



Homeland Security

December 8, 2010

Mr. Richard M. Stana
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

RE: Draft Report GAO-11-146: *Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain*, (Job Code 440799)

The Department of Homeland Security appreciates the opportunity to review and respond to the Government Accountability Office (GAO) subject report. We are encouraged by GAO's positive findings on the E-Verify Program, particularly our gains in the following areas:

- **U.S. Citizenship and Immigration Services (USCIS) has reduced the incidence of Tentative Nonconfirmations (TNCs) and E-Verify's vulnerability to fraud.** There was a 5.4 percentage point decrease in TNCs between fiscal year (FY) 2007 and FY 2009.
- **USCIS has improved its ability to monitor and ensure employer compliance with E-Verify Program policies and procedures.** Since GAO's testimony in 2008, USCIS has increased staffing levels for monitoring and compliance functions of E-Verify, including expansion into a field office in Buffalo, NY, and, in FY 2011, the opening of a second field office in Lincoln, NE. In FY 2010, USCIS monitored and provided E-Verify compliance assistance to more than 16,000 employers suspected of noncompliance. This exceeded the FY 2010 target for contacting 2 percent of all enrolled employers.
- **USCIS has provided safeguards for employees' personal information in E-Verify and enabled employees to correct inaccurate information.** USCIS Verification Division has its own Privacy Branch dedicated to privacy issues. In June 2010, USCIS updated E-Verify to mask Social Security Numbers (SSNs) when entered into E-Verify. USCIS provides information to employers on safe handling of Personally Identifiable Information (PII). The responsibility to safely handle PII is covered in both the mandatory online tutorial and E-Verify user manual. The E-Verify Web site (www.dhs.gov/E-Verify) has a section on privacy principles and provides an overview in eight foreign languages on how an individual's PII is used and stored in E-Verify. In spring 2011, USCIS plans to launch a Self Check feature that enables individuals to check their work authorization status online and provides them with instructions on how to update their records. In FY 2010, USCIS launched a number of employee rights initiatives including an employee hotline and multilingual videos on employee rights and responsibilities produced in partnership with the DHS Office of Civil Rights and Civil Liberties. Furthermore, USCIS signed a Memorandum of Agreement with

the Department of Justice's Office of Special Counsel for Unfair Immigration-Related Employment Practices to establish procedures for discrimination case referrals.

- **USCIS and SSA have taken steps to prepare for mandatory E-Verify implementation.** In partnership with SSA, USCIS has used widely accepted industry practices to effectively manage the E-Verify System capacity and availability. USCIS is also in the process of developing a written service-level agreement with SSA.

USCIS recognizes there are still opportunities for continued success as the E-Verify Program continues to expand and grow. USCIS concurs with all of GAO's recommendations and can also report that it is taking significant steps toward addressing each of them. USCIS's response follows:

Recommendation 1: To reduce the likelihood of name-related erroneous TNCs for employees with multiple or hyphenated surnames, we recommend that the Director of USCIS disseminate information to employees, *DHS's Naturalization Guide*, and naturalization ceremonies, on the potential for name mismatches and how to record names consistently when providing name information to employers, SSA and DHS.

Response: USCIS concurs with this recommendation. USCIS is working with an independent research and evaluation firm to conduct a special study on name-related TNCs. The study, "Evaluation of the Accuracy of E-Verify Findings" will be completed in the 3rd quarter of FY 2011 and is focusing on the impact of name and date of birth mismatches on TNCs. USCIS plans to use the study's findings to develop better name matching algorithms and provide enhanced helper text for users.

USCIS has included language in the **Guide to Naturalization** recommending that newly-naturalized citizens update their records with SSA. Page 39 states, "We strongly recommend that you go to your nearest Social Security Administration (SSA) office to update your Social Security record soon after your naturalization ceremony. This is important because your Social Security record will be used to establish eligibility for benefits and to demonstrate authorization to work. The nearest SSA office can be found by calling 1-800-772-1213 or at www.socialsecurity.gov." The **Guide to Naturalization** also advises a newly-naturalized citizen to visit SSA if he or she changed his or her name at the oath ceremony and the Certificate of Naturalization does not show their old and new names. Furthermore, it recommends which documents the new citizen needs to present to SSA to complete the name change.

In addition, on November 8, 2010, USCIS began an initiative to distribute the **U.S. Citizenship Welcome Packet** to newly-naturalized citizens at all naturalization ceremonies (both administrative and judicial). This packet specifically advises that each new citizen go to a local SSA office to update his or her Social Security record soon after the naturalization ceremony.

Recommendation 2: To better target USCIS's education efforts and ensure employer compliance with the E-Verify Program, we recommend that the Director of USCIS develop an analysis plan for the mastery test and use the analysis results to make fact-based decisions about whether and how to revise the test, the tutorial, or both.

Response: USCIS concurs with this recommendation. The E-Verify mastery test is required for all new employers after they have completed the mandatory online tutorial. USCIS began analyzing the mastery test results following a June 2010 mastery test revision to assess what questions may need

revision and to determine what concepts may require greater explanation. USCIS identified three questions needing revision and plans to make corresponding changes in E-Verify release 6.0, scheduled for 2011. The analysis will be an ongoing effort, and we will continue to monitor reports to determine changes for future releases.

