

P R O C E E D I N G S

(11:04 a.m.)

SECRETARY NAPOLITANO: Good morning, everybody. I'm pleased to be here with USCIS Director Alejandro Mayorkas to make an important announcement about an improvement to the E-Verify system. It's called E-Verify Self-Check.

The E-Verify system, is a tool for employers in the United States to ensure that they are employing a legal workforce. We know that illegal immigration is, in large part, a supply and demand problem. It is spurred by the demand for illegal labor. And the fact is that employers who hire illegal labor participate in the pool factor of illegal immigration.

This administration is firmly committed to addressing this phenomenon. On the one hand, we have already taken historic action against employers who knowingly hire illegal labor. At the same time, however, we're also expanding and improving the E-Verify system so that employers who are attempting to maintain a legal workforce can more easily take steps to do so. We're also making ongoing enhancements to

improve E-Verify's accuracy and efficiency to enhance customer service and reduce fraud and misuse.

Now, E-Verify Self-Check is a major new development in these efforts. Beginning today, for the first time, individuals in five states and the District of Columbia will be able to check their own employment eligibility status before seeking a job. This new service is voluntary, it's fast, it's free. And importantly, it is secure.

In this first phase of the Self-Check rollout, users in Arizona, Idaho, Colorado, Mississippi, Virginia, and the District of Columbia will have access to the E-Verify Self-Check service, and we will continue to bring this new service online in other states on a rolling basis as quickly as possible.

Overall, the E-Verify system has proven to be very accurate. It's only getting more accurate with each passing day. However, there are instances where individuals, because of discrepancies in their data, are at first incorrectly flagged as perhaps not being work-eligible. These cases are all resolved properly.

No one who is eligible to work is prevented from doing so. But the instances where there is a disconnect between data and individual can introduce delay.

E-Verify Self-Check gives individuals access to their own employment eligibility status so they can make sure that the system is correct ahead of time. In the case of a data mismatch, it also provides them with the necessary guidance to update their Social Security Administration or DHS records.

Self-Check also benefits businesses by reducing the number of data mismatches experienced when using E-Verify. It will decrease the amount of time and resources employers and employees spend resolving mismatches. And again, mismatches are an increasingly small percentage of the overall checks being done.

Importantly, we are vigilant in protecting users' personally identifiable information and to prevent misuse. Self-Check's built-in identity assurance tools ensure an individual can perform an employment eligibility check only on him- or herself.

Now, Self-Check is one of the many improvements DHS has made to the E-Verify system. In

the last year, USCIS added the ability to verify U.S. passport and U.S. passport card photographs through E-Verify, reducing identity theft. It enhanced the E-Verify web interface to make it easier to use and to minimize errors. And it launched new initiatives to protect employee rights, including streamlining the process for addressing potential cases of discrimination and E-Verify misuse, establishing a hotline for employees and producing new educational training videos that emphasize employee rights.

Now, E-Verify Self-Check takes the uncertainty out of the employment eligibility process by providing individuals with the information before pursuing employment and strengthening the E-Verify program, and also providing individuals with the ability to correct any mistakes in their data.

So now let me turn this press conference over to Alejandro Mayorkas, the director of USCIS, to provide you with more information about this new service.

DIRECTOR MAYORKAS: Thank you, Secretary. Thank you all for being here today. We are joined by

our federal partners, the Social Security Administration and the Department of Justice's Office of Special Counsel, and of course our colleagues within the Department of Homeland Security.

We at U.S. Citizenship and Immigration Services, and all of us throughout the Department of Homeland Security, are inspired by Secretary Napolitano's leadership and her commitment to the character of our country as a nation of immigrants and a nation of laws. I would like to take this opportunity to add to the Secretary's remarks and highlight a few aspects of E-Verify Self-Check, an initiative that we at the USCIS have executed with the Secretary's strong support.

