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U.S. DEPARTMENT OF HOMELAND SECURITY

PEN AND PAD PRESS CONFERENCE

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U.S. Citizenship and Immigration Services
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20 Massachusetts Avenue, N.W.
Eighth Floor - Director's conference Room
Washington, DC 20529

PARTICIPANTS:

United States Citizenship and Immigration Services:

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GERRI RATLIFF, Deputy Associate Director,
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Directorate

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Communications

JOSE MONTERO, Chief, Office of Communications

KATHY LOTSPEICH, Acting Chief, Verification
Division

1 P R O C E E D I N G S

2 MR. BENTLEY: Good afternoon. We usually do
3 these in the morning, so thanks for everyone coming
4 out.

5 My name is Chris Bentley. I'm the Press
6 Secretary here at U.S. Citizenship and Immigration
7 Services. Thanks for coming out so that we can launch
8 an official announcement of the new brand at E-verify
9 and also launch the new photo screening tools. So
10 we're very excited that you're here with us today.

11 Presenting today will be Dr. Emilio
12 Gonzalez, the Director of USCIS. I think you all know
13 him well. You may not know Gerri Ratliff, who is our
14 Deputy Director, our Safety Director for National
15 Security and Records Verification Director here at
16 USCIS, and also Kathy Lotspeich, who is the Acting
17 Chief of the Office of Verification over at NSRD,
18 which is what we call that directory.

19 And then, last but not least, you know Jose
20 Montero who is the Chief of our Office of
21 Communications. And, if I could, so we can help the
22 transcriber out and also help the director out, could

1 I get us to go around the table and maybe you could
2 introduce yourself and the publication you're with,
3 please.

4 MS. PETERS: I'm Kathryn Peters. I'm with
5 Government Executive magazine.

6 MS. MONSCOSO: I'm Eunice Moscoso with Cox
7 Newspapers.

8 MR. MARTIN: I'm Monty Martin from FM News
9 Services.

10 MS. STAPLES: I'm Eleanor Staples of
11 Congressional Quarterly.

12 MS. CROMWELL: June Cromwell with the Wall
13 Street Journal.

14 MS. BAYS: Emily Bays, USA Today.

15 MS. MIDDLESTAFF: Michelle Middlestaff,
16 Houston Chronicle.

17 MR. BENTLEY: Thank you all, very much.

18 I see we have someone coming in. This is
19 Ja-Nel James, who is the Chief of our Office of
20 Internal Communications. She'll be taking some
21 photographs for internal use today.

22 To let you know that we have a moderate

1 amount of time here for you to hear from the Director,
2 also to see a demonstration of the new photo tool and
3 then questions and answers at the end as well.

4 If you wouldn't mind, when you ask your
5 question, just please identify yourself, name and
6 publication as well, so we can make sure that the
7 record is accurate. And then we will be posting the
8 transcript on our website for everyone to see who is
9 not here for today's opportunity as soon as we can.

10 And, with that said, Director?

11 DR. GONZALEZ: Is anybody on the phone?

12 MR. BENTLEY: No one's on the phone, sir.

13 DR. GONZALEZ: Okay, good.

14 Well, thank you for being here today. By
15 the way, we're taking your picture so we can bounce it
16 up against our photo display later and see if you are
17 legal. But, I'm going to be a minimal participant
18 here, because this is a very exciting new project that
19 we're launching and I wanted the folks who are
20 actually responsible for putting this together.

21 So I'm only giving you a demonstration and
22 answering any technical questions that you have. But

1 what you have here is E-verify, and E-verify is a new
2 and improved basic pilot as you used to know it.
3 We've made significant enhancements to E-verify,
4 because we're very, very committed to the idea of
5 workplace enforcement.

6 If we have workplace enforcement, then we
7 can reduce pressure on our border, and that allows the
8 assets that we have on our border to do the things
9 that we all want them to do, which is to catch bad
10 people and not worry about people who haven't
11 committed crimes other than crossing illegally. This
12 new program gives us access to 425 million files in
13 the Social Security Administration, in addition to 60
14 million immigration files that we maintain.

15 Right now, it is 93% accurate, an
16 interesting factoid there, and all the testing that
17 we've done is at less than one percent are actually
18 end up being individuals who don't come back after an
19 employer has informed them that there's a discrepancy
20 in their information.

21 QUESTION: Could you repeat that again?

22 DR. GONZALEZ: Less than one percent.

1 We now have enrolled across the country
2 23,000 employers and we're getting about 2,000 more
3 employers every month that are enrolling into this
4 program. So as you can see this is not only a new
5 program, and it's a technologically savvy program, but
6 it's a very popular program and we built it with
7 enough band width so that we can accommodate ever
8 increasing new employers without missing a beat. That
9 is to say, there won't be any noticeable length in
10 time when you can actually access information and it
11 will come back to you.

12 This program is a joint venture, so to speak,
13 between Social Security Administration and Department
14 of Homeland Security. We will administer it for the
15 Department of Homeland Security. It's a very exciting
16 program. It's something that we developed in-house,
17 and it's something that I think people around the
18 country have wanted us to do.

