly.

Recommendation 7: Conduct a study to determine the feasibility of further automating E-Verify to ensure that employer-petitioned visa holders (e.g., H-1B) are verified as required or implement manual review procedures to ensure adequate verification.

Recommendation 8: Validate the accuracy of E-Verify's current workload projections and update the projections as needed.

Recommendation 9: Conduct a study to determine the appropriate resources needed to fully test the E-Verify system's current and projected workload capabilities.

Recommendation 10: Establish and execute agreements with E-Verify's data partners for testing and coordinating workload capabilities.

Management Comments and OIG Analysis

USCIS provided formal written comments in response to a draft of this report. We have included a copy of USCIS' response in its entirety in Appendix B. We also received technical comments from USCIS and revised the report where appropriate.

The OIG conducted this audit to help support USCIS' commitment to maintaining E-Verify as an effective and efficient system for electronically confirming employment eligibility to work in the United States. OIG conducted this audit to assess the effectiveness of the E-Verify system to electronically confirm employment eligibility. This included a review of system capabilities and functions that were in place at the time of this audit.

OIG stands behind its findings that (1) E-Verify's identity confirmation capabilities were limited by the manual photo-matching process, and (2) E-Verify issued employment verification decisions without verifying state driver's license data in some cases.

1. We fully acknowledge USCIS' position that photo matching is not a legally required system capability. Nevertheless, USCIS itself designed E-Verify to include a photo-matching process — as a required step — to verify identity and reduce fraud. However, the audit team identified



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approximately 280,000 instances of E-Verify rendering an employment verification decision without completing the photo-matching step.

2. We also acknowledge USCIS' position that it cannot mandate states to provide driver's license data/photos. However, OIG encourages USCIS to engage with states to explore the possibility because our audit identified 613,000 instances of E-Verify rendering an employment verification decision without completing the driver's license verification step.

USCIS concurred with all 10 report recommendations, which are resolved and open. USCIS provided updates on the work it has completed in those areas since the conclusion of our fieldwork. An overview of USCIS' response to each recommendation follows.

USCIS' Comments to Recommendation 1: Concur. According to USCIS, on April 1, 2021, it implemented a formal process to validate the accuracy of E-Verify's identity and employment confirmation processes on a monthly basis. These new quality audits of E-Verify's electronic first step transactions help ensure that USCIS is accurately responding to employers. The quality audits are based on the 2019 pilot audit of electronic first step transactions and other work that identified several possible improvements. USCIS now conducts quality audits using a statistically significant random sample of E-Verify cases (such as employees who are U.S. citizens or Lawful Permanent Residents) and different types of documentation (such as EADs, foreign passports, and Form I-94, Arrival/Departure Record). USCIS requested that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open. Although the implementation of monthly quality audits is in line with the requirements of closing this recommendation, it will remain open until we receive evidence that USCIS management has formally documented, approved, and implemented the quality audit process.

USCIS' Comments to Recommendation 2: Concur. According to USCIS, to ensure that findings are prioritized and resolved in a timely manner, it is developing a formal intake management and resolution process. Results of the quality audits of E-Verify's electronic first step transactions, including observed anomalies and patterns, will be logged into the incident management mechanism, and findings will be triaged by the quality assurance team in conjunction with the auditors, product owners, and information technology



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project managers. Once triage is complete and the anomaly or pattern is fully understood, the issue will be escalated to the product owner's backlog and prioritized for resolution. The combination of monthly quality audits to detect issues and anomalies and this incident management mechanism will enable the Verification Division to detect, track, and resolve issues and anomalies in E-Verify. Estimated Completion Date (ECD): December 31, 2021.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until we receive documentation showing that a mechanism for detection, notification, and timely resolution of E-Verify system errors has been formally implemented.

USCIS' Comments to Recommendation 3: Concur. According to USCIS, it will review the current photo-matching process for Permanent Resident Cards and EADs to identify recommendations for process and system enhancements that will ensure the process aligns with current E-Verify policies, processes, and requirements. ECD: December 31, 2022.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until we receive documentation showing the photo-matching process for Permanent Resident Cards and EADs has been completed.

