DESIGNATED AGENT INTERVIEW PROTOCOL

DRAFT Interview Questions - Designated Agents

Background Questions (*Note: background questions regarding age of company, number of employees, client characteristics such as size and industry, whether they have any clients that are federal contractors, etc. will be asked on the recruiting script/screener, obtained from the transaction database, or asked in the introductions.*)

1. How do you advertise your E-Verify services? [***Probe on the following, if not mentioned]***
   o Do you market your E-Verify services to certain industries? Company sizes? Specific geographic states or regions? Which ones?
   o What marketing strategies or media do you use (e.g., market only to existing clients, flyers, radio/television/newspaper ads, word-of-mouth, association networking meetings, etc.)
   o How have your clients learned about your services? Do you have any suggestions for increasing awareness of DA services?

2. Does your company provide other HR or payroll/accounting services to clients? If so, what ones do you offer? ***[Probe, if not mentioned]***
   o Payroll or accounting services?
   o Management support? (What specific services are provided)
   o Electronic record keeping for I-9 forms and related documents
   o Background investigations
   o Legal expertise (how: in-house; referral; retainer?)
   o Record retention, storage, destruction
   o Other (Please specify)

   2a.   About what percentage of your clients use your E-Verify services?

3. How does your company work with clients to administer the E-Verify functions? (e.g., do you assign a program administrator to each client? Are clients assigned randomly or based on other characteristics such as size, industry, etc?)

Motivations for and Costs of Using DAs

4. What are the main reasons companies tell you they want to hire a designated agent to perform E-Verify services? [***Probe, if not mentioned]***:

- o E-Verify rules/procedures are too complex; don't need to learn rules/procedures
- o Assures them they are complying with Federal or state laws
- o No need to learn how to use the system
- o Don't have the appropriate computer equipment
- o Don't hire often enough
- o Don't have enough staff
- o Don't have enough time
- o Other

5. What was the main reason your company began offering E-Verify services?
   - o [**If in a state that requires E-Verify ask]:** Did legislation in some states requiring some/all employers to use E-V affect your decision to become a DA? Did it affect the timing of your decision?

   5a   When did you begin offering E-Verify services—before or after you offered other services?

6. How do you charge for your services? *[Probe if not mentioned]*
   - o Do you charge a flat fee, a fee per transaction, or a combination? Please explain.
   - o *[If charge a flat fee, ask]:* Are all your clients charged the same flat fee? If not, what is it based on? (e.g., company size, number of other HR services provided?)
   - o *[If charge per transaction, ask]:* Is the transaction fee the same for all your clients? If not, how does it differ?
   - o What do you charge?

Education and Training of DAs and their Staff

7. What is the size of your staff? How many of them work on E-Verify services?

8. What is the **typical** education and experience of your employees **who provide E-Verify services**? *[Probe on each of these]:*
   - o Specific HR education, experience, and/or certifications? (e.g., degrees and/or certifications: Professional in Human Resources, Senior Professional in Human Resources; years of experience)
   - o Legal training/experience (i.e., law degree, paralegal degree or certificate)

- o   Other education and training (degrees in business admin. etc.)?
- o   Years of experience in HR

9. What E-Verify training have you provided to your employees?
- 9a.   E-Verify tutorial and Mastery Test? How many have taken it? Who (staff positions) have taken it?
- 9b.   Does the tutorial and Mastery test meet your E-Verify training needs as a DA? If not, what, if anything, is missing or needs changing?
- 9c.   How do you use the E-Verify Users Manual? Does it meet your needs?

10.   Do you offer any other types of Form I-9 and E-Verify-related training to your employees other than USCIS-provided materials? Please describe. [**_Probe, if not mentioned]:_**
- 10a.   What does the training cover? (e.g., technical steps of how to use the E-Verify system, use of the Form I-9, E-Verify program procedures and requirements, etc.)
- 10b.   How is the training delivered (online, written manual, in person, etc.)?
- 10c.   What staff receive this training—all or only those providing E-Verify services?

11.   Do you think USCIS should offer specific training for designated agents?
- 11a.   What should the content cover?
- 11b.   What is your preferred delivery method (e.g., web, video, print, combination)?

Education and Training on E-Verify Provided to Clients

12.   What type of training, if any, do you provide to clients that use your E-Verify services? [**_Probe, if not mentioned]:_**
- o   Review of E-V User Manual?
- o   Review E-Verify tutorial or Mastery test content? _[Not required by MOU]_
- o   How to transmit information to your company, use of Form I-9 and E-Verify procedures for interacting with employees? Other training?

13.   Do you develop your own training materials for clients or rely solely on USCIS' materials?
- o   How much time this training usually take?

How E-Verify Process Works

14. ***[We will ask DAs to provide this info. before the actual interview]*** Do you have any documentation of your processes, especially how you work with clients to conduct queries and share relevant E-Verify forms and letters or other documents? (e.g., flow charts, brochures)? May we have a copy?