19 We want to give employers the tools they need
20 to make the right decisions about hiring, and that's
21 all that this is about. It's about using the
22 information that we have available and making it

1 accessible to those employers who are registered in
2 the program, so that they can make the right
3 decisions.

4 And, with that, I'd like to turn it over to
5 Gerri Ratliff, who is our newly designated Associate
6 Director at our National Security Records and
7 Verification Directorate.

8 (Slide Presentation)

9 MS. RATLIFF: Thank you. And we have a chart
10 that we can make available that walks you through all
11 the statistics. If you'd like, the Director mentioned
12 several of them; but, if you'd like to see the whole
13 picture, we could very easily walk you through all the
14 different categories of query outcomes and provide you
15 with that detailed information.

16 Kathy Lotspeich is going to be the finger and
17 show you the photo tool while I tell you the
18 background about it. Those of you who might have seen
19 a demo of the pre-photo tool functionality will notice
20 some differences in the beginning web pages. In order
21 to take advantage of the photo tool, the first bit of
22 information we need for the queries is their

1 citizenship status.

2 So Kathy is just acting as if she's the H.R.
3 representative who's writing the queries about the new
4 hires. And, so, this is the first page for running a
5 query. The most important thing now is to find out
6 are you a citizen, permanent resident or alien
7 authorized to work, which is a non-immigrant. Because
8 this is how we now will go down the path to access the
9 photo tool. So Kathy is going to show us an example.

10 (Slide.)

11 MS. RATLIFF: Right now, in the photo tool
12 Phase 1 we have identity documents for non-citizens
13 who for the Form I-9 are showing a green card or an
14 EAD, employment authorization document. Those are
15 documents that USCIS make, so it's a logical Phase one
16 step for us to take to use those others first. So if
17 a new hire is a permanent resident, for example, and
18 shows a green card or like I said, we also have the
19 employment authorization document photos in the photo
20 tool, then we will go down the path of pulling up that
21 person's photo that should be on the card they've just
22 presented to the employer for the Form I-9. We did

1 that by Card Number.

2 That will be the next screen that comes up.

3 And this is an innovation from the pre-photo tool

4 functionality where we didn't query by card number.

5 We queried by alien number or I-94 number for non-

6 citizens. And that just by definition leads to

7 mismatches that are typo in nature. So querying, and

8 even if someone has more than one A number, for

9 example, which sometimes happens, you get typos and

10 mismatches that are the types of mismatches we're

11 trying to minimize. So to query by card number

12 introduces a more exact type of query method. It's a

13 one-to-one match. We're using the card number that

14 was on the green card.

15 (Slide.)

16 MS. RATLIFF: We're going into the card

17 repository that USCIS owns and pulling up the card, we

18 produced with that card number on it, and we're going

19 to see if the photo we put on that card matches the

20 photo that the person showed the employer.

21 If it's not an identical match. If anything

22 is different about it, different haircut, gee it looks

1 the same, different shirt, clothing line, jewelry,
2 then it's fraudulent, because this should be the photo
3 we put on the card. So it's a very easy match for
4 employers to make. There are a pilot we found that
5 they didn't have any trouble seeing is this exactly
6 the same photo that the new hires showed on their
7 green card.

8 We're able to enlarge it and it's
9 surprisingly good resolution. The photo quality is
10 very good. None of our employers reported having any
11 trouble seeing the photo clearly enough to make that
12 match and then after they visually compare the green
13 card to this photo and they say, yes, it matches,
14 we'll then show you in a minute how it continues to
15 verify the underlying information: the name, date of
16 birth, SSN. Or, if the employer says, no; it didn't
17 match, that is going to trigger a mismatch notice.

18 And in the pilot that we conducted to make
19 sure we had this working perfectly, apart from one day
20 where there was a systems glitch, we only had three
21 mismatches where the employer said, hey, they photo
22 does not match.

1 And, in each of those cases when the employer
2 following our process said to the employee: "The photo
3 didn't seem to match. Do you contest that?" In each
4 case, the employee basically shrugged and cleaned out
5 their locker and went home, in other words admitted I
6 used a fraudulent document and you've detected that.

7 So, if the employer, just to show you the
8 more interesting mismatched scenario, if the employer
9 says "no, this photo doesn't match," it's going to
10 lead to this what we can a tentative non-confirmation
11 in the bottom middle of the screen there. And that is
12 like I said, where the employer would allow the
13 employee to contest that.

14 You know, you may have heard some critics
15 say, oh, what if there's a systems error, the system
16 pulled up someone else's photo. That's okay. There's
17 due process here. You can contest that mismatch. It
18 hasn't happened yet, but then the employee will be
19 given a prepopulated letter that explains to them
20 what's going on. There's been a mismatch. You have
21 the right to contest it. They will check "contest" or
22 "not contest." And then they get a second notice that

1 will explain to them what to do, how to go about
2 contesting it. Like I said, that hasn't happened yet,
3 because whenever we've found the mismatch, the
4 employee has basically admitted the use of fraudulent
5 card. But we do have a lot of due process in case
6 there would be a need for that.

7 DR. GONZALEZ: Hang on a second, Gerri.

8 One of the key things here is that photo you
9 see there is the exact same photo that would be on the
10 green card. So it isn't a function of somebody in the
11 Human Resources Department saying, well, Emilio
12 Gonzalez has gained a lot of weight, or is he combing
13 his hair differently. The photo should be identical.