USCIS' Comments to Recommendation 4: Concur. According to USCIS, although the majority of its E-Verify photo-matching process is automated, it will identify electronic tools to further automate E-Verify's photo matching and identity confirmation capabilities and will determine the feasibility of using such tools in E-Verify. ECD: December 31, 2022.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until we receive documentation showing that a study to determine the feasibility of automating E-Verify's photo matching and identity verification capabilities has been completed.

USCIS' Comments to Recommendation 5: Concur. According to USCIS, it will meet with a variety of E-Verify stakeholders to determine the legal implications and feasibility of sharing individual state photo data and to review how to address the technical and policy issues necessary to expand access to driver's license photos. ECD: December 31, 2022.



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OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until we receive documentation showing that USCIS has formally collaborated with individual states and/or NLETS to determine whether USCIS can obtain driver's license photos for E-Verify's photo matching.

USCIS' Comments to Recommendation 6: Concur. According to USCIS, it leverages its Person Centric System to generate a comprehensive score and is preparing to adopt and integrate this work with the new, advanced USCIS Person Centric System. The future scoring model will be designed based on improved identity resolution provided by this new technical functionality. USCIS will partner with appropriate offices to conduct a study to determine an appropriate approval threshold for the confidence score and update procedures accordingly. ECD: December 31, 2022.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until we receive evidence that USCIS has evaluated the Person Centric System to determine an appropriate approval threshold for the confidence score and has updated USCIS procedures accordingly.

USCIS' Comments to Recommendation 7: Concur. According to USCIS, it completed two studies, one in 2011 and one in 2019, to determine the feasibility of validating the petitioning employer. The studies found that there are too many variables associated with how employers enroll in E-Verify and register with USCIS to petition for an employee for E-Verify to viably match this information. USCIS will update these studies to determine the feasibility of further automating E-Verify with respect to recognizing whether employees are employment authorized in relation to their petitioning employers. ECD: December 31, 2022.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until we receive documentation showing that USCIS has completed its study of the potential to automate E-Verify to ensure that employer-petitioned visa holders are verified as required or that manual review procedures have been implemented.

USCIS' Comments to Recommendation 8: Concur. According to USCIS, in FY 2020 it completed a study that examined job categories and functions to ensure resources were allocated and properly assigned based on workload. The Staffing Allocation Model built on the results of the study informs



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personnel and funding decisions over time, and USCIS is executing changes as a result. Further, the model is a living document that is updated periodically to reflect the latest information about workload projections, as well as when operational efficiencies are realized and changes in the automated environment occur. USCIS requested that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open. We reviewed USCIS' Staffing Allocation Model. Although this model addresses personnel and funding decisions, it does not include an analysis of E-Verify's system workload requirements. For example, workload projections related to E-Verify system considerations, such as concurrent users and queries per minute, were not included in the model. This recommendation will remain open until we receive additional documentation showing that USCIS has fully evaluated all relevant system considerations for E-Verify's workload projections.

USCIS' Comments to Recommendation 9: Concur. According to USCIS, in collaboration with the Office of Information Technology, it will conduct a study to determine the appropriate resources needed to fully test the E-Verify system's current and projected workload capabilities. ECD: December 31, 2022.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until USCIS provides evidence it has completed its study to determine the appropriate resources needed to fully test the E-Verify system's current and projected workload capabilities.

USCIS' Comments to Recommendation 10: Concur. According to USCIS, in collaboration with the Office of Information Technology, it will seek to establish and execute agreements with E-Verify's data partners for testing and coordinating workload capabilities. The Verification Division and Office of Information Technology will begin the initial planning and stakeholder engagement by December 31, 2021. ECD: December 31, 2023.

OIG Analysis of USCIS' Comments: We consider these actions responsive to the recommendation, which is resolved and open until USCIS provides evidence it has formally attempted to establish and execute agreements with E-Verify's data partners for testing and coordinating workload capabilities.



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Appendix A

Objective, Scope, and Methodology

Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

We conducted this audit to assess the effectiveness of the E-Verify system to electronically confirm employment eligibility. To accomplish this objective, we examined Federal, departmental, and agency criteria related to the E-Verify system's processes to verify employment eligibility. We also obtained and analyzed published reports and documentation related to the E-Verify program.

During the audit, we conducted more than 40 meetings with E-Verify program managers, system owners, and subject matter experts. Additionally, we conducted meetings and issued data requests involving USCIS partners such as CBP and SSA to understand E-Verify's reliance on external systems.

