



**Department of Homeland Security
E-Verify Evaluation
Employer Interview Protocol**

Conducted by:
Westat

LABEL

INTERVIEWER: _____

DATE OF INTERVIEW: |__| |__| |__| |__| |__| |__|
MONTH DAY YEAR

START TIME: |__:__| a.m. or p.m. (circle one)

END TIME: |__:__| a.m. or p.m. (circle one)

RESULT CODE: |__|

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Introduction

SAY TO EMPLOYER:

- **(Welcome.)** Thank you for agreeing to take the time to talk with me today. This interview is part of a study of a pilot program sponsored by the US Citizenship and Immigration Services (USCIS).

- **(Goal of interview)** The goals of the evaluation are to understand how well E-Verify is working and to make recommendations to USCIS about how it could be improved. Your answers will be used to help us achieve this goal.

- **(Confirm confidentiality of responses.)** Your answers will be kept strictly confidential to the extent permitted by law and no individual responses or your establishment's name will be disclosed to anyone not on the evaluation team. We will report the interview findings in group summaries. Additionally, we will not give your answers to your supervisor, other co-workers at your establishment, USCIS, or anyone else.

- **(Time.)** We anticipate that it will take about two hours to complete this interview and we may have to talk to more than one person at your establishment to obtain the information for some questions. In addition, during the process of our site visit, we may have other questions to clarify with you from time to time.

Introduction

- **(Interview questions.)** I'd like to ask you questions about the use of the E-Verify Employment Verification system at your establishment. In answering the questions, please consider only this establishment. By that, I mean the business location, branch or division at this address. Please do not include information about other offices or sites of this company unless we explicitly ask about them.

- **(Format for this week's activities.)** In addition to interviewing you and other staff members who are involved in the verification of new employees' work authorization, I'd like to have a chance to talk to the actual data entry person(s) for verification and I'd also like to see the system in use. Would it be OK to do this after we finish talking or is there a more convenient time to perform the observation during our visit?

We will also be reviewing the I-9 records for some of the verifications performed at this establishment. These employees were listed in the information we provided to you prior to our visit today.

- In addition to interviewing employers, we will be interviewing some of your employees verified using E-Verify.

- [IF THE EMPLOYER IS CODED AS PROVIDING EMPLOYMENT SERVICES, ASK]:
 - To make sure that I ask you the right questions, I want to confirm that our records are right. They show that you provide employment services to employers. Is that right? If so,

- o Do you provide temporary workers on your payroll to work at your clients' sites? [NOTE: YES MEANS THE EMPLOYER IS A TEMPORARY HELP agency]
- o Do you refer job applicants to employers wishing to hire new employees? [NOTE: YES MEANS THE EMPLOYER IS AN EMPLOYMENT AGENCY]

[AN EMPLOYER CAN PROVIDE BOTH TEMPORARY HELP AND EMPLOYMENT AGENCY SERVICES.]

- Do you have any questions before we start the interview?

Focus question 1:

How would the employer characterize the establishment's general experience with using E-Verify? What problems, if any, have occurred in using the system?

SAY TO EMPLOYER: This first set of questions is about your general experience with the operation of E-Verify at your establishment.

1. How long has your establishment been using the E-Verify program?
2. Have you used any computerized programs other than E-Verify (or the Basic Pilot) for verifying employment eligibility? If so, what program?
3. What has your general experience with using E-Verify been like?
4. What challenges, if any, did you experience in registering for (signing up for) E-Verify or the Web Basic Pilot?
5. What challenges, if any, did you experience in setting up E-Verify or the Web Basic Pilot for your company? Please explain. [PROBE IF NECESSARY]
 - problems with setting up user accounts
 - problems taking the tutorial
 - problems with the Mastery Test
6. Have you experienced any technical difficulties with using E-Verify? Are these technical difficulties ongoing? How do you handle them? [PROBE IF NECESSARY]
 - Cannot connect to the system
 - Slow response time
 - The program not having sufficient edit checks to help prevent you from making mistakes
7. Have you experienced any problems with data entry errors? How do you handle tentative nonconfirmation findings that occur as a result of data entry errors?
8. How satisfied are you with the current version of E-Verify? Do you intend to keep using E-Verify?
9. Is there anything that you would like to see changed about E-Verify? [PROBE IF NECESSARY] Would you explain what you mean in more detail?
 - Are there any recent changes to E-Verify that you don't like? [If asked, recent changes include the Photo Tool and changes to the way SSA processes tentative nonconfirmations (EV*STAR).]

10. How well do you think USCIS has done in communicating with you when changes are made to E-Verify?
 - If the employer thinks there are problems with communication, please explain the problems.
 - Were these problems a result of USCIS information not being disseminated to the correct people; unclear communication from USCIS; and/or insufficient notice of changes for you to be prepared for the changes? [IF INSUFFICIENT NOTICE] How much notice do you need when there is a major change to the system such as the Photo Tool?