14

15 MS. RATLIFF: Right, it's a very easy match
16 to make.

17 MS. LOTSPEICH: Show the Spanish version too?

18 MS. RATLIFF: We have added the ability to
19 very easily print out the same notice in Spanish, and
20 we're also looking at as a future enhancement adding
21 other languages, because you want to make sure the
22 employees understand what this is about and have the

1 ability to contest if that's what they need to do.

2 So, as of this month, all of our employers in
3 the photo tool, we've completed the pilot, called it a
4 success, evaluated it, and now have opened this up to
5 all of our E-verify users. And we've only had
6 employers begging to sign up and use this. It's not
7 been any case of an employer trying it out and then
8 finding it didn't work, was too cumbersome. We've
9 only received very positive feedback from the
10 employers who were using this.

11 QUESTION: Excuse me, just a point of
12 clarification. So this picture is on the green card
13 that the immigrant has.

14 MS. RATLIFF: Yes. So we, USCIS, produces
15 the green card for the person.

16 QUESTION: And is this compared to the
17 picture that you have taken at the time of application
18 for a green card?

19 MS. RATLIFF: Well, when you apply for, for
20 example, permanent residency or adjustment of status,
21 whichever your path to permanent residence here, and
22 we grant you that status and now you need to have your

1 green card, your evidence of that status. We take
2 your picture. That's at our application support
3 centers. We put it on your green card. We produce
4 the green card. We store the photo with your
5 identifying information so we have a record of that.
6 And right now, that data base is called, ISRS. It's
7 about to be replaced by a more modern system.

8 So through E-verify, we're able to pull the
9 photo that was stored with the card number and pull it
10 up for the employer to say, if that new hire is
11 showing you a card, it could look like a really good
12 green card. It could be a legitimate green card.
13 Perhaps it' been photo substituted. So if it's not
14 the same photo, the person may have gotten by the Form
15 I-9 stage. That's where I might show you my driver's
16 license for the Form I-9 and you'd have to look and
17 say, I think it's Gerri. The card's photo is five
18 years old, but I think it's her.

19 So that's a harder match to make, but once
20 you get past that and you get to the photo tool, it's
21 the easy match. It's don't look at me anymore. It's
22 look at the green card; is this the exact same photo?

1 It's the photo we put on the card.

2 QUESTION: If someone also has a card for the
3 employee authorization, the visas for instance, are
4 authorization to work?

5 MS. RATLIFF: Well, for employee
6 authorization documents, EADs, those are documents
7 USCIS produces as well. Those are also in our photo
8 tool. Now, for visa photos our goal would be the
9 photo tool is only going to be a complete detection of
10 this type of document fraud. If we're able to display
11 a photo for any identity card choice that that new
12 hire has. This is just Phase 1. We're working
13 already with the Department of State to be able to
14 query by the visa photo number that's in their visa.

15 We would love to be able to have access to
16 every identity document that's a choice on the Form I-
17 9 to complete that circle of fraud detection. So
18 that's next on the list.

19 QUESTION: So the only photo right now you
20 can compare to that the person presents you with is a
21 green card?

22 MS. RATLIFF: Green card or the employment

1 authorization document.

2 QUESTION: So that employment authorization
3 document is a card that they would hand you with a
4 picture on it.

5 MS. RATLIFF: Yes, and it is a choice on the
6 Form I-9, today. And so again Phase 1, we're just
7 talking about non-citizen new hires who show the green
8 card or EAD for the Form I-9, but it's a beginning.
9 It's Phase 1.

10 QUESTION: What is your overall population
11 inquiring?

12 MS. RATLIFF: Non-citizens are only about 15%
13 of the new hires in this country, and many non-
14 citizens they could choose to show a driver's license
15 and a social security card as a choice. But many of
16 the non-citizens are showing the green card or the
17 EAD.

18 QUESTION: Ultimately, you want to get the
19 DMV, all of the state DMV records?

20 MS. RATLIFF: We would love, you know, long-
21 range planning to be able to have access to every
22 photo that's a choice on the I-9. That would include

1 DMV photos. And it may take federal legislation to
2 enable us to work with all 50 states, but that's
3 definitely got to be a part of any long-range plan.

4 DR. GONZALEZ: And we've built this in such a
5 way where if an eventuality that we did have access to
6 DMV photos, this thing is capable of absorbing it. So
7 it's not like we would have to build out too much or
8 create a new system or a new program. This thing is
9 big enough right now where we can continue.

10 MS. RATLIFF: We don't have any issues of
11 size.

12 MR. BENTLEY: Just a second, Gerri. Was that
13 the end of the demo? Because we're kind of sitting in
14 the dark and we could get the lights back on.

15 MS. RATLIFF: Well, this is showing you the
16 mismatch scenario. Unless there's another example
17 you'd like to see, but this is the basic. We could
18 show you an EAD photo, but it does look exactly like
19 this.

20 QUESTION: What happens when you punch the
21 button, initiate the adjust referral. Can you walk us
22 through what happens after that point?