We conducted observations and walkthroughs of E-Verify's electronic processes to understand and evaluate system performance. We obtained system-generated data to determine whether E-Verify complied with USCIS policies and Federal mandates. We manually traced employment verification results to determine whether E-Verify used the correct data sources, performed required data matching, and followed system settings during its electronic processes. We obtained and examined system planning documentation, performance metrics, and system resources to evaluate E-Verify's workload capabilities. We also used the OIG's Data Analytics team to help identify and assess USCIS internal controls and data reporting capabilities for monitoring E-Verify's electronic processes. Specifically, the team examined E-Verify's fraud monitoring capabilities and confidence score processes to help evaluate the system's overall capability to produce accurate results.

To assess data reliability, the Data Analytics team evaluated E-Verify's data schema and validated the total records in E-Verify's production database matched its reporting database. We also compared publicly available information and data on common metrics from various internally generated reports to assess the system's overall data reliability.

We conducted this performance audit between August 2019 and August 2020 pursuant to the *Inspector General Act of 1978, as amended*, and according to generally accepted government auditing standards. Those standards require



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that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.



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Appendix B
USCIS Comments to the Draft Report

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009



**U.S. Citizenship
and Immigration
Services**

July 12, 2021

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Tracy Renaud
Acting Director
U.S. Citizenship and Immigration Services

SUBJECT: Management Response to Draft Report: "USCIS Needs to Improve its Electronic Employment Eligibility Process" (Project No. 19-057-AUD-USCIS)

**TRACY L
RENAUD**

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TRACY L RENAUD
Date: 2021.07.13
08:58:57 -04'00'

Thank you for the opportunity to comment on this draft report. U.S. Citizenship and Immigration Services (USCIS) appreciates the Department of Homeland Security (DHS or the Department) Office of the Inspector General (OIG) work in planning and conducting its review and issuing this report.

USCIS supports participating employers by confirming employment eligibility of new hires through E-Verify, an Internet-based system that compares information entered by an employer from an employee's Form I-9, Employment Eligibility Verification, to records available to DHS and the Social Security Administration. E-Verify usually returns a response within seconds, either confirming employment eligibility or indicating that the employee needs to take further action to confirm employment eligibility. E-Verify processes approximately 40 million cases annually and is one of the government's highest-rated services for user satisfaction.¹

¹ In 2020, E-Verify received an overall score of 87 on the American Customer Satisfaction Index (ACSI), significantly exceeding the national ACSI average score of 75 and the Federal government ACSI average score of 68. <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-evaluations>.



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USCIS appreciates DHS OIG's recognition of USCIS's continued efforts to improve E-Verify. This includes specifically recognizing USCIS for: (1) adding E-Verify functionality to match driver's license data provided from the Form I-9 to data in the National Law Enforcement Telecommunications System (Nlets) in 2018 to confirm state-issued driver's licenses and identification cards; and (2) significantly expanding E-Verify's workload capabilities to handle a higher volume of queries and concurrent users.

In addition to these improvements, USCIS' Immigration Records and Identity Services (IRIS) Directorate, Verification Division (VER) recently undertook several other efforts to improve E-Verify's effectiveness. In 2019, for example, VER conducted a pilot audit of electronic first step transactions in the system, which identified specific issues that, once resolved, increased the accuracy of E-Verify responses. Recognizing the value of such audits, VER implemented a formal monthly process in April 2021 to validate the accuracy of E-Verify's electronic first step transactions. These monthly quality audits help ensure that USCIS provides accurate automated responses to employers. Further, during fiscal year (FY) 2020, VER conducted a Time and Motion (T&M) study that examined job categories and functions to ensure E-Verify resources were allocated and properly assigned based on workload. In addition, VER conducted studies, including one in 2019, to determine the feasibility of electronically verifying that employer-petitioned employees are being verified by their petitioning employers and continues to investigate the technical feasibility of such a process.