15. How are E-Verify responsibilities divided between you and your clients?
    15a. Who verifies documents provided on the Form I-9, you or the client?
    15b. Do your clients provide you with copies of the documents? How?
    15c. At what point in the hiring process do your clients typically provide you with worker information (e.g., before or after the employee has been hired, before or after the employee starts work, etc.)?

    16. Do you have any difficulty meeting the three-day requirement for initiating an E-Verify query for your clients' new hires/applicants?
    16a. Under what circumstances have you not been able to meet this requirement? What did you do?
    16b. Are any of your clients temporary/staffing agencies?

    17. Have you had occasion to use the Photo Tool? How has it worked for you? What do you think of it?

    18. How is a tentative nonconfirmation (TNC) communicated to the worker?
    18a. [***If the company informs the worker, ask]:*** How is this typically done (e.g., by email, phone, in person, fax, etc.)?
    18b. [***If the client informs the worker, ask]***: What instructions, if any, do you give the client on how to inform the worker (e.g., told in private, told about the option to contest, etc.)?
    o How do you know if the employer has taken the appropriate action in informing the worker?
    o How long does it typically take the client to inform the worker?

    19. If a worker contests a tentative nonconfirmation, who provides the worker with information on how to contest?

19a. Does your company give the referral letter to the client or directly to the worker? How is this done?
19b. Do you provide workers with any other information on how to contest?

20. Whose name and phone number appear on the TNC notice and SSA referral letter, your company's or your client's?

21. What happens when there is a final tentative nonconfirmation finding? Do you know if the client has taken appropriate action? How?

22. How are employees' civil rights and civil liberties protected? ***[Probe, if not mentioned***]:
22a. Asking the client to post the right-to-work and E-Verify posters?
22b. Ensuring employers do not take adverse action against workers who receive a TNC?
22c. Using E-Verify for new hires only (***unless client is a federal contractor***)?

23. What measures, if any, do you take to protect worker information? ***[Probe, if not mentioned***]: storing of passwords, not sharing passwords, securing paper records)

24. Are you or is the client responsible for the retention, storage, and destruction of E-Verify-related documents? Where are they stored?

Communication between DA and Client

25. Other than routine transmission of cases, what type of communication typically occurs between you and your clients? [***Probe on the following, if not mentioned]:***
o How often are you in contact with your clients about E-Verify?
o Do you communicate only when there are problems with a worker's documents?
o Do you have regular calls/meetings with your clients when there are E-Verify changes?
o What form does this communication take? (i.e., phone, email, in person, etc.)

26. What are some of the most common questions you receive from clients about E-Verify?

o Are they case-specific questions, content-related questions, or technical questions, or a combination?

o Did they ask any questions you thought were difficult to answer? If so, how have you responded in those situations?

  o ***[Probe if not mentioned***]: Has USCIS been able to help you answer these questions? Do you consult an attorney, or other expert?

27. Describe any challenges you have experienced as a designated agent. [***Probe if not mentioned]:***

o Challenges with the designated agent process?

o Problems registering with E-Verify as a designated agent?

o Challenges working with employers?

o Challenges working with workers or ensuring the client handles E-Verify correctly with workers?

o How did you handle these challenges?

o What or who has been able to help you with these problems? ***[Probe on whether DA notified USCIS technical help desk, USCIS Customer Service Center, or both.]***

Satisfaction with the E-Verify Program

28. Based on your experience, how well does the E-Verify system work for you as a designated agent? (i.e., very well, well, OK—could be better; not well at all)

o Do you think the E-Verify process could be improved for designated agents? How?

o Do you think the E-Verify process could be improved for your clients? How?

29. How satisfied are you with the level and quality of communication you receive from USCIS about E-Verify?

28a. How responsive has USCIS been to your questions? Are they answered in a timely fashion?

Have they answered questions thoroughly?

28b. Are you given enough advance notice regarding changes to the system to adequately integrate them into your procedures?

28c. Would you prefer more, less, or about the same amount of information about E-Verify? What type of communication do you prefer (email, mail, fax, DA website, regular newsletters, just timely news or alerts, etc)?

28d. Are the rules regarding the responsibilities of being a designated agent clear to you? If not,
what, is unclear to you?

30. Do you have any recommendations for:
o   Improving the designated agent registration process?
o   Improving the Memorandum of Understanding (MOU) between USCIS and designated agents?

31. Do you feel that there should be a certification process for becoming a designated agent?

31a. If yes what makes you say "yes?"

31b. If yes, what sort of certification process would you recommend?

31c If yes, what types of qualifications, if any, should a designated agent have to meet?

31d. If yes, how would a certification process be helpful to you or to your clients?

31e. If no, what makes you say "no?" Should any company be able to register as a designated agent?

32. Are there any other ways that USCIS could help support the work of designated agents? ***[Probe, if not mentioned]:***
o Provide an online list of registered designated agents in each state
o Provide information on best practices
o Convene a designated agent network
o Establish a designated agent help-line or resource desk
o Other types of outreach?

33. Have you had any E-Verify system-related problems or concerns? Which ones?

34. Is there anything else you would like to share with us about the DA process or E-Verify that we haven't already discussed?