11. Have you had any other problems with communicating with either USCIS or SSA about E-Verify?
 - [If so] Could you please describe the problems?
 - Do you have any suggestions for ways that these problems could be addressed in the future?

12. How would you like E-Verify to communicate changes and notices to you?
 - Internet alerts
 - Email
 - Mail
 - Phone
 - Other (specify)

13. What else would you like to share with us about your general experience using E-Verify?

14. Any other questions that may help us understand the employer's general experience with using E-Verify.

General Instructions for the Following Focus Questions

SAY TO EMPLOYER:

Next I am interested in finding out more about the various procedures required by the E-Verify program. For each type of procedure, I'm going to ask you to describe your understanding of what the procedures are. I'm doing that to find out whether USCIS has done a good job of explaining these rather complicated procedures to employers.

Then, I'll ask you whether you have implemented the procedures as you understand them and, if not, why not. The purpose of this is to find out if some of the requirements are not realistic from the employers' perspective, so that we can suggest that USCIS consider modifying some of the procedures.

Finally, I'll be asking you for any specific changes you would recommend that USCIS make in the program.

Focus question 2:

What evidence is there that the employer either does or does not use E-Verify to prescreen job applicants or to verify employees other than new employees? Does employer only use the system for some new hires/job applicants (e.g., only noncitizens or those being considered for hourly wage jobs)? Does the employer think that the regulations around who can be verified should be changed?

15. Would you describe your understanding of the E-Verify requirements with regard to **when** you should use E-Verify, and **who** you should verify?

[Note to interviewers: The purpose of this question is to let the employer talk about his/her own understanding of the verification process. Please allow the employer to finish without any interruption.]

16. Are there ever times when you do not or cannot follow these procedures in verifying employees?
- (If yes) would you explain the reason why?
17. E-Verify frequently uses the term “newly hired employee” or “new hire.” What is your understanding of who is considered a new hire for verification purposes?
- Where did you get your understanding of new hire? (e.g., from written materials on the E-Verify website, your boss, E-Verify tutorial).
 - How would you define rehire?
 - Do you treat rehired employees any differently than other new hires in terms of E-Verify?
18. Is the definition of hire used in E-Verify consistent with your establishment's definition?
- If not, how would you otherwise define a new hire?
19. The system asks employers to input each employee's “hire date” into the system. What do you enter into E-Verify as the “hire date”? (e.g., the date an offer is accepted, the first day of paid work, etc.)
- Is the date you enter in E-Verify consistent with the hire date entered on your other HR records?
 - If not, why not?
20. For what types of individuals does your establishment currently use the E-Verify program? [PROBE IF NECESSARY WITH THE FOLLOWING EXAMPLES]
- job applicants
 - all newly hired employees
 - only new employees who claim to be citizens (or only noncitizens)
 - only hourly employees (or only salaried employees)
 - only employees whose documents are suspicious
 - employees who were employed by your establishment prior to the institution of E-Verify [IF THIS IS SELECTED, PROBE TO FIND OUT IN WHAT SITUATIONS THE EMPLOYER DOES THIS.]
21. If your examination of the employee's documents suggests that they are counterfeit, would you still enter the information into E-Verify?
- If so, what do you do if the system response is work-authorized?

22. If your examination of the employee's documents indicates that the employee was work-authorized but their work-authorization has expired, would you still enter the information into E-Verify?
- If so, what do you do if the system response is work-authorized?
 - If the system response is not work-authorized?
 - Do you treat any groups, such as refugees differently from other employees in this process?
23. Do you conduct verifications for any other establishments within your company?
- For other companies?
 - If so, approximately what percent of the verifications are for this establishment?
 - If so, how does your agency verify employees' work authorization when the hiring is done for another establishment? Is it difficult or easy? Why? PROBE: Is it difficult to access the E-Verify website, make photocopies, etc.?
24. ASK APPROPRIATE VERSION(S) OF THIS QUESTION:
- a. *[EMPLOYERS THAT DO NOT PROVIDE EMPLOYMENT SERVICES]* At what point in the hiring process do you generally use the E-Verify program? [PROBE IF NECESSARY.]
- before a job offer
 - after a job offer but before the employee's first day of paid work
 - on the first day of paid work
 - within the first three days of paid work
 - more than three days after starting paid work
- b. *[TEMPORARY HELP AGENCIES]* For your temporary help employees, at what point in the hiring process do you generally use the E-Verify program? [PROBE IF NECESSARY.]
- before a job offer
 - after job offer is accepted, but before employee is placed with a client
 - after the first placement offer that the employee accepts
 - after first accepted placement, but before the employee's first day of paid work
 - on the first day of paid work
 - within the first three days of paid work
 - more than three days after starting paid work
- c. *[EMPLOYMENT AGENCIES]* For your employees for whom you try to find employment, at what point in the hiring process do you generally use the E-Verify program? [PROBE IF NECESSARY].
- never
 - after the client has offered the employee a job
 - before referring the employee to a client; [If SO] What happens when the employee receives a tentative nonconfirmation? [PROBE IF NECESSARY]
 - o Don't refer employee
 - o Only refer employee if the employee resolves the tentative nonconfirmation
 - o Refer employee and tell employer if the employee does not successfully resolve the tentative nonconfirmation