It is also important to note that the OIG did not accept many of the technical comments provided by USCIS to improve the accuracy and context of OIG's draft report, nor did they provide reasonable explanation as to why not. For example, the OIG disagreed with comments regarding automated photo matching and verifying state driver's license data in all cases before issuing an employment authorized result. USCIS explained that much of the functionality expected by the OIG was beyond USCIS' span of control, was not technically feasible, or was not consistent with USCIS' legal obligations. To illustrate, USCIS is not required to provide a fully automated photo matching process (i.e., a process that would match photos without employer involvement) as part of E-Verify. The OIG, however, concluded that the lack of a fully automated photo matching process was a deficiency. Similarly, OIG expressed concern that USCIS issued employment authorized results when state driver's license data was unavailable. While USCIS can access driver's license data from most states, some states have refused to provide this data to USCIS. In these cases, and in cases when driver's license data is temporarily unavailable from participating states, USCIS relies upon other data sources, such as the Social Security Administration and DHS-accessed databases, to ensure an accurate employment authorized result.

USCIS remains committed to maintaining E-Verify as an effective and efficient system for electronically confirming employment eligibility and supporting employers who are ultimately responsible for verifying the identity and eligibility of their employees to work



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in the United States.

The draft report contained ten recommendations with which USCIS concurs. Attached find our detailed response to each recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions.

Attachment



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**Attachment: Management Response to Recommendations
Contained in Project No. 19-057-AUD-USCIS**

The DHS OIG recommended that the Associate Director for Immigration Records and Identity Services (IRIS), USCIS:

Recommendation 1: Implement a formal process to validate the accuracy of E-Verify's identity and employment verification processes on a periodic basis, at least annually.

Response: Concur. On April 1, 2021, IRIS' VER implemented a formal process to validate the accuracy of E-Verify's identity and employment confirmation processes on a monthly basis. These new quality audits of E-Verify's electronic first step transactions help ensure that USCIS is accurately responding to employers. The quality audits are based on the 2019 pilot audit of electronic first step transactions, and other work that identified several possible improvements. USCIS now conducts quality audits on a monthly basis using a statistically significant random sample of E-Verify cases (such as employees who are U.S. citizens or Lawful Permanent Residents) and different types of documentation (such as Employment Authorization Documents (EADs), Foreign passports, and Form I-94, Arrival/Departure Record).

USCIS requests that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 2: Establish a mechanism for detection, notification, and timely resolution of E-Verify system errors.

Response: Concur. To ensure that findings are prioritized and resolved in a timely manner, IRIS' VER is developing a formal intake management and resolution process. Results of the quality audits of E-Verify's electronic first step transactions, including observed anomalies and patterns, will be logged into the incident management mechanism, and findings will be triaged by the quality assurance team in conjunction with the auditors, product owners, and information technology project managers. Once triage is complete and the anomaly or pattern is fully understood, the issue is escalated to the product owner's backlog and prioritized for resolution. The combination of monthly quality audits to detect issues and anomalies and this incident management mechanism will enable VER to detect, track, and resolve issues and anomalies in E-Verify. Estimated Completion Date (ECD): December 31, 2021.



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Recommendation 3: Develop a plan to ensure E-Verify's photo-matching process for Permanent Resident Cards and EADs is conducted in accordance with E-Verify system use requirements.

Response: Concur. IRIS' VER will review the current photo matching process for Permanent Resident Cards and EADs to identify recommendations for process and system enhancements that will ensure the process aligns with current E-Verify policies, processes, and requirements. ECD: December 31, 2022.

Recommendation 4: Conduct a study to determine the feasibility of automating E-Verify's photo matching and identity verification capabilities.

Response: Concur. While the majority of the IRIS VER E-Verify photo matching process is automated, VER will identify electronic tools to further automate E-Verify's photo matching and identity confirmation capabilities and will determine the feasibility of using such tools in E-Verify. ECD: December 31, 2022.

Recommendation 5: Collaborate with individual states and/or the National Law Enforcement Telecommunications System to determine whether USCIS can obtain driver's license photos for E-Verify's photo matching.

Response: Concur. IRIS' VER will meet with a variety of E-Verify stakeholders, including Nlets representatives and other government offices such as USCIS Office of Information Technology (OIT) and Office of Chief Counsel, the Department of Justice Immigrant and Employee Rights section, and the DHS Office of Civil Rights and Civil Liberties, to determine the legal implications and feasibility of sharing individual state photo data and to review how to address the technical and policy issues necessary to expand access to driver's license photos. ECD: December 31, 2022.

Recommendation 6: Conduct a study to determine an appropriate approval threshold for the confidence score and update USCIS procedure accordingly.