1 MS. RATLIFF: Ah-hah. Can you wait for a
2 moment?

3 QUESTION: The system is pre-populating the
4 referral letter.

5 MS. RATLIFF: Yes.

6 QUESTION: That's an important point. This
7 is happening in real time. This isn't a demonstration
8 of the system. This is the system you're seeing
9 working right now.

10 QUESTION: Just so I understand. The EADs
11 are for people who have the temporary work permits,
12 like H1-B?

13 MS. RATLIFF: Yes, it's typically good for a
14 year. H1-Bs don't need EADs, so that's not the best
15 example. But, in general, yes. A non-immigrant who
16 needs work authorization is going to have an EAD. So,
17 there are some non-immigrants who don't need EADs
18 because by virtue of being in that class, they are
19 work-authorized.

20 So, it's very important that we make sure the
21 employee remembers, discusses with the employee if
22 there's a mismatch. So we're just really in their

1 face about follow our procedures, let the employee
2 have the chance to contest the finding or not.

3 MR. BENTLEY: Gerri, are you talking about
4 the numbers of the pilot you're in?

5 MS. RATLIFF: Sure, and we actually have our
6 pilot experts on the back wall. But we had, I want to
7 say, about 800. Is that right? Queries that were run
8 of non-citizens who showed a green card or an EAD, and
9 of those 800 queries over several-month period during
10 the pilot, like I said, apart from one day of a system
11 glitch, we had three photo mismatches. And these are
12 three cases where if the employer had not been a part
13 of the photo tool and just used the regular, basic
14 pilot functionality, the fraud would have passed
15 through undetected, because the person's name, date of
16 birth, SSN, all would have been verified as belonging
17 to "gerri ratliff." But without the photo tool, you
18 couldn't show the employer, wait a minute, you're not
19 Gerri Ratliff. This is what Gerri Ratliff looks like.

20 QUESTION: But how do you link the worker to
21 the picture?

22 MS. RATLIFF: Because, well, first of all,

1 with the Form I-9 process, if you take even, you
2 verify off the table, for 20 years, the law for new
3 hires has been employers have to fill out what's
4 called a Form I-9. So even if you're not using, you
5 verify all employers in this country have the Form I-9
6 for their new hires and you forget about it. It's
7 your first day of work or you're filling out your
8 insurance forms and everything. But it's in there,
9 and you have to show an identity document and
10 something that shows you're work-authorized if you're
11 not a citizen.

12 And, so, for the Form I-9, and we can get you
13 a copy of it if that would help put it in context, but
14 the new hires has a choice of documents. And for a
15 citizen, your choices are your passport or a driver's
16 license with your Social Security card. So, for
17 example, you show your passport to the H.R. person
18 who's processing you, and they look at it and decide,
19 yeah, the hair's different but it's you. It's you.
20 And so they verify, yes, you've passed that identity
21 part of the check.

22 The problem is that the photo on your

1 passport may be it's your sister's, or someone who
2 looks enough like you that the H.R. person is going to
3 let it pass, because it's never an identical photo
4 because time passes. So this brings in an identity
5 check where you've got to match the photo we put on
6 that document.

7 QUESTION: No, I understand that, but how do
8 you link me to my photo. I've changed my hair color.
9 I've gained or lost weight. How can you be sure that
10 I'm the same person who is in the photo?

11 MS. RATLIFF: Well, that's the Form I-9
12 process. That happens today with all employers where
13 the H.R. person basically has to be savvy enough to
14 look at your photo. So this is not E-verify. This is
15 just the law for everyone.

16 Look at the photo on your passport and say,
17 it looks close enough to you. Now this is why we
18 would like to see E-verify mandatory for everyone and
19 to expand the photo tool to have all photos so that we
20 can actually answer the question you're raising, which
21 is you showed a passport that looks kind of like you
22 but is it the right passport. Let's pull up the photo

1 that State Department put on the passport with the
2 name you've given, the passport number you've given,
3 and let's see if it's really the right passport.

4 QUESTION: How do you do it with a green
5 card?

6 MS. RATLIFF: We're querying by card number
7 on the green card and we're pulling up the photo we
8 store.

9 QUESTION: Again, what's to prevent me from
10 using someone else's and saying, oh, I've just gained
11 weight. How do you connect me to my green card?

12 MS. RATLIFF: Because, well right now, you
13 have to look enough like the photo on the green card
14 today, apart from E-verify, for the H.R. specialist to
15 say, yes, I believe this is you. It looks enough like
16 you. And then we have to say, okay, are you
17 presenting a fraudulent green card or a passport?

18 QUESTION: But again, you're in the world of
19 subjectivity.

20 MS. RATLIFF: Well, another thing is as
21 actually you're raising, there's a million types of
22 fraud. The photo tool addresses several kinds of

1 fraud, like photo substitution, fraudulent documents.

2 This is not the solution to all kinds of fraud.

3 DR. GONZALEZ: This is a tool. It's not *the*
4 tool.

5 MS. RATLIFF: But it's such a significant
6 step forward that employers are clamoring to do what's
7 available to do what they can do. And the fact that
8 maybe there's more work to be done to even detect
9 other kinds of fraud is always going to be the case.