25. Do you know what prescreening means?
- If yes, how would you describe prescreening?
 - What are your feelings towards prescreening?
 - **FOR TEMP/EMP. AGENCIES ONLY:** Do you feel that regulations about prescreening should be changed for temporary help/employment agencies/temporary help and employment agencies? If so, how? Do you feel pressure from your clients to offer only “work-authorized” employees? TENTATIVE NONCONFIRMATION
26. Does your establishment do “seasonal” hiring (or are there other times when you have had to hire large numbers of employees at the same time)?
- If so, do you find it difficult to verify employees’ work authorization during seasonal hiring (or during times when you are hiring large numbers)?
 - IF SO] What challenges does this type of hiring pose in terms of following the regulations and requirements of E-Verify?

Any other questions that can help determine general hiring and verification procedures and whether the employer uses E-Verify to prescreen job applicants.

Focus question 3:

- a. What evidence is there that the employer informs employees (or job applicants, if the employer prescreens) about tentative nonconfirmation findings? In what situations does the employer not inform employees, and why?
- b. How do employees react to the findings?

3a. Process of delivering a notice of tentative nonconfirmation

SAY TO EMPLOYER:

Next I would like to talk about what happens when you receive a tentative nonconfirmation finding about an employee/job applicant.

27. Would you share with me your understanding of what actions you should take when the E-Verify system returns a finding of tentative nonconfirmation for a new employee/ job applicant?

[Note to interviewers: The purpose of this question is to let the employer talk about his/her own understanding of the verification process. Please allow the employer to finish without any interruption.]

Do you follow these procedures as you understand them? [PROBE IF NECESSARY.]

- Do you notify the employee?
 - How soon? [If not immediately], Do you encounter problems doing this promptly, if so, what?
 - How? In-person? Post a list? Other? If in-person, is this done privately?
 - Do you give the employee a copy of the tentative nonconfirmation notice? If not, why not?
 - Do you explain to the employee that the finding can be contested? If not, why not?
 - Do you have the employee sign the notice? If not, why not?
 - What do you do with the notice once the employee has signed it?
 - **FOR TEMP/EMP. AGENCIES ONLY:** Who is responsible for performing these activities – you or your client?
28. Who is responsible for telling the employee about the tentative nonconfirmation finding? (e.g., an HR representative, a department supervisor, etc., or if temp/emp. agency, a supervisor at the client company)
- Where is this person located?
 - If the person is not in the same location as the HR office, how do you transfer documents (e.g., the tentative nonconfirmation notice) back and forth? Does this pose a problem?
 - If someone outside of HR is responsible for informing the employee, what kind of training/information have they been given about E-Verify and its requirements?
29. Are there ever times when you do not or cannot follow these procedures? Would you please explain when and why you would not follow these procedures?

30. What are the circumstances under which you would not notify an employee/job applicant that he/she has received a Tentative Nonconfirmation? Would you explain these situations? How often does this occur?
- could not locate job applicant (if employer prescreens)
 - did not want to bother employee/job applicant
 - decided to fire employee/not hire job applicant instead of giving them the tentative nonconfirmation notice
 - employee had already left company
 - employee doesn't work on-site? If so, where do they work? Does someone there notify the employee?
 - decided to disregard a tentative nonconfirmation finding because you were convinced that an employee was work-authorized
 - **FOR EMPLOYMENT AGENCIES:** the employee had already been hired by the client and you did not feel it was your responsibility any longer
 - **FOR TEMPORARY HELP AGENCIES:** thought it would not matter since our employee's job assignment was brief
31. **FOR TEMPIEMP. AGENCIES ONLY:** Have clients complained when referrals receive tentative nonconfirmations or are found unauthorized?
32. **Have you ever tried to correct** the problems with an employee's/job applicant's record yourself by contacting SSA or USCIS?
- Under what circumstances did/would you do this?
 - Would you explain what happened?
 - How often do you do this?
33. Does following the E-Verify procedures for notifying employees of a tentative nonconfirmation cause any problems or burdens for you?
[PROBE IF NECESSARY]
- Would you explain this in more detail?
34. Do you think that the procedures for notifying employees of tentative nonconfirmations should be changed in any way?
- If so, how?
35. Have you ever received a no-match letter for an employee who had been found work-authorized by E-Verify?
- [If so] How often has this happened?
 - Was this employee/Were these employees found work-authorized initially or only after they contested a tentative nonconfirmation with SSA?

