

TABLE OF CONTENTS

<u>Chapter</u>		<u>Page</u>
	EXECUTIVE SUMMARY	ix
I	BACKGROUND	1
	A. Introduction.....	1
	1. Legislative Objectives	2
	2. Evaluation Questions.....	2
	3. Report Organization	2
	B. Legislative Background	3
	1. Passage of Employer Sanctions.....	3
	2. Employment Verification and Civil Rights Protections	3
	3. Evaluation of the Effect of Employer Sanctions	4
	C. Implementation of Electronic Verification Pilots	7
	1. Setting the Course Through Early Pilot Programs.....	7
	2. Current IIRIRA Pilots.....	8
II	DESCRIPTION OF THE CAVP PILOT	11
	A. Introduction.....	11
	B. Paper Form I-9 Verification Process.....	11
	C. CAVP Electronic Verification Process.....	12
	D. Inclusion Criteria for CAVP States.....	15
	E. Context of the CAVP	16
	1. State Characteristics.....	16
	2. Employer Characteristics.....	18
III	RESEARCH METHODS.....	21
	A. Introduction.....	21
	1. Employer Mail Survey.....	21
	2. On-Site Employer Survey.....	22
	3. CAVP Transaction Database Analysis	25
	4. Form I-9 Selection and Review	25
	5. Comparison of Form I-9, Transaction Database, and Employer Interview Information	29
	6. System Testing	29
	7. Interviews with Federal Officials	30
	8. Secondary Sources.....	30

TABLE OF CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
	B. Reasons Testers Were Not Used.....	30
	C. Strengths and Limitations of the Evaluation Methodology	30
IV	WAS THE CAVP PROGRAM DESIGN AND IMPLEMENTATION CONSISTENT WITH STAKEHOLDER EXPECTATIONS?.....	33
	A. Introduction.....	33
	B. Did the IIRIRA Statutory Guidelines Specify a CAVP Program Consistent with the Expectations of Its Proponents?	33
	C. How Well Did INS Design and Implement the CAVP to Meet the IIRIRA Procedural Requirements?	37
	1. Did INS Provide Appropriate Restrictions for State Participation in the CAVP?	39
	2. Did INS Design the Verification System to Be Consistent with IIRIRA Provisions?	39
	3. Did the CAVP Provide Employers with Timely Information About the Work-Authorization Status of Noncitizen Employees?.....	42
	4. Did the CAVP Meet the IIRIRA Requirements for Data Accuracy?	43
	5. Did the CAVP Meet Employers’ Needs and Expectations?.....	43
	D. Have Employers Generally Complied with CAVP Requirements?...	48
	1. Did Employers Use the Database to Verify <i>All</i> Newly Hired Noncitizen Workers and <i>Only</i> Newly Hired Noncitizen Workers?.....	49
	2. Did Employers Provide Employees with the Information and Assistance They Needed to Contest Tentative Nonconfirmations?	50
	3. Did Employers Follow Other CAVP Verification Procedures?.....	52
	E. Summary	54
V	DID THE CAVP ACHIEVE ITS PRIMARY POLICY GOALS?	57
	A. Introduction.....	57
	B. Did the CAVP Reduce Unauthorized Employment in Participating Establishments?	57
	1. Background.....	57
	2. Findings	59