10 DR. GONZALEZ: This is phase one, and we'll
11 continue to build on this and modernize it as we go on
12 as we get different authorities to reach into
13 different archives and different files. We'll
14 continue to update this, so this is really like --.

15 MS. RATLIFF: This is such a significant step
16 forward, but the battle is not over.

17 QUESTION: Well, can I ask you a question? I
18 mean, are you on solid legal footing here? Because if
19 you're only applying the photo, E-verify, to non-
20 citizens, I mean, is that not essentially somewhat
21 discriminatory or suggesting to the employer that you
22 should only be focusing on that portion of your

1 employee population that looks foreign?

2 DR. GONZALEZ: Well, when I walked in to
3 apply for a job somewhere, you show your passport. At
4 that point, I am proving to the employer to at least
5 his or her satisfaction that I am a U.S. citizen.
6 This is a program for the person that walks in, and
7 admits that they're not a U.S. Citizen. I'm a legal,
8 permanent resident. I'm here under DPS, and this is
9 the documentation I have. Great, let us check the
10 documentation to see if you are in fact Emilio
11 Gonzalez based on the photo.

12 So it isn't like we're discriminating for or
13 against somebody. It is a tool to be used for those
14 individuals that come forth and identify themselves as
15 being residents or non-citizens.

16 MS. RATLIFF: And we've complied with the
17 Privacy Impact Assessment and Sorin requirements. Our
18 Agency and DHS's counsel has been a full partner and
19 development of this. We'd like to see where we can
20 show a photo for any identity document and we're
21 working to plan for that strategy.

22 QUESTION: How many photos are in these

1 databases? How many photos?

2 MS. RATLIFF: Oh, right now with the green
3 card and EADs there are 14 million photos together.
4 It's one database ISRS. ISRS has more than 14 million
5 photos, because it stores, if you get successive
6 employment documents through the years, it stores all
7 of them. We only need the last one on each person.
8 Actually, again for Phase 1, we are holding the photos
9 in our system. But really the longer range
10 architecture we're moving toward is just a painting
11 that we don't really need to hold any photos.

12 For example, if we ever moved to having U.S.
13 citizen photos, we wouldn't hold those photos in our
14 database. We would just reach out and ping for that
15 new hire's photo and display it and then send it back.

16 So we don't need to hold a lot of photos.

17 QUESTION: You mentioned for the non-citizens
18 that you're just checking the EAD document or the
19 green card photo. Right?

20 MS. RATLIFF: Currently.

21 QUESTION: Currently, right. But I mean
22 since you're not checking the driver's license photo

1 or any other photo, you said they could be showing
2 multiple other photos from the I-9, I guess, from
3 their form.

4 MS. RATLIFF: Right.

5 QUESTION: I mean, if I were a non-citizen
6 who wasn't work eligible, I would pretty quickly
7 figure out that I would need to just show you a
8 driver's license as opposed to showing you an EAD. So
9 how are you actually going to get to the--

10 MS. RATLIFF: Right. And, well, we've had
11 several states express interest in working with us
12 consistent with their state laws to pilot some small
13 test of E-verify using those state's photos for
14 drivers license and state IDs.

15 I think to get at a situation where we could
16 work with all 50 states and gain access, you know,
17 ping type access to all their photos, would likely
18 require federal legislation because of the different
19 state of state laws. But for the states who are
20 interested in working with us now, and it is
21 consistent with their state law, we are very excited
22 at the thought of being able to pilot, to close the

1 kind of loop that you've just identified.

2 QUESTION: So that would be like Arizona,
3 potentially? I guess they're the only state that is
4 mandating.

5 MS. RATLIFF: They're certainly a very
6 proactive state in this area, and there are some
7 others who we would love to work with as well, and
8 just see, try out some different business process
9 scenarios and see what is efficient for employers,
10 what works.

11 QUESTION: There are some other states you
12 can mention that are?

13 MS. RATLIFF: Well, I don't know that we are
14 releasing names of any states yet, because we don't
15 have timelines and that's the type of thing we'd
16 really like to make sure we have got our ducks in a
17 row so that we can explain how it would work before we
18 talk about specifics. But there have been several
19 states who are very interested to see what could be
20 done with this.

21 DR. GONZALEZ: Georgia?

22 MS. RATLIFF: So, Georgia?

1 DR. GONZALEZ: They passed the legislation
2 requiring --

3 MS. RATLIFF: Their state contractors using
4 Verify were.

5 DR. GONZALEZ: I think Colorado did too.

6 MS. RATLIFF: Right. The same thing working
7 with contractors, their state contractors, to have
8 them sign up for E-verify.

9 North Carolina was requiring their public
10 agencies, I think, their schools, universities,
11 agencies, to use E-verify for their new government
12 hires. So there's a lot of states interested in
13 working with us in different ways as their state laws
14 today can support it, and also, as their state of
15 technology can make it workable. So there's a lot of
16 variables, but we are eager to explore anything that
17 would work.

18 QUESTION: Could you spell your name?

19 MS. RATLIFF: G-e-r-r-i, R-a-t-l-i-f-f, like
20 frank, frank.

21 QUESTION: And your title?

22 MS. RATLIFF: I think they're in the packet.

1

2 QUESTION: Can we ask about the rate at which
3 you're seeing other federal agencies come on? I think
4 there was something in the *Washington Times* today
5 suggesting that federal agencies are a little slow,
6 sort of falling into what was the secretary's mandate
7 on this?