3b. Employee reactions to receiving a tentative nonconfirmation

36. From your experience and observation, what is an employee's general reaction when he/she receives a tentative nonconfirmation?
 - scared, nervous, angry, embarrassed, no reaction?
37. How often do your employees quit or simply not return to work once they have received a tentative nonconfirmation?
 - Do they tell you why they are quitting?
 - Do they simply walk out or do they not return to work (e.g., after lunch or the next day)?
38. Do you encourage employees/job applicants to contest the tentative nonconfirmation finding if they indicate that the finding is incorrect?
 - If so, how?
 - If not, why not?
39. Do you think that the employees/job applicants understand the content of the tentative nonconfirmation notice?
 - Do you provide Spanish speaking employees with the Spanish version of the tentative nonconfirmation notice? If not, do you provide translation services?
 - What do you do for employees who cannot understand the languages that the notices are available in?
 - Do you think that employees who receive a tentative nonconfirmation finding and do not speak much English understand what they are being told?
40. Do you think that work-authorized employees who receive a tentative nonconfirmation finding are hesitant to go to SSA or call USCIS to correct their records? If so, why?
41. If an employee/job applicant decides not to contest, what do you do?
 - Fire the person? If so, how long typically elapses from the time the person tells you that he/she is not contesting and the final day that the person works?
 - Allow them to work anyway?
 - **FOR EMPLOYMENT AGENCIES:** Remove the person from your agency's placement list?
42. Any other questions that can help uncover how employees react to receiving a tentative nonconfirmation.

Focus question 4:

**Does the employer give the employees/job applicants all the information necessary for contesting?
If not, why not?**

SAY TO EMPLOYER:

Next I am interested in hearing about what happens when employees decide to contest their tentative nonconfirmation findings.

43. When an employee/job applicant decides to contest a tentative nonconfirmation finding, what do you believe the employer is supposed to do, or not do?

[Note to interviewers: The purpose of this question is to let the employer talk about his/her own understanding of the tentative nonconfirmation process. Please allow the employer to finish without any interruption.]

44. Do you follow these procedures as you understand them? [PROBE IF NECESSARY]
- Do you refer the case to SSA or USCIS through E-Verify?
 - What information or forms do you give to the employee?
 - How soon do you provide the employee with this information?
 - Who is responsible for giving this information to the employee? Does this person have training in E-Verify program and its requirements?
 - If you use the referral letters provided by the system, do you also explain the content to the employee? What do you tell them?
 - Do you tell your employees how many days they have to contact SSA/USCIS? What number of days do you usually tell them?
 - Do you tell your employees that they will [lose the job/not get the job] if they don't correct their records? If not, why not?
45. Are there ever any times when you do not or cannot follow the procedures for referring employees to SSA or USCIS?
- What do you do instead?
 - How frequently does this happen?
 - Do you think that the procedures should be changed? If so, how?
46. Do you think that the employees/job applicants understand how to correct their SSA/USCIS records?
- Do you think that your employees/job applicants understand what the referral letter is and what it says?
 - Do you try to find out whether or not the employees/job applicants understand? How do you find out?
 - How often do your employees/job applicants ask you questions if they do not understand? How do you answer them?
 - What do you do if the employee/job applicant does not speak English? Do you use the referral letters in Spanish/other languages? Do you provide translation services?

Focus Question 5:

What is the impact on the employer when an employee/job applicant decides to contest a tentative nonconfirmation finding?

47. How is your company affected when an employee/job applicant decides to contest a tentative nonconfirmation finding?
 - **FOR TEMPORARY HELP/EMPLOYMENT AGENCIES ONLY:** Do you have difficulty explaining to clients why your employees need to take time off to contest their tentative nonconfirmation finding? Do your clients understand why you use E-Verify and what a tentative nonconfirmation is?
48. What are your approximate costs when an employee/job applicant contests his/her tentative nonconfirmation finding?
 - Do you give your employees time off to correct their paperwork? If so, is this paid or unpaid time off?
 - **FOR TEMP/EMP. AGENCIES ONLY:** Do you give your employees job assignments during the time when they are correcting their paperwork?
49. Do you provide employees/job applicants with help in contesting their tentative nonconfirmation finding?
 - With what? (e.g., access to a phone or fax machine)
 - Does providing assistance to employees/job applicants who contest a tentative nonconfirmation finding ever become a problem for you? (If so) please explain.
50. Have any of your employees/job applicants told you about their experiences contesting the tentative nonconfirmation with SSA or USCIS?
 - What have they told you about the process?

Focus Question 6:

What evidence is there that the employer takes adverse actions against employees/job applicants who decide to contest the tentative nonconfirmation? What adverse actions do they take? Why do they do this?

51. **WHAT HAPPENS TO EMPLOYEES/JOB APPLICANTS AT YOUR COMPANY WHEN THEY ARE CONTESTING TENTATIVE NONCONFIRMATION FINDINGS? [PROBE IF NECESSARY]**
52. Do your employees continue to work for you while resolving their tentative nonconfirmations? **OR** Do you require job applicants to resolve their tentative nonconfirmations before they can begin work?
 - Do they receive training or do you postpone training until the employees/job applicants have finished contesting?
 - Do these employees receive different assignments than other employees do?
 - Are the employees paid for work completed during this time? Are they paid their normal wages?