TABLE OF CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
	C. Did the CAVP Reduce Discrimination?	64
	1. Background.....	64
	2. Discrimination and Employment Verification Pilot Programs...	65
	3. Findings	66
	D. Did the CAVP Protect Employee Privacy and Confidentiality?.....	67
	1. Background.....	67
	2. Findings	68
	E. Did the CAVP Prevent Unnecessary Burden and Costs?	69
	1. Background.....	69
	2. Employer Burden and Cost.....	69
	3. Federal Government Costs	70
	4. Employee Burden and Cost	72
	5. Comparison of CAVP and Basic Pilot Burdens and Costs.....	73
	F. Conclusions.....	77
VI	CONSIDERATIONS AND RECOMMENDATIONS FOR THE FUTURE	79
	A. Introduction.....	79
	B. Deterring Unauthorized Employment.....	79
	1. Preventing Fraudulent Attestation of U.S. Citizenship.....	79
	2. Preventing Identity Fraud	80
	C. Decreasing Discrimination	81
	1. Improving Program Design	82
	2. Improving Data Accuracy.....	82
	3. Protecting Employees’ Due Process Rights.....	83
	D. Protecting Employee Privacy and Confidentiality.....	84
	E. Ensuring That Program Costs and Burdens Are Not Excessive	84
	1. Making the System Software More User Friendly	84
	2. Improving Training and Technical Support.....	85
	3. Improving Management Information Reports	86
	4. Redesigning the Way Database Checking Is Done	87
	F. Conclusions and Recommendations	87
	REFERENCES	89
	GLOSSARY	91

TABLE OF CONTENTS (continued)

List of Exhibits

<u>Exhibit</u>		<u>Page</u>
I-1	Relevant Laws and Their Corresponding Actions	6
I-2	Overview of Early Employment Verification Pilot Programs	8
I-3	Overview of IIRIRA Pilot Programs.....	10
II-1	CAVP Pilot Process	13
II-2	The CAVP States Compared to the Basic Pilot States and States Participating in Neither Pilot on Representation of Undocumented, Foreign-Born and Hispanic Populations in the States: 2000	17
II-3	Percentage Distribution of Selected Industry Classifications in the United States, the Five CAVP States, and Participating Pilot Establishments	19
III-1	Overview of Eligibility and Completion Statistics for the CAVP Employer Mail Survey.....	22
III-2	Overview of Eligibility and Completion Statistics for the CAVP On-Site Employer Survey.....	24
III-3	Steps in Estimating Work-Authorization Rates for Form I-9 Sample Cases	27
IV-1	Likely Effectiveness of the CAVP and the Paper Form I-9 Verification Process in Detecting Different Types of Fraudulent Documents.....	34
IV-2	CAVP Pilot Program Verification Results (June 1999 to September 2001).....	38
IV-3	Distribution of Participating Establishments and Queries by State.....	40
IV-4	Comparison of INS Findings and Estimates of Preliminary SSA Findings If CAVP Cases Had Been Screened Against the SSA Database Prior to the INS Match	41
IV-5	Estimated Final Disposition If CAVP Cases Had Been Screened Against the SSA Database Before ISV Review, Compared to Disposition Under the Original CAVP Program	41
IV-6	Employer Views on the Advantages of the CAVP	46
IV-7	Employer Views on the Disadvantages of the CAVP	47
IV-8	Employment Verification Process and Results for the CAVP	53

TABLE OF CONTENTS (continued)

List of Exhibits (continued)

<u>Exhibit</u>		<u>Page</u>
V-1	Likely Effectiveness of the Paper Form I-9, Basic Pilot, and CAVP Employment Verification Processes in Detecting Different Types of Fraudulent Documents	59
V-2	Estimated CAVP Pilot Program Verification Results If All Tentative Nonconfirmation Cases Had Been Contested	62
V-3	Estimates of CAVP Work-Authorization Rates, by Citizenship Status	63
V-4	CAVP Findings for CAVP Employees Claiming on the I-9 Form to Be Work-Authorized Noncitizens, by Model-Based Estimates of Actual Work-Authorization Status	66
V-5	Estimates of CAVP Pilot Costs to the Federal Government, January 1999 to December 2000 (in thousands).....	71
V-6	Breakdown of Total Annual Operating Costs	71
V-7	Summary of Cost Savings for Implementing the CAVP Program Rather Than the Basic Pilot Program Under Alternative Size Assumptions	75

List of Appendixes

Appendix

A	Methodological Notes
B	Cost Estimates for the Federal Government
C	Estimation of the Work-Authorization Status of Unresolved Cases
D	Supplemental Information on Characteristics of Pilot States, Communities, Employers, and Employees
E	Form I-9
F	Questionnaires
G	Notice of Tentative Nonconfirmation and Referral to INS
H	Memorandum of Understanding (MOU)