Response: Concur. IRIS' VER leverages the USCIS' Person Centric System to generate a comprehensive score and is preparing to adopt and integrate this work with the new, advanced USCIS Person Centric Identity System. The future scoring model will be designed based on improved identity resolution provided by this new technical functionality. VER will partner with appropriate USCIS offices to conduct a study to determine an appropriate approval threshold for the confidence score and update procedures accordingly. ECD: December 31, 2022.



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Recommendation 7: Conduct a study to determine the feasibility of further automating E-Verify to ensure that employer-petitioned visa holders (e.g., H-1B) are verified as required or implement manual review procedures to ensure adequate verification.

Response: Concur. IRIS' VER completed two studies, one in 2011 and one in 2019, to determine the feasibility of validating the petitioning employer. The studies found that there are too many variables associated with how employers enroll in E-Verify and register with USCIS to petition for an employee for E-Verify to viably match this information. USCIS will update these studies to determine the feasibility of further automating E-Verify with respect to recognizing whether an employee is employment authorized in relation to their petitioning employers. ECD: December 31, 2022.

Recommendation 8: Validate the accuracy of E-Verify's current workload projections, and update the projections as needed.

Response: Concur. In FY 2020, IRIS' VER completed a T&M study that examined job categories and functions to ensure resources were allocated and properly assigned based on workload. The Staffing Allocation Model (SAM) built on the results of the T&M study informs personnel and funding decisions over time, and USCIS is executing changes as a result. Further, the SAM is a living document that is updated periodically to reflect the latest information on workload projections, as well as when operational efficiencies are realized and changes in the automated environment occur.

USCIS requests that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 9: Conduct a study to determine the appropriate resources needed to fully test the E-Verify system's current and projected workload capabilities.

Response: Concur. IRIS' VER, in collaboration with OIT, will conduct a study to determine the appropriate resources needed to fully test the E-Verify system's current and projected workload capabilities. ECD: December 31, 2022.

Recommendation 10: Establish and execute agreements with E-Verify's data partners for testing and coordinating workload capabilities.

Response: Concur. IRIS' VER, in collaboration with OIT, will seek to establish and execute agreements with E-Verify's data partners for testing and coordinating workload capabilities. VER and OIT will begin the initial planning and stakeholder engagement by December 31, 2021. ECD: December 31, 2023.



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Department of Homeland Security

Appendix C
Form I-9



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States	<p align="center">QR Code - Section 1 Do Not Write in This Space</p>
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)	

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____
OR
2. Form I-94 Admission Number: _____
OR
3. Foreign Passport Number: _____
Country of Issuance: _____

Signature of Employee	Today's Date (mm/dd/yyyy)
-----------------------	---------------------------

Preparer and/or Translator Certification (check one):

I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code

STOP Employer Completes Next Page STOP



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security



Employment Eligibility Verification Department of Homeland Security U.S. Citizenship and Immigration Services

**USCIS
Form I-9**
OMB No. 1615-0047
Expires 10/31/2022

Section 2. Employer or Authorized Representative Review and Verification
(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
------------------------------	-------------------------	-------------------------	------	--------------------------------

List A Identity and Employment Authorization	OR List B Identity	AND List C Employment Authorization
Document Title	Document Title	Document Title
Issuing Authority	Issuing Authority	Issuing Authority
Document Number	Document Number	Document Number
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)
Document Title	<div style="border: 1px solid black; padding: 5px;"> Additional Information </div> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto; margin-right: auto;"> QR Code - Sections 2 & 3 Do Not Write in This Space </div>	
Issuing Authority		
Document Number		
Expiration Date (if any) (mm/dd/yyyy)		
Document Title		
Issuing Authority		
Document Number		
Expiration Date (if any) (mm/dd/yyyy)		

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): _____ (See instructions for exemptions)

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative	Employer's Business or Organization Name
Employer's Business or Organization Address (Street Number and Name)		City or Town
		State
		ZIP Code

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
----------------	-----------------	---------------------------------------

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
--	---------------------------	---



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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 	OR	<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <li style="text-align: center;">For persons under age 18 who are unable to present a document listed above: 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	AND	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) 3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

Examples of many of these documents appear in the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.