(If the employer takes any adverse actions against employees/job applicants during the contesting process, try to determine whether or not the employer understands that they are not following E-Verify regulations.)

53. **HOW EASY OR HARD IS IT FOR YOUR ESTABLISHMENT TO FOLLOW THESE RULES? DO YOU FIND THEM PRACTICAL OR IMPRACTICAL?**
54. **DO YOU THINK ANY OF THE E-VERIFY PROGRAM RULES ABOUT HOW EMPLOYERS SHOULD TREAT EMPLOYEES DURING THE TIME THEY ARE CONTESTING SHOULD BE CHANGED? (IF SO) WHAT CHANGES ARE NEEDED? WHY?**

Focus Question 7:

What procedures does the employer follow when an employee receives an initial finding of “DHS verification in process”? [The next section talks about continuances at a later stage in the process]?

55. **WHAT IS YOUR UNDERSTANDING OF WHAT IT MEANS WHEN THE INITIAL RESPONSE OF “DHS VERIFICATION IN PROCESS” IS RETURNED?**
- What are the procedures you should follow when you receive a preliminary finding of “DHS verification in process”?
 - How do these cases differ from tentative nonconfirmation cases?
56. **HAVE YOU HAD CASES THAT RECEIVED A “DHS VERIFICATION IN PROCESS” RESPONSE?**
- If so, were you able to follow the procedures for these cases as you understand them? If not, why not?
 - Are the procedures used the same as those for tentative nonconfirmation cases? If not, how do they differ?
57. **(IF THE EMPLOYER HAS RECEIVED THE “DHS VERIFICATION IN PROCESS” RESPONSE) HOW LONG DOES IT USUALLY TAKE BETWEEN THE TIME THE CASES RECEIVE A “DHS VERIFICATION IN PROCESS” RESPONSE AND RECEIPT OF A FINDING OF WORK-AUTHORIZED OR TENTATIVE NONCONFIRMATION?**
- What is the longest time experienced?
 - What problems do such a finding create for the employer?

Focus Question 8:

What happens if USCIS or SSA places a case "in continuance" while the employee is contesting a tentative nonconfirmation? [This question is talking about a continuance received after the employee starts to contest the case.]

58. HAVE YOU EVER HAD A CASE THAT THE EMPLOYEE CONTESTED THAT WAS PLACED "IN CONTINUANCE" BY SSA OR USCIS?

[If No, go to Focus Question 9.]

59. ABOUT HOW MANY SUCH CASES HAVE YOU HAD?

- How many of these continuances were from SSA?
- From USCIS?
- What is your understanding of what this means"?

60. DID YOU EVER RECEIVE A FINAL CASE RESOLUTION FOR [THIS CASE/ THESE CASES]?

- If yes, how long was it from the time SSA/USCIS placed the case(s) "in continuance" until you received the final case resolution? [NOTE: If multiple cases, get an estimate of the range or average in order to answer this question. If employer has had both SSA and USCIS cases, obtain this information separately for each type of case.]

61. WHAT ARE THE PROCEDURES FOR HANDLING THESE CASES AS YOU UNDERSTAND THEM?

- Do you follow the procedures, as you understand them?
- If not, why not?
- Are the procedures used the same as for other tentative nonconfirmation cases?
- If not, how do they differ?

Focus Question 9:

How would the employer characterize their experience with the Photo Tool?

SAY TO EMPLOYER:

In September 2007, the E-Verify program introduced a new photo screening tool. These next questions will ask about your experiences using this tool.

62. **PLEASE DESCRIBE (IN GENERAL) YOUR UNDERSTANDING OF HOW THE PHOTO SCREENING TOOL WORKS.**
 - What is the process for comparing photos using the E-Verify program?
 - Do you compare the photo on the screen to the photo on the employee's document or to the current appearance of the employee?
 - Do you believe it is now less important to compare the employee to the photo in the document presented?

63. **IN GENERAL, WHAT DO YOU THINK ABOUT THE PHOTO SCREENING TOOL?**
 - Do you think the program improves the verification process?
 - Why or why not?

64. **HAVE YOU PERSONALLY USED THE PHOTO TOOL?**
 - If not, has someone else used it with your employees/applicants for you? Where is this person located?
 - How do you and this person exchange photos and other case information?
 - Has the Photo Tool made the verification process more difficult?

65. **IN YOUR OPINION, HOW EFFECTIVE HAS THE PHOTO SCREENING TOOL BEEN IN DETECTING FRAUDULENT WORK DOCUMENTS?**

66. **HAVE YOU HAD ANY PROBLEMS USING THE PHOTO TOOL?**
 - If yes, what are they?
 - If they were resolved, how were they addressed?