Self-Check provides a great service to employees and employers alike, and today's launch reflects our commitment to the continued enhancement of an already successful E-Verify program. Self-Check is a tool for lawful workers. It provides them with fast and secure access to their employment eligibility information and gives them the opportunity to ensure that their information is accurate and up to date

before they seek employment.

We have made every effort to ensure that using Self-Check is as intuitive and straightforward as possible. If a user of Self-Check receives a mismatch, the program provides clear instructions in both English and Spanish on how the user can correct his or her records.

Preventing anyone from misusing this service and ensuring the security of a user's personally identifiable information are of the utmost importance. In designing Self-Check, we installed critical safeguards to accomplish those goals. Self-Check's primary mechanism for preventing fraudsters from misusing the service is an identity assurance quiz, which ensures that users are who they say they are. Self-Check prevents attempts to circumvent the identity assurance process and prevents impostors from running a stolen identity through the service, an important protection for individuals who have reported identity theft to credit bureaus and placed a fraud lock on their identity. In addition, our agency will actively monitor the service to help ensure that no one is

misusing it.

We believe that by providing workers with this secure, free, and easy-to-use service, they will take advantage of the opportunity to confirm the accuracy of their employment eligibility status before they seek employment.

We are proud of Self-Check and its enhancement of the E-Verify program. We are confident that it will prove to be a valuable tool for employees and employers alike.

I will now turn the lectern over to Michael Mayhew, who is the Chief of Special Operations in our verification division, and also the chief architect of this new service, to walk us through a interactive demonstration of E-Verify Self-Check. I want to thank and commend Michael and his fantastic team for their dedication and extraordinary work in making this possible.

Michael?

MR. MAYHEW: Thank you very much. What I'd like to do at this point is to walk you guys through kind of a quick demonstration of how the E-Verify Self-

Check service works so you can kind of see it live in action. This is an interactive preview that's kind of a canned demo. If anybody is interested in running themselves through Self-Check after this press conference happens, there are a bunch of computers set up in the back where we can enable that to happen.

But to get started, this would be the website and kind of the first page for E-Verify Self-Check. It's kind of where we tell you a little bit about the service, a little bit of a sales job of why it's of benefit to- you. You'll notice also on the side we have a "How to Use Self-Check," "Know Your Rights," which is particularly important to us that a Self-Check user knows his or her rights; they know that an employer can't make them use Self-Check as a condition of employment.

Our commitment to privacy, we worked very closely with DHS Privacy and the privacy community in developing the Self-Check service. And we wanted to state our commitment to privacy to the users so they know that their information is protected, and then extensive questions and answers. If I am interested in



using it, I would hit the "Start Self-Check" button. And this, you notice kind of the branding of the page has changed. We have now left the uscis.gov hosted and you're now in the Self-Check application itself.

You have to agree to terms of use and a privacy statement, and read and agree to those terms. But if I agree, this is the first step. So now you're kind of in the application, and you'll notice the process graphic at the top. There are four steps in kind of two phases to Self-Check. The first phase is establishing your identity.

So I would have to give my first name, last name, date of birth, and my address. We would take that information -- hit "Continue" -- review and confirm the information that's provided to make sure I wasn't going too fast and I did a typo. I'd hit "Confirm." And then this screen pops up. What happens next? And this is very important from our perspective, to tell the user why we collected the information from them, what we're doing with that information, and most importantly, that DHS is not going to be provided the questions that you are asked, the multiple-choice

answers that are shown, or the selections you choose.

What we did is we contracted with a third party identity assurance service to essentially tell us -- to authenticate somebody's identity and then respond back to the government, saying, this person's good to go and that you should enable them to check their own work authorization status.

I would hit "Continue," and I'll take a typical user's path. Okay. So what I did here is the information I provided went out, was checked by our third party identity assurance service against both public and credit records. We found a match, and then from that information and the person's record, we generated a knowledge-based quiz back to the user.