8 DR. GONZALEZ: They're changing. Go ahead.

9 MS. RATLIFF: Yeah, I saw that article, and
10 they are actually from our perspective they are coming
11 in to show interest and sign up. We're giving them
12 web-o-nars and tutorials every week. They're
13 providing their points of contact to work with us, and
14 so from our perspective, it looks like all the
15 agencies will meet OMB's October 1 deadline for them
16 all beginning to use E-verify for their new hires.

17 USCIS headquarters has been using it for over
18 a year, and then all of USCIS and all of DHS this
19 spring. And so from our perspective, it's just been a
20 consistent sort of drumbeat of the agency signing up.

21 QUESTION: Can you talk a little bit about
22 that 93% right and how long on average it takes to

1 resolve, you know, problems if someone is actually
2 here legally?

3 MS. RATLIFF: Sure. First of all -- and
4 there is an independent evaluation that was done this
5 year that we can provide a copy of done by an
6 independent group called Westat so you just don't have
7 to just take our, you know, word for it in terms of
8 the statistics that we're using -- the Westat report
9 found that over 92, as the Director said, almost 93%
10 of all queries instantly verify as work-authorized.
11 That shows significant improvement from the last
12 Westat report that showed 79% of queries as instantly
13 verifying.

14 So our data completeness has improved
15 dramatically over the last few years. Then of the
16 remaining, it's about 7% of queries that are initially
17 mismatches, you know, the numbers rounding up and
18 down, but 7% are mismatches about something to do with
19 your SSA information. So that could be your SSN had
20 some transposed numbers; you know, putting fraud
21 aside. It could be that you got married and changed
22 your name but never told SSA, so SSA can't verify a

1 name you've never given them. So that could be a
2 mismatch.

3 It also could be that when you got your SSN
4 you were just here as a non-immigrant, and now you're
5 naturalized but you never told SSA. So, yes you are a
6 citizen. On the form I-9, you say you're a citizen,
7 but SSA can't verify that. You never told them;
8 you're supposed to tell them, so they know about these
9 changes.

10 So most mismatches are about SSA information;
11 and, largely, people change their information but
12 forget to tell SSA. So we really do feel like it's
13 actually good that there's some way to bring this to
14 employee's attention. You want your SSA record
15 correct. You want your wage crediting for retirement.

16 It's very important that you keep SSA up-to-date.

17 Then less than one percent of mismatches are
18 DHS mismatches. So those are non-citizens who may be
19 work-authorized, but our database, the day that the
20 query was run, couldn't verify that. So, it could be
21 that there's an instance of an upload issue or you've
22 just changed status and that information hasn't hit

1 our main database. But we've been working in the last
2 year to get more data and more quickly get updated
3 information to reduce the instances where a DHS
4 mismatch is just over sort of slow updates.

5 So, then, by statute, employees with a
6 mismatch who want to contest it have ten days to
7 resolve it. We break up the 10 days giving the
8 employee eight days to contact us. Maybe they needed
9 to go out of town or get some documentation together.
10 And then we give ourselves two days to research and
11 finish the case.

12 Putting aside that it might take the employee
13 one day to call us, eight days to call us, you know,
14 we can't control that. But SSA resolves most of their
15 mismatches at the counter, the day the person comes in
16 DHS. We resolve most of ours the day you call us.
17 SSA requires an in-person visit, and we just require a
18 phone call to a 1-800 number.

19 So we do work those mismatches very quickly.
20 And I think one interesting statistic is that people
21 talk about the error rate, and we hate that phrase,
22 because it's used by our critics in really an

1 inaccurate way. But if by error rate you mean the
2 mismatches that in-depth work-authorized, that's only
3 point five. So less than one percent of all queries
4 are a mismatch, which we call a tentative non-
5 confirmation that is contested. The employee follows
6 through and at the end of the day, SSA or DHS says oh,
7 you are work-authorized.

8 And that's a very good statistic for us.
9 That really shows that E-verify is working.

10 DR. GONZALEZ: And we're also looking at
11 further enhancements. For example, Gerri was talking
12 about somebody who became a citizen. And, let's just
13 say, it doesn't know that yet. We're looking at ways
14 internally where since we make them citizens we can
15 take that information and feed it into SSA. But we're
16 not there yet. But those are the types of things that
17 we're looking at to minimize the mismatch.

18 QUESTION: So, I'm a bit confused about the
19 numbers here. So you have 93% instantly verified.

20 MS. RATLIFF: Instantly verified as work-
21 authorized.

22 QUESTION: So the remaining seven percent,

1 the majority are SSA problems?

2 MS. RATLIFF: Yes.

3 QUESTION: And, less than one percent are DHS
4 mismatches?

5 MS. RATLIFF: That's right.

6 QUESTION: So of that approximately seven
7 percent, how many end up not being employee authorized
8 after they go through all the machinations?