67. **AS A RESULT OF THE PHOTO SCREENING TOOL, HAVE YOUR POLICIES CHANGED ABOUT THE TYPE OF DOCUMENTS YOU ASK IMMIGRANTS TO PROVIDE?**
 - If yes, what kind of changes? For example, do you suggest or require noncitizens to provide documents that will enable you to use the Photo Tool? Do you suggest that they provide documents not requiring the use the Photo Tool? [IF SO] Why?

68. **HAVE YOU NOTICED ANY CHANGES IN THE TYPES OF WORK DOCUMENTS THAT EMPLOYEES SUBMIT FOR THE I-9 BECAUSE YOU ARE USING THE PHOTO TOOL? (E.G. DOCUMENTS OTHER THAN THE EADS OR GREEN CARDS)?**

- If yes, what kind of changes?

69. **DO YOU HAVE ANY SUGGESTIONS FOR IMPROVING THE PHOTO TOOL (E.G., TO MAKE IT MORE EFFECTIVE OR LESS BURDENSOME?)**

Focus Question 10:

How would the employer characterize its experience with the procedures for following up on whether or not a case has been resolved by SSA or USCIS?

SAY TO EMPLOYER:

In October 2007, the E-Verify program changed the process for how employers hear back from SSA about whether a case has been resolved. Now, the system automatically updates the employer with results from cases referred to SSA as well as cases referred to USCIS. These next questions will ask you about your experience with this new process.

70. **HAVE YOU NOTICED THE CHANGE IN THE WAY THAT SSA NOTIFIES YOU ABOUT THE STATUS OF CASES REFERRED TO THEIR AGENCY? [IF NOT GO TO 86]**
71. **WHAT DO YOU THINK ABOUT THIS CHANGE? [PROBE IF NECESSARY]**
- Has the change improved the process?
 - Made no difference?
 - Made the process more difficult?
 - For what reasons?
72. **HAVE YOU EXPERIENCED ANY PROBLEMS WITH THE NEW PROCESS? [PROBE IF NECESSARY]**
- Do you always receive an automatic response from SSA?
 - Have you ever had to follow up with SSA because you did not get a response? Can you explain what happened?
 - Is the response timely?
 - Do employees understand the process?
73. **DO YOU STILL REQUIRE YOUR EMPLOYEES TO BRING A SIGNED LETTER BACK FROM SSA WHEN THEY CONTEST THEIR TENTATIVE NONCONFIRMATIONS?**

DOES COMPLYING WITH THE CURRENT PROCEDURES FOR FOLLOWING UP ON WHETHER OR NOT AN EMPLOYEE HAS BEEN WORK-AUTHORIZED AFTER CONTACTING SSA/USCIS CAUSE ANY PROBLEMS OR BURDENS FOR YOU OR YOUR EMPLOYEES? PLEASE EXPLAIN.

□ IF THE EMPLOYER ONLY VERIFIES JOB APPLICANTS AND IS A TEMPORARY HELP/EMPLOYMENT AGENCY, GO TO FOCUS QUESTION 13

□ IF THE EMPLOYER ONLY VERIFIES JOB APPLICANTS AND IS NOT A TEMPORARY HELP/EMPLOYMENT AGENCY, GO TO CONCLUDING QUESTIONS.

Focus question 11:

What does the employer do when an employee decides not to contest or is not found to be work-authorized? Does the employer terminate employees' employment promptly?

SAY TO EMPLOYER:

Finally, I would like to hear about what happens when an employee's paperwork goes unresolved.

74. **WOULD YOU SHARE WITH ME YOUR UNDERSTANDING ABOUT WHAT YOU SHOULD DO WHEN YOU ARE NOTIFIED BY SSA OR USCIS THAT AN EMPLOYEE HAS RECEIVED A FINAL NONCONFIRMATION OR IS NOT WORK-AUTHORIZED?**

75. **[IF THEY MENTION TERMINATING EMPLOYMENT] WHAT IS YOUR UNDERSTANDING OF WHEN YOU SHOULD TERMINATE THEIR EMPLOYMENT?**

- The same day they learn of the final nonconfirmation or not work-authorized finding?
- After giving the employee a certain number of days notice?
- Once the job is complete?
- Other?

[Note to interviewers: The purpose of this question is to let the employer talk about his/her own understanding of the tentative nonconfirmation process. Please allow the employer to finish without any interruption.]

76. **DO YOU FOLLOW THESE PROCEDURES AS YOU UNDERSTAND THEM?**

- Do you terminate the employment of these employees? If not, why not?
- What is the process for terminating employees who are not work-authorized?
- When do you normally terminate employees if they are not work-authorized? (e.g., immediately, at the end of the day, at the end of the week, at the end of the pay period, at the end of the assignment or project)
- Who is responsible for terminating employees who are not work authorized? Is this person trained in the E-Verify program requirements?
- What do you tell employees about why they are being fired?