Recommendation 3: To ensure that employees have the ability to access and correct inaccuracies or inconsistencies in personal information within DHS databases that may have led to erroneous TNCs and minimize the potential for employees receiving repeated erroneous TNCs, we recommend that the Director of USCIS develop procedures that enable employees to access personal information and correct inaccuracies or inconsistent personal information in DHS databases.

Response: USCIS concurs with this recommendation. As noted in the report, USCIS and other DHS Components have regulatory processes available for the review and correction of personal information under the Privacy Act. However, USCIS recognizes that these processes may need to be supplemented by methods specifically designed for the needs of E-Verify users. USCIS is developing the E-Verify Self Check service that addresses the recommendation made by GAO. E-Verify Self Check will be a free, Web-based service that allows individuals to check their own work authorization status against SSA and DHS databases. If a mismatch occurs the user will be notified of the mismatch and given directions on how to rectify the issue (e.g., visit an SSA field office, contact DHS). To conduct a “self check,” users will be required to first go through an identity assurance process to ensure that the correct person is accessing his or her work authorization status.

USCIS plans to deploy E-Verify Self Check in spring 2011 through a phased pilot implementation process. Based on the results of the pilot, USCIS will consider expanding E-Verify Self Check to more users as early as 2013.

In addition to the future Self Check feature, employees with TNCs who contact USCIS are referred to local USCIS offices, Customs and Border Protection (CBP) offices, and Ports of Entry to correct records when they identify errors or inconsistencies. For USCIS system inconsistencies, employees may make an appointment via the Infopass system to visit the local office and have their records reviewed and updated, if appropriate. Additionally, we are currently piloting a process whereby USCIS staff assist employees who receive TNCs by submitting an electronic application through the “Service Request Management Tool” (SRMT) to request a records update.

Finally, USCIS will work with internal and external stakeholders to improve quality assurance on the source data that USCIS uses to determine employment authorizations.

Recommendation 4: To improve the accuracy of the source data used to make employment eligibility decisions and decrease the potential for recurring erroneous nonconfirmations, we recommend that the Secretary of Homeland Security direct the heads of DHS components to coordinate with one another to develop procedures to correct inaccurate or inconsistent information in their records and systems that may have led to an erroneous TNCs or FNCs.

Response: DHS concurs with this recommendation and will continue to work with the components to ensure that data is transmitted or made available to the E-Verify program that provides the most accurate and up-to-date information on immigration status. As noted in the report, the E-Verify program has created a Database Integrity Unit that is tasked with identifying and facilitating the correction of erroneous information contained in DHS component databases. Additionally, The DHS

Office of Policy, Screening Coordination Office (SCO) works with USCIS, CBP, and US-VISIT to establish links between the Verification Information System (VIS) and Arrival Departure Information System (ADIS) and I-94W automated systems to provide real time arrival data to USCIS. DHS/SCO has also been working with USCIS and ICE on the upgrades to the Student and Exchange Visitor Information System (SEVIS) data which when completed will provide more accurate information to USCIS on student status. DHS will continue to work closely with the components to ensure that correct and accurate information is transmitted or made available to the E-Verify program and that inaccuracies in the various systems are corrected.

Recommendation 5: To decrease the potential for recurring erroneous nonconfirmations, we recommend that the Director of USCIS develop procedures for management program analysts to document the basis for their work authorization decisions.

Response: USCIS concurs with this recommendation. USCIS plans to re-engineer our Status Verification System (SVS), which is used to track and manage TNCs, so that Status Verifiers can document the basis for their work authorization decisions. SVS's re-engineering implementation will occur in FY 2013. As noted by GAO, USCIS will implement procedures to address this through the use of a comment box and will update Standard Operating Procedures (SOPs) to require this documentation by the second quarter of FY 2011.

Recommendation 6: To help ensure that SSA will be able to meet the capacity demands of the E-Verify Program and provide USCIS with continuous service in the future, we recommend that the Director of USCIS and the Commissioner of SSA finalize the terms of the service-level agreement that defines the requirements for SSA to establish and maintain the capacity and availability of its system components for E-Verify, including the steps needed to complete the agreement in a manner that is acceptable to both parties and a timeframe and milestones for its completion.

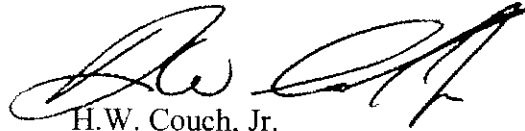
Response: USCIS concurs with this recommendation and has drafted a service-level agreement that is under review at SSA.

Recommendation 7: To ensure that USCIS has a sound basis for making decisions about resource investments for E-Verify and securing sufficient resources to effectively execute defined program plans, we recommend that the Director of USCIS ensure that a life cycle cost estimate for the E-Verify is developed in a manner that reflects the four characteristics of a reliable estimate consistent with best practices-comprehensive, well-documented, accurate, and credible.

Response: USCIS concurs with this recommendation. The current Life Cycle Cost Estimate (LCCE) met three of four characteristics of a reliable cost estimate and partially met one characteristic. USCIS is in the process of finalizing a new Life Cycle Cost Estimate (LCCE) that meets GAO criteria and is based on the Systems Engineering Lifecycle (SELC) process.

The Department appreciates the opportunity to comment on the draft report. In addition to this response, technical comments have been provided under a separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read 'H.W. Couch, Jr.', written in a cursive style.

H.W. Couch, Jr.
Deputy Director
Departmental GAO/OIG Liaison Office