9 MS. RATLIFF: If you include people who say
10 they're going to contest, but fail to go into SSA or
11 fail to call DHS, plus people who say they're going to
12 contest, they contest on a form. And then they do
13 come in and you add all of those people, the people
14 who don't end up as work-authorized. According to
15 that Westat report, it's about five percent of people.

16 QUESTION: About five percent of people --

17 MS. RATLIFF: Of all queries --

18 QUESTION: Of all queries are?

19 MS. RATLIFF: Are people who end up in one of
20 the categories of not work-authorized. And like I
21 said, we have a wonderful chart that shows all the
22 breakdowns that we can provide and walk you through,

1 because with rounding in the different categories,
2 sometimes it's hard to follow it.

3 QUESTION: Of the 23,000 employers who are
4 participating, I mean, what percentage of the
5 workforce do they represent?

6 MS. RATLIFF: When they register, we capture
7 their NAIC code, and they really do cover all
8 industries. The top industries tend to be the ones
9 who have the most non-citizens in their workforce.
10 Those employers seem the most interested in E-verify,
11 like temp agencies and some food manufacturing. But
12 we have employers in every state in every industry,
13 small, medium, very large employers, and we do have
14 some hand-outs that we can easily make available that
15 show the top industries.

16 QUESTION: I guess what I'm trying to get a
17 sense of though, 23,000 employers all across America,
18 it doesn't sound like a lot and I'm wondering how much
19 of the workforce this represents, you know, annually
20 in terms of how many people are using the system.

21 MS. RATLIFF: Sure, okay. Well, for FY '97
22 it's almost done. We're going to do about three

1 million queries of new hires this year. So, again,
2 it's not work force. It's just the new hires.
3 There's about 54 on average million new hires per
4 year, so we're not there yet in terms of voluntarily
5 getting to a national program that all seven million
6 employers are using.

7 DR. GONZALEZ: But we are registering new
8 businesses at about 2,000 a month; and, last year it
9 was about 1,000.

10 MS. RATLIFF: Right, the growth we've seen in
11 the program is just phenomenal. And again, granted,
12 you're not going to ever get to seven million
13 employers at this rate, but for us, we've gone from
14 about 10,000 employers at the end of '06 to 23,000
15 now. And if we even just keep doubling, you know,
16 we'll start seeing some exponential growth with some
17 states like Arizona passing their state laws to
18 promote the use of E-verify.

19 We're planning in '08 to possibly see just
20 exponential growth. As DHS has announced plans to
21 work with the larger administration and this would
22 probably take about a year, but to change the far, the

1 federal acquisition regulations, to require new
2 federal contractors to use E-verify, that will be a
3 huge boost for us.

4 And we're also beginning to launch some
5 marketing, Internet ads to H.R. sites that have shown
6 a lot of interest in our program, and even targeted
7 marketing in for example Arizona to get information
8 out about our program, since obviously they've heard
9 of it and they're going to want to know, well, if I
10 want to, how do I sign up.

11 So there's just a lot of things coming
12 together that we think are going to lead to
13 exponential growth in the next year, for example.

14 C O N C L U S I O N

15 QUESTION: Secretary Chertoff was saying he
16 wanted DHS contractors to go through, that it be
17 mandatory to go through E-verify. Has that started
18 yet?

19 MS. RATLIFF: Well, what they did, they
20 announced it as -- this may not be the correct phrase,
21 but essentially -- special selection factor for new
22 DHS contracts. So if you are using E-verify, you get

1 like an extra point. It's not a requirement that
2 would require a reg change, and the decision was made
3 just to go ahead.

4 And if you got to change the regulations,
5 which is always a long process, let's do it for all of
6 the government, not just DHS. So his interest in
7 requiring all DHS contractors to use E-verify broaden
8 to the whole federal government for contracting.

9 QUESTION: And so what's the status of that?

10 MS. RATLIFF: Well, the department is
11 beginning to work with GSA and the rest of the FAR
12 counsel to draft that regulation. It will be
13 published for comment and hopefully early next year
14 you'll see a draft regulation published. And then
15 hopefully we can address the comments and produce a
16 final regulation a year from now or maybe sooner.

17 QUESTION: So when you say five percent, on
18 five percent of all these applications, the queries
19 came back not work-authorized. Are you not telling us
20 thought that 95% of all the people whose names were
21 submitted aren't in this country legally? You can't
22 go that far, can you?

1 MS. RATLIFF: Well, sure. I mean,
2 absolutely. You either end up as work-authorized, and
3 it may take a mismatch and contest and resolve
4 process, but at the end of the day the choices are
5 you're work-authorized and we verified that. Or one
6 of the categories of we did not find you work-
7 authorized.

8 It could be that you voluntarily, you know,
9 you chose not to contest or you contest it and you
10 failed. But at the end of the day, you're in one of
11 those two buckets. We affirmatively found you work-
12 authorized, or 5.2%, we did not.

13 DR. GONZALEZ: But remember, it's five
14 percent of this universe.

15 MS. RATLIFF: Of the queries of the new
16 hires.

17 DR. GONZALEZ: The people in the United
18 States. It could very well be that as they grow
19 exponentially, those statistics are going to change,
20 and it won't be five percent. It will be a lot more.

21 QUESTION: Short of this photo tool, you
22 don't have any way of assuring yet that someone is not

1 using forged identification.