77. **DO YOU ALWAYS FOLLOW THESE PROCEDURES OR DO YOU FIND SOME OF THEM IMPRACTICAL? (IF THE EMPLOYER DEVIATES FROM THE PROCEDURES) PLEASE EXPLAIN?**

78. **HAVE YOU EVER HAD USCIS OR SSA CALL YOU TO TELL YOU NOT TO FIRE AN EMPLOYEE THAT HAS BEEN ISSUED A FINAL NONCONFIRMATION BECAUSE THERE WAS A MISTAKE?**

- [If so] Was the employee still working for you at the time?
- [If employee not still working for you] Did you try to rehire the employee at that time?

79. **HAVE YOU EVER HAD A SITUATION IN WHICH YOU OR YOUR EMPLOYEE CONTACTED SSA OR USCIS ABOUT A FINAL NONCONFIRMATION OR NOT WORK-AUTHORIZED FINDING THAT YOU BELIEVED WAS IN ERROR?**

- If so, can you describe the circumstances that led up to the appeal(s) (e.g., the employee couldn't get to SSA because he was ill).
- Who started the process (you or the employee)?
- What was the final result?
- How long did the process to correct the situation take?
- Did the employee continue to work during this time?

□ IF THE EMPLOYER HAS NEVER HAD AN EMPLOYEE QUIT OR HAS NEVER FIRED AN EMPLOYEE BECAUSE OF E-VERIFY AND IS A TEMPORARY HELP//EMPLOYMENT AGENCY, GO TO FOCUS QUESTION 13;

□ IF THE EMPLOYER HAS NEVER HAD AN EMPLOYEE QUIT OR HAS NEVER FIRED AN EMPLOYEE BECAUSE OF E-VERIFY AND IS NOT A TEMPORARY HELP//EMPLOYMENT AGENCY, GO TO CONCLUDING QUESTIONS.

Focus question 12:

What is the impact on the employer of losing the services of employees who quit or are fired because of E-Verify?

80. Are there any costs to your establishment when you need to terminate the employment of employees who are not authorized, or when employees quit because they are not authorized?
 - Any costs associated with having already trained these employees
 - Any costs associated with having paid these employees for work already performed?
 - Any other way it is burdensome to your company (costs may be financial or non-financial)?
81. Have your hiring costs changed because of the need to hire replacement employees?
 - How much do you estimate it costs you for each new employee you must hire and train?
82. Have you had to pay other employees to work over-time while you were short-of-staff because employees not found to be work-authorized had stopped working for you?
 - How much more do you have to pay to get the job done because you are using over-time rather than paying regular rates?
83. Have any of financial costs associated with using E-Verify made you change any of your hiring policies? In what way? (Hiring only citizens and green card holders vs. other non-citizens, etc...)
84. Have you experienced any other disruptions to your operations or problems because you have lost these employees?
 - What were the disruptions?
 - What were the costs of these disruptions?
85. Do you have any suggestions of ways that E-Verify could be changed to lessen the costs of losing non-verified employees, while still protecting employee rights?

IF THE EMPLOYER IS NOT A TEMPORARY HELP//EMPLOYMENT AGENCY, GO TO CONCLUDING QUESTIONS.

Focus question 13: What are the special needs of temporary help and employment agencies because of E-Verify?

SAY TO EMPLOYER:

I'd like to ask you some questions about your experiences as a temporary help and/or employment agency.

86. [TEMPORARY HELP AGENCIES] Do you do some of your hiring off-site? If so, how does your agency verify employees' work authorization when the hiring is done off-site? Is it difficult or easy? Why? PROBE: Is it difficult to access the E-Verify website, make photocopies, etc.?
87. When an employee is found to be not authorized to work, how does this affect your relationship with your clients?
88. Do you have clients who request that you do not send employees who receive a tentative nonconfirmation finding? If so, how do you handle this? Do you feel that you have lost business because your clients choose to use another agency that offers only work-authorized employees?

Concluding Questions

89. Has E-Verify had any other impact on your establishment that we haven't yet discussed, e.g., have you had to change the way you recruit or hire workers?
90. Before I observe the verification process, is there anything else about the E-Verify program that you think I should know or should be included in our report to USCIS?

Observation of E-Verify System Application

Instructions to interviewers: Please observe the following items and check as “Observed,” “Reported,” or “Not Observed or Reported” in the appropriate box. If you observe an item, check the box under “Observed.” If you cannot observe an item and have to solicit the answer from the employer, check the box under “Reported.” Otherwise, check the box under “Not Observed or Reported.” At the end of the observation, write down any additional comments or observations you may have relating to this topic. If appropriate, include in your comments an explanation of why you were not able to observe the verification and/or ask about the procedures.

1. Were you able to observe verification in process? yes no
2. Were you able to ask about verification procedures? yes no

[Note: You may get answers for questions in Item 3 first from the employer’s interview. If not observed from the record review, then ask the staff members. Please note that what is described in items *a* to *f* are incorrect practices.]