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Appendix D
E-Verify Data Sources

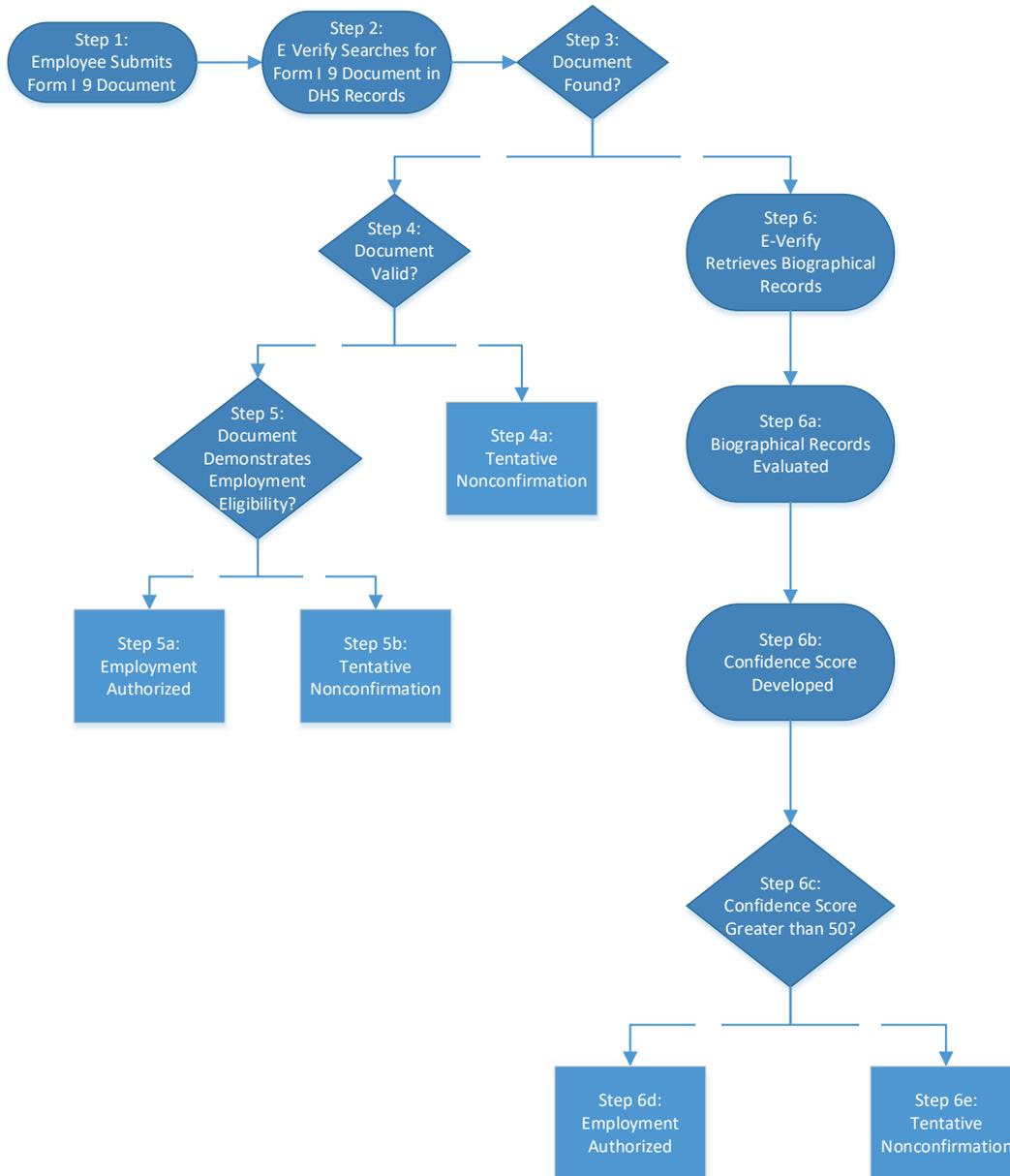
E-Verify Internal Data Sources
Electronic Immigration System (ELIS2)
Central Index System (CIS2)
Customer Profile Management System (CPMS)
National File Tracking System (NFTS)
GLOBAL (previously RAPS: Refugees, Asylum, and Parole System)
Reengineered Naturalization Application Casework System (RNACS)
Computer-Linked Application Information Management System 3.0 (CLAIMS 3.0)
Computer-Linked Application Management Information System 4.0 (CLAIMS 4.0)
E-Verify External Data Sources
NLETS (The International Justice and Public Safety Network)
CBP PASS (U.S. Customs and Border Protection system used for passport verification.)
Arrival and Departure Information System (ADIS)
Numident System (Social Security Administration system used for Social Security Number verification.)