What we did is rebrand the screen so it's a visual cue to the user that this is somebody asking you these questions on the government's behalf, but this is not Homeland Security asking you these questions. But I would click through the answers to these particular questions and follow a typical user's path. And I'm now -- and as you can see, "Welcome back to E-Verify Self-Check. You have successfully completed the

identity assurance process and are ready to confirm your work eligibility." And I'm now in the "Confirm work eligibility" phase of the demo.

So I would enter information here, basically, exactly from my Form I-9 because we're basically -- you're doing an E-Verify check on yourself. You'll notice we pulled the name and date of birth that happened in the identity assurance process. So this isn't a case where Mike Mayhew can authenticate his identity but then run somebody else's information through to confirm their work eligibility. You can only confirm your own work eligibility.

So I would enter Social Security number, my citizenship status. I'd hit "Continue," and take a typical user's path. "Work Authorization Confirmed." So what happened there was the information bounced up against Social Security, matched with Social Security my name, my date of birth, and my Social Security number, and Social Security has responded back to us, and then, by extension, the user, that the person's work authorization is confirmed.

The important part here is we tried to make

the screen as colloquial as possible because this is not a work authorization credential. This is telling at this point in time, if the information you provided was taken by your employer and run through E-Verify, you would check out as work-authorized.

If I self-check myself successfully and then six months from now I was run through E-Verify, I can still get a mismatch if my status has changed, I've changed my name, if my employer gives a typo. But what this gives is peace of mind to the user that I would successfully go through E-Verify based on the information I provided, and my work authorization records that the government has compare favorably to what I have.

So thank you very much for the opportunity to show this to you.

DIRECTOR MAYORKAS: We'll now take questions.

QUESTION: Hi. Good morning. I'm Luis Arons with (inaudible). I have two questions. I would like if you could please talk a little bit more in details about the mismatches you mentioned. I would like to know how many mismatches you get out of how many total

results of E-Verify. What is the impact of these mismatches in the operation? And what's the goal? You expect to bring it down to how many mismatches, and by when?

Then I have the other question, but --

DIRECTOR MAYORKAS: Just to make sure everybody heard, what is our level of mismatches in the E-Verify program? What is our goal? What is the impact?

E-Verify is accurate in confirming as work-authorized an individual who is in fact work-authorized more than 96 percent of the time. Of course, our goal is 100 percent accuracy. But please remember that a tentative nonconfirmation, which is sometimes referred to as a mismatch, may not be a function of any inaccuracies in government databases, but may in fact be a function of a prospective employer or new employee's failure to update government records.

So, for example, a newly married individual who has changed his or her surname may not have updated that change of surname in government databases, which could yield a tentative nonconfirmation. The

importance of E-Verify Self-Check is to give a prospective employee the opportunity to ascertain whether any such tentative nonconfirmation would result from the use of E-Verify, and if it is in fact the result of an inaccuracy, correct that inaccuracy before a job is sought.

QUESTION: So you say it's accurate 96 percent of the time. What's the total (inaudible)?

DIRECTOR MAYORKAS: We receive -- I don't have the precise volume of E-Verify checks. But we are having about 1200 new employers sign up every week. We have over 800 -- about 850,000 work sites using E-Verify, and over 250,000 employers use E-Verify now.

QUESTION: Director, Fernando Pizarro (inaudible). I wanted to be a little more on the procedure side. As this is meant to correct mismatches, as you call them, what's the benefit for the employee to self-check if the employer is not participating in E-Verify, as it remains a voluntary service for most employers in the country?

DIRECTOR MAYORKAS: Well, E-Verify Self-Check enables an employee to check his or her work

eligibility before he or she seeks employment. And it enables the employee to have the certainty that should he or she apply for a job where an employer does use E-Verify, that the work eligibility will be confirmed. It also assists an employee just generally before entering the job market to know that the government records are indeed up to date.

QUESTION: Antonita (inaudible) with La Opinión newspaper. A little followup on what Fernando just asked. Do you have any plans to make E-Verify mandatory for private companies in the short-term? I mean, this seems to be an advance to the program. You said that you are improving the system. So it looks like you are going that way.