	Observed	Reported	Not Observed Or Reported
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3. The employer
- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| a. Makes verification inquiries <u>after</u> three days of job offer..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Verifies only a subgroup of new hires instead of all of them | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Re-verifies employment authorization for some previously verified employees..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Prescreens applicants for employment..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Verifies employees hired before the establishment participated in the program..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Verifies an employee before his/her Form I-9 is completed | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other (specify)_____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Observed	Reported	Not Observed Or Reported
--	----------	----------	--------------------------

4. The instructions for using the E-Verify system were located
- a. In a locked drawer or other secure location
 - b. Out-of-sight, but not in a secure place (e.g., unlocked drawer)
 - c. In plain sight, but not next to a computer (e.g., in book case)
 - d. In plain sight, next to computer
 - e. Other (specify)_____
5. The password for using the E-Verify system was located
- a. In locked drawer or other secure location
 - b. Out-of-sight, but not in a secure place (e.g., unlocked drawer)
 - c. In plain sight, but not next to a computer (e.g., in book case)
 - d. In plain sight, next to a computer
 - e. Not seen – clerk had password memorized
 - f. Other (specify)_____

[Note: For some of the questions below, you may have to ask the person performing data entry.]

6. The clerk can
- a. connect to the system on the first try
 - b. connect to the system after 2 – 4 tries
 - c. connect to the system after 5 or more tries
 - d. not open the system
7. The system does not allow the staff to go back to preceding screens.
8. The system does not have sufficient error messages to inform the staff when the person makes obvious data entry errors.....
9. The clerk indicates that it is time consuming to verify a case.

Comments:

Observation of E-Verify Participation Notice or Poster

Instruction to interviewer: Look for the notice/poster when you enter the establishment. If you don't notice it, tell the employer that you would like to see the notice/ sign.

Please observe the following items and check as "Observed," "Reported," or "Not Observed or reported" in the appropriate box. If you cannot find an item and receive the answer from the employer, check the box under "Reported." At the end of the observation, write down any additional comments or observation you may have relating to this topic.

	Observed	Reported	Not Observed Or Reported
--	----------	----------	--------------------------

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| 1. The E-Verify notice is placed | | | |
| a. Where it can be easily noticed by applicants (e.g., by itself on a wall next to the reception desk) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Where some applicants may be able to notice it (e.g., on a bulletin board next to the reception desk with three or four other notices) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Where it is unlikely to be noticed by applicants (e.g., far from the reception desk or with a large number of other notices) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Not posted anywhere | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Attached to application form | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The notice is in both English and Spanish. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

Logistical Questions for Employee Interviews

This is the last section of the interview with the employer. ASK THE QUESTIONS IN THIS SECTION ONLY IF THE EMPLOYER SEEMS VERY COOPERATIVE, PREFERABLY AFTER REVIEWING THE EMPLOYEE FILES.

Instructions to interviewers: If the employer has a suitable place for conducting employee interviews, it would simplify the task of interviewing employees if the interviews could be performed on site for employees who still work at the establishment. However, this should not be explored unless you are confident that it won't create rapport problems with the employer. If you think the employer might be willing to do this:

- *Explain that we are planning to interview with [insert number of employees sampled that we have provided] employees whose records we are looking at and that we are prepared to contact them at their homes.*
 - *Tell the employer, for employees who are still employed here, it would be helpful if you could do some of the interviews during non-work hours at the employer's establishment.*
 - *Ask:*
1. Do you have a room/office that you would be willing to let us use to conduct interviews with current employees where others will not be able to overhear the interview?
 2. (If yes) When is the best time to interview the person? (Probe: before work, lunch hour, right after the work) Note: the employer *may* volunteer to let you do the interviews during regular work hours, but **DON'T** ask if this is possible if the employer does not volunteer this.

Closure

Instructions to interviewers: *At the end of the interview,*

- *ask if the employer has any questions about the interview or anything he/she wants to share with you related to the E-Verify process or issues;*
- *answer the questions as best you can;*
- *thank the employer again for his/her time and for agreeing to talk with you;*
- *tell the employer that you may want to consult/interview him/her again later during your visit if any other questions arise; and*
- *give the employer the \$100 check.*

~ END OF INTERVIEW ~

Questions to be Completed By the Interviewer after the Interview

Right after you finish the interview you need to complete an evaluation about the interview when your impression is still fresh. The evaluation includes the following four questions:

1. How many staff members did you speak with to complete the interview? _____

2. What were their titles?

3. In your opinion, how well does the employer follow the E-Verify procedures in hiring and verifying their employees?

Very well (followed all or almost of the requirements)

Well (followed most of the requirements)

So-so

Poorly (failed to follow many of the requirements)

Very poorly (followed few of the requirements)

Please explain what requirements were not met. (Be specific about what procedures, if any, were not followed.):

4. How confident are you of your answer to 3?

very sure

somewhat sure

somewhat unsure

very unsure