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Appendix E
E-Verify Processes to Verify Employment Eligibility and Identity

Processes to Verify Employment Eligibility



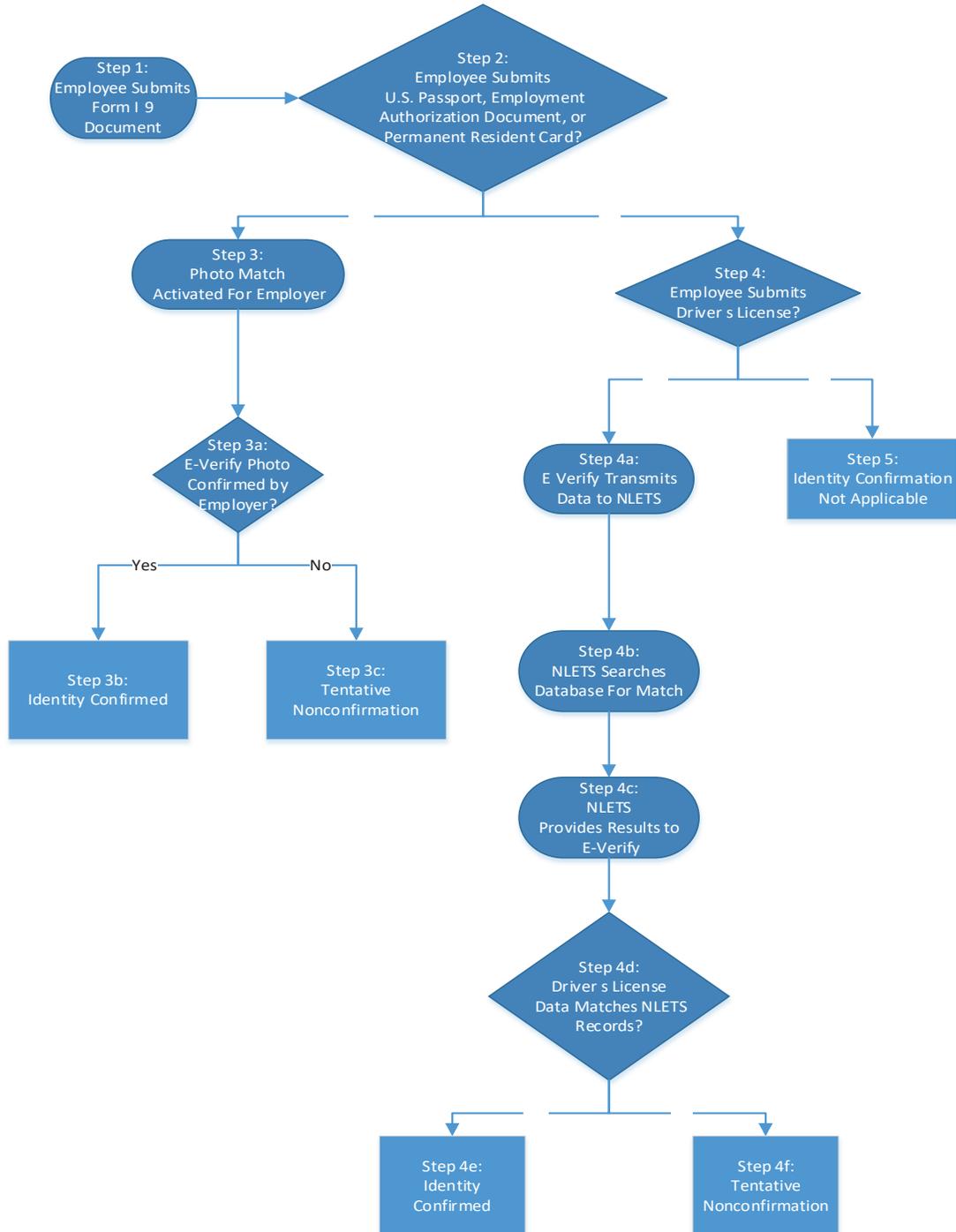
Source: DHS OIG-generated based on USCIS data



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Processes to Verify Identity



Source: DHS OIG-generated based on USCIS data



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Appendix F
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