2 MS. RATLIFF: Correct. The photo tool is the
3 answer to that. The basic pilot, if you look at our
4 statute, our authorizing statute, no one ever thought
5 of asking us to address identity fraud. It was
6 originally designed just to verify the name you give,
7 your SSN, your status. Are they correct?

8 We took it upon ourselves in the last year to
9 say, wait a minute. We can't just do the minimum of
10 the program's mission. We have to proactively do more
11 and try to address it and the fraud question. So we
12 have essentially expanded our scope to address the
13 critics who were saying what you were just raising;
14 that's great, that's Gerri Ratliff. This is her date
15 of birth; this is her SSN. You are not Gerri
16 Ratliff, So we are beginning to form an answer to
17 that.

18 And one thing I wanted to mention about the
19 5.2%: you can't say, therefore, 5.2% are illegal
20 aliens. You have to acknowledge that while we're
21 voluntary and not a mandatory program, some of the
22 people in that bucket could be work authorized and

1 just didn't want to bother. And they said, I'll go
2 work at the McDonalds in the next town. They don't
3 use E-verify. I don't want to take a day off of work.

4 I don't want to go down to SSA with my NAT
5 Certificate. So you can't draw sweeping conclusions
6 except to say those people were not found to be work-
7 authorized. They didn't choose to follow our process,
8 or they contested it and failed.

9 QUESTION: But can you then draw the
10 conclusion that 95% are indeed legal immigrants?

11 MS. RATLIFF: We can definitely draw the
12 conclusion, and it includes U.S. citizens, that 95%
13 gave us a name, a date of birth, an SSN, and a
14 citizenship status, or work authorized on citizen
15 status that matched the government records. They
16 didn't make up an SSN and make up a name.

17 QUESTION: But it doesn't address--

18 MS. RATLIFF: To the extent that you say, but
19 okay, but you're not Gerri Ratliff, that's why the
20 photo tool is so important to begin to answer that
21 question.

22 QUESTION: Thank you.

1 QUESTION: I'm sorry, just to make sure I'm
2 clear of the universe of 100% of citizens and non-
3 citizens?

4 MS. RATLIFF: Yes, all of our new hires.

5 QUESTION: All new hires, yes.

6 QUESTION: It seems a little low though,
7 because, I mean I think the estimates are that it's
8 about five percent of the overall workforce that is
9 undocumented right now, and you were saying earlier
10 that a lot of your basic pilot enrollees are in
11 industries where you would see a higher level of
12 undocumented workers.

13 So would you not be expecting your sort of
14 your numbers to be higher than the five percent?

15 MS. RATLIFF: Well, it's hard to look at --
16 like you were saying, we only have 23,000 employers --
17 and know how represented they're going to be of the
18 whole country of national patterns. And all we know
19 is our program is growing and it's expanding its
20 mission.

21 And again, we won't be able to answer
22 definitively the kinds of questions you're raising

1 until it's a mandatory program, and you can say, hey,
2 we know the employer's are representative, because
3 it's mandatory. Everyone's using it. We've got seven
4 million employers signed up.

5 QUESTION: Can anybody address the law suit
6 against Illinois yesterday?

7 DR. GONZALEZ: Oh, I was hoping nobody would
8 ask that.

9 QUESTION: I'm sorry.

10 DR. GONZALEZ: Listen. The law suit speaks
11 for itself. I think Secretary Chertoff was very clear
12 in that Congress has spoken. Congress wants us to
13 enforce existing immigration laws before they give us
14 additional immigration powers.

15 And it's very inconsistent for us to go out
16 and do something like this to help businesses help
17 themselves. And then you have state governments that
18 are getting in the way. You can't have it both ways.

19 You either want us to enforce a law, or you don't
20 want us to enforce a law.

21 The Department has filed suit. The
22 Department of Justice is carrying that out to declare

1 that legislation be valid and we'll just see what
2 happens. I think we're on very strong legal footing
3 here.

4 QUESTION: Is it an issue the bar that the
5 state law sets of a 99%.

6 MS. RATLIFF: I would say, no. That's not
7 what the law suit's about. If you read the
8 government's complaint, it focuses on legal issues,
9 not just practically we couldn't meet that metric.
10 However, when you look closely at the metric that the
11 state law contains that we would have to within three
12 days resolve a mismatch attended to our confirmation,
13 if you then go back to the federal statute that gives
14 us 10 days to do that and we have given the employees
15 eight days to even contact us, the --

16 DR. GONZALEZ: I think the state also accuses
17 us of being too slow, and you can see what slow is.
18 There are some inconsistencies there. We think we are
19 on strong legal footing.

20 I have my chief lawyer over there who can
21 boor you to death with legal terminology, but at the
22 end of the day this is something that's very important

1 to the department, because this is a state getting in
2 the way of federal immigration laws.

3 MS. RATLIFF: And even if we can meet that
4 metric, the idea is if employers in Illinois think
5 there's a barrier through the state law, or there's
6 even a perception of a barrier, that gets in the way
7 of our program growth and meeting our program goals.

8 MR. BENTLEY: Are there any other questions,
9 folks?

10 (Whereupon, at 2:50 p.m., the press
11 conference was concluded.)

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