The second question is, what's the next step for the program in the short-term?

DIRECTOR MAYORKAS: In answer to your question, the mandating of E-Verify requires legislative action. We believe that E-Verify is a very valuable tool, and in fact, the most effective tool currently to enable employers to ensure the lawfulness of their workforce.

The next steps in the E-Verify Self-Check program, as the Secretary noted, we have launched the first phase in six states, and our goal is to have this program available throughout the country within 12 months.

QUESTION: Shankar (inaudible) with the Washington Post. I understand you're currently using the identification systems using credit checks and so on to make sure that person A cannot run person B's information through the E-Verify Self-Check. At the same time, this seems to be a fairly powerful tool to detect someone who is using, for example, a fake Social Security number.

Are there any plans to use this kind of third party verification systems for regular E-Verify? And I have a couple of followup questions beyond that.

DIRECTOR MAYORKAS: We are looking at the use of this self-assurance tool on a broader scale. We do not have the legal authority to impose this obligation as a part of the employer/employee relationship. We cannot compel employers ourselves now under our current authorities to use the Self-Check process, that an



employee should use the Self-Check process.

QUESTION: Is USCIS doing anything or concerned about the extent of Social Security fraud that many critics say the E-Verify system is vulnerable to?

DIRECTOR MAYORKAS: We most certainly are. One of the key developments that we achieved this past year in 2010 was the availability of passport photo identification to address and combat identity fraud, and that is a continual effort on our part.

QUESTION: Michael Vane with Fox News.

Madam Secretary, if I could ask you a quick question off-topic. There was a security breach last week related to RSA. Do you consider that sort of a new vulnerability that DHS has identified? And what is DHS doing to address the problem, both with private companies and with the public, with the government?

SECRETARY NAPOLITANO: Yes. We've been heavily involved in the RSA matter for a number of days now, and that has been at several levels. One is working across the federal government with respect to identifying any breaches there that were RSA-related,

and making sure those are repaired; and then also intersecting with the private sector, particularly the critical infrastructure parts of the private sector.

We've been using our US-CERT capability with which to do that, and having a number of other interactions over the course of the past week with respect to RSA. And I think what we are seeing there and what we are seeing now is just an illustration of the ever-evolving nature of threats that we have to adapt to, deal with, and get ahead of. And that is, of course, the cyber threat right now, and with respect to RSA, the extent of that.

QUESTION: Nicholas Ballasy with CNSNews. A question for Madam Secretary. Do you think the federal government should take legal action against Utah for preempting the federal government in passing immigration laws, one of which authorizes a guest worker program?

SECRETARY NAPOLITANO: Well, that's a question for the Attorney General, as you well know. The administration, the Department of Justice, has taken legal action against Arizona on 1070 with respect

to that principle. But with respect to the Utah law, that's up to the Department of Justice.

MODERATOR: Folks, we have time for one more question.

QUESTION: Hi. Mary Kelly with the Arizona Republic. I have a question. You said that one of the purposes of this would be to help protect employees from employer discrimination. What kind of discrimination are you talking about? Have you had cases where employers have used E-Verify in a discriminatory way, and how would this help protect people?

DIRECTOR MAYORKAS: Employers can misuse E-Verify by actually checking the employment eligibility of an individual before that individual has been hired. You can well imagine the discriminatory impact of that. E-Verify is to be used for individuals who recently have been hired by an employer, and if in fact there's a tentative nonconfirmation with respect to that employee's eligibility, the employee has eight business days within which to resolve that.

The benefit of E-Verify Self-Check is it

alleviates that burden on the employee. So now the employee can ensure that his or her work authorization is confirmed upon the use of E-Verify before that eight-business-day period is triggered. And of course, it alleviates the burden from the employer of that uncertainty at that time.

SECRETARY NAPOLITANO: Thank you all very much.

DIRECTOR MAYORKAS: Thank you very much.

(Whereupon, at 11:27 a.m., the press conference was concluded.)