

SUPPORTING STATEMENT

E-Verify Program

(No Agency Form Number; File OMB-18)

OMB No. 1615-0092

A. Justification.

1. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); Public Law. 104-208, dated September 30, 1996, provided for the establishment of a Basic Pilot Program to last 4 years. Subsequently Congress passed Public Laws 107-128, and 108-156 which extended the Basic Pilot Program until November 30, 2008.

The Basic Pilot Program (now called E-Verify) allows employers to electronically verify the employment eligibility status of newly hired employees by matching information provided by employees on the Form I-9, Employment Eligibility Verification, against existing information contained in the Verification Information System (VIS), a database that hits against both Social Security Administration (SSA) and the Department of Homeland Security data.

2. Employers participating in the E-Verify Program must first read and agree to the Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS) and the SSA. The E-Verify Program has two different methods by which employers can sign up to use the system: as users who intend to run queries themselves and as Designated Agents who intend to run queries on behalf of other employers who choose not to run the queries themselves. For this supporting statement USCIS included both groups under the heading "Registration." Each method requires completion of a separate MOU which provides the specific terms and conditions governing the rights and responsibilities of all parties involved, as well as specific information on the employer user.

The regular E-Verify user registration process begins with an employer agreeing to the terms of the MOU, and once agreed to, the employer completes the process by providing company and relevant information into the system. (see attached screen shots).

3. The MOU is a signed agreement between the Department of Homeland Security, SSA, and the employer, and provides the most efficient means for collecting and processing the required data. The Department of Homeland Security allows for the automated access to its MOU, and allows for electronic registration through its website at: The MOU has been revised (see revised table of changes)
<https://www.vis-dhs.com/EmployerRegistration/StartPage.aspx?JS=YES&AccessMethod=>
4. A review of USCIS' Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have a significant impact on small businesses or other small entities. This is a voluntary program for those employers wishing to participate and a proposed requirement for certain Federal contractors and subcontractors. This program is intended to benefit these small entities by allowing them to quickly verify whether an alien is legally eligible to work, and therefore comply with 8 CFR part 274A.
6. If this information collection is not conducted or is conducted less frequently, the Department of Homeland Security and the SSA will not be able to comply with IIRIRA. Without approval for the collection of necessary data from employers, the program cannot proceed.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection for the MOU. However, once the employer participates in the E-Verify Program, the employer will be conducting queries each time a new employee is hired.
8. The notification of this change will appear in the General Services Administration Proposed Rule titled Federal Acquisition Regulations; Employment Eligibility Verification.

9. The USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The system used to support the E-Verify Program is operated and maintained according to Department of Homeland Security and privacy requirements.
11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden.**

	MOU	Register Employer	Training	Initial Query	Secondary Query
a. No. of Respondents (Employers)	125,015	125,015	521,134	4,094,955	237,507
b. No. of Responses	1	1	1	1	3
c. Total Annual Responses	125,015	125,015	521,134	4,094,955	712,521
d. Hours per Response 1.19	0.95	0.17		1.75	0.08
e. Total Annual Reporting Burden	118,764	21,252	911,985	327,596	847,900

The projected hours per response for this collection of information were derived as follows:

- Completing the MOU 57 Minutes
- Registration 10 Minutes
- Training 1 ¾ Hours
- Initial Query 5 Minutes
- Secondary Query 1 Hour 11 Minutes

Annual Reporting Burden

Total annual reporting burden hours is 2,227,498. This figure was derived by multiplying:

- Multiplying the number of MOU respondents (125,015) x number of responses (1) x .95 (57 Minutes) per response; plus
- Multiplying the number of Registrations (125,015) x number of responses (1) x .17 (10 minutes) per response; plus
- Multiplying the number of Respondents being Trained (521,134) x number of responses (1) x 1.75 (1 3/4 hrs) per response; plus
- Multiplying the number of initial queries (4,094,955) x number of responses (1) x .08 (5 minutes) per response; plus
- Multiplying the number of secondary queries (237,507) x number of responses (3) x 1.19 (1 hour and 11 minutes).

13. **Capital or Start-Up Costs**

The Estimated Average Annual Capital Cost is \$1,632,000. A computer and internet access are required to use the E-Verify system. While we believe that employers will already have a computer and an internet connection since they are federal contractors, there may be a very small number of companies that do not have a computer or internet connection at their hiring site. Many companies have hiring sites or multiple hiring sites that are not co-located with the company headquarters or the location where the employees perform work for the government. Each firm requiring a computer would need internet access as well.

- Multiplying the average annual estimated number of firms 2,550 x \$640 (\$400 estimated cost of a computer + \$240 estimated cost of internet for a year).

14. **Government Cost**

The estimated cost to the Government is \$1,769,097. This figure is calculated by:

- Multiplying the total estimated number responses 4,094,955 x \$.26 (estimated average cost per query; plus
- Multiplying the number of secondary SSA queries 26,617 x \$25 (cost per SSA tentative non-confirmation resolution; plus
- Multiplying the number of secondary DHS queries 5,733 x \$6.80 (cost per DHS tentative non-confirmation resolution)

The estimated burden hour cost to the public is \$91,692,436. This figure is calculated by:

- Multiplying the number of MOU and Registration respondents (125,015) x number of responses (1) x 1.12 hours (combined 57 min. for the MOU + 10 min. for the Registration = 67 min.) per response x \$56.78 (weighted average hourly rate for General Manager, Legal Counsel, and HR Manager) ; plus
- Multiplying the number of respondents being Trained (521,134) x number of responses (1) x 1.75 (1 3/4 hrs) per response x \$60.67 (weighted average hourly rate for Corporate Administrators, Program Administrators, and General Users); plus
- Multiplying the number of queries (4,807,476) x \$5.91 (average cost per query);

15. There has been an increase of 1,900,374 burden hours previously reported for this information collection. This increase can be attributed to several of the following factors;

- There has been an increase in the number of employers participating in E-Verify since USCIS' last submission. See proposed rule "Federal Acquisition Regulations; Employment Eligibility Verification." And revised MOU.
- There has been an increase in the number of employers and employees participating in the training to use E-Verify.

There has been an increase in the cost to employers for initial startup of \$1,632,000 (see item 13)

16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of data.

17. USCIS will display the expiration date of OMB approval for this information collection.

18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Stephen Tarragon,

Acting Chief,

Regulatory Management Division,

U.S. Citizenship and Immigration Services.

Date