

ATTACHMENT E:

USERS OF DESIGNATED AGENT INTERVIEW PROTOCOL

DRAFT Interview Questions – Users of Designated Agents

Background Questions (Note: background questions regarding, number of employees, number of employees hired per year, when company was established, industry, whether they are a federal contractor or temporary/employment agency, etc. will be asked on the recruiting script/screener, or asked in the introductions.)

1. Had your company ever registered with E-Verify prior to hiring a designated agent? [**If yes, probe**]:
 - o What motivated your company to sign up for E-Verify at that time?
 - o Did your company take and complete the E-Verify tutorial and/or mastery test? Who (position) took the tutorial and Mastery test?
 - o Did your company enter verifications for workers?

2. What were the main reasons your company decided to hire a designated agent instead of using E-Verify in-house? [**Probe on each, if not mentioned**]:
 - o E-Verify rules/procedures are too complex/don't need to learn rules
 - o Assures we 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

2a. What are the advantages of using a designated agent instead of doing verifications in-house?

2b. Are there any disadvantages to using a DA? What are they?

3. When did you begin using a designated agent? [**month and year**]:
 - o [**In MANDATORY STATES ONLY in which the company used E-Verify through a DA before they were required to, ask:**] What motivated your company to use E-Verify through a designated agent before you were required by law to use E-Verify?
 - o [**In MANDATORY STATES ONLY in which the company did NOT use E-Verify through a DA before they were required to:**] Why didn't your company use E-Verify through a designated agent before you were required by law to use E-Verify?

4. How did you locate your designated agent? [**Probe on sources if not mentioned: advertisement, referral, Internet search, professional organization?**]
- 4a. How easy was it to find one?
 - 4b. What criteria, if any, did you have for choosing a DA? Did you have references?
 - 4c. Did you interview any DAs? How many?
 - 4d. What made you decide to use this particular DA?

Process for Deciding on a DA and Services Offered/Fees Charged by DA

5. Does your company use any other HR or payroll/accounting services offered by your DA other than E-Verify services? Which ones? [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)
6. How satisfied are you with the services (other than for E-Verify) that your designated agent provides? How long have they been providing these services to your company?
7. When you signed an E-Verify Memorandum of Understanding (MOU) did you understand your responsibilities under the MOU or did your designated agent explain what they were?
- o [**If they did not understand what it meant, ask**]: What was it that you did not understand?
 - o Did anyone else on your staff review the MOU? (Probe: legal department or attorney?)
8. On what basis does the DA charge for their services? [**Probe if not mentioned: A flat fee, a fee per transaction, part of a package of services, or a combination?**]
- 8a. What do they charge? Do they charge extra for training and/or training materials?
 - 8b. How do these charges compare with costs of other services offered by your DA?
 - 8c. Do you know how their fees compare with other DAs?

Training on E-Verify

- 9.** How would you rate the level of your knowledge about E-Verify?
- o Do you rely on the DA to be knowledgeable?
- 10.** Has anyone at your company received any training on the E-Verify program from your designated agent?
- 10a. After you hired a DA, what kind of E-Verify training, if any, did your company receive?
- Did anyone read the User's Manual or review it with you? Who at your company read or reviewed it?
 - **[If they read it, ask]:** Did it meet your needs?
 - Did anyone at your company take the USCIS E-Verify tutorial or Mastery test? *[Not required by MOU.]* Who **[position]? [If they took it, ask]:** How satisfied were you with the tutorial and Mastery test?
 - What other type of E-Verify-related training, if any, was offered by your DA? Describe topics covered and who *[position]* received the training. **[Probe on which positions were trained, use of the Form I-9, E-Verify rules/procedures, employee rights.]**
 - How would you describe the quality of the training provided by your DA?
- 11.** Did you participate in the Webinars or any other training provided by USCIS? If so, what type of training?
- o What was the topic?
 - o How did you hear about it?
 - o How would you describe the quality of the Webinar training?
- 12.** Has anyone at your company received any training on E-Verify from a source other than USCIS or your designated agent?
- o If so, where? **[Probe if not mentioned: trade or professional organization, chamber of commerce]**
 - o If so, what kind of training did you receive? From what organization?
 - o How would you describe the quality of this training?
- 13.** Is there any information or training on E-Verify that you did not receive from either your designated agent or the state/federal government that you would like to have received? Please describe.

How the E-Verify Process Works

- 14.** Does anyone at your company have an E-Verify user name and password? If so, who?
- o **[If yes, ask:]** Was this given to you by your designated agent or did you sign up on your own?
 - o **[If yes, ask:]** How often do you sign into E-Verify? What do you typically do in E-Verify? [**Probe if not mentioned: Check cases, close cases, print notices/referral letters/case details, etc.**]
- 15.** How are E-Verify responsibilities divided between you and your DA?
- 15a. Who verifies documents provided on the Form I-9 process, you or the DA?
- 15b. Do you enter Form I-9 information onto a website or do you mail/fax/email the I-9 or worker information or copies to your designated agent?
- What information do you enter/send to your designated agent?
 - **[If they use a website:]** Is the website managed by your designated agent? How easy is it to use? How secure is it? Do you do anything else on the website other than enter worker information?
 - What measures, if any, do you undertake to protect worker information related to the verification process?
 - At what point in the hiring process do you enter/send workers' information to your designated agent? **Probe:** During application/hiring process, AFTER they are hired but before beginning work, ON or AFTER their first day of work)
- 16.** Does your designated agent give you a timeframe for sending or entering worker information from the Form I-9?
- o If so, what did they tell you?
 - o If so, do you have any problem submitting information to them within this timeframe? If so, what were the circumstances (e.g., broken fax machine at either end, etc.)?
- 17.** How is a tentative nonconfirmation (i.e., the worker's information is checked and does not match) communicated to the worker?
- 17a. Does someone from your company inform the worker of the problem or does your designated agent inform the worker?
- If your designated agent informs the worker, how do they do this? [**Probe if not mentioned: in person, by phone, mail, email, fax, etc.**] What do they tell them?

- If you inform the worker, how do you do this? [**Probe if not mentioned: in person, by phone, mail, email, fax, etc.**] What do you tell them?
 - Do you know how long it typically takes to inform a worker about a TNC?
- 18.** If the worker contests decides to correct a tentative nonconfirmation (i.e., the problem), who provides the worker with information on how to contest?
- o If your designated agent informs the worker, how do they do this? (In person, by phone, mail, email, fax, etc.) What do they tell them about what to do and when?
 - o If you inform the worker, how do you do this? (In person, by phone, mail, email, fax, etc.) What do they tell them about what to do and when?
 - o Do you limit work assignments, training, issuance of uniforms or equipment, or withhold or reduce pay until you are certain they are authorized to work?
- 19.** What happens if a worker chooses NOT to contest a TNC?
- 20.** What happens when there is a final nonconfirmation finding (worker is not authorized to work)?
- 21.** Did your designated agent offer any choices regarding which of the above services (e.g., communication with the worker about the TNC) would be provided?
- 22.** Do you inform your new employees that you have hired a designated agent who verifies work authorization of your employees?
- o How do you inform them? [**Probe if not mentioned**]: during interview, on application, on job posting, E-Verify posters in the office, etc.
- 23.** How well do you think your workers understand their rights under the E-Verify program?
- Do you or your DA explain their rights to them? What do you (or the DA) tell them? [**Probe on each, if not mentioned**]:
- o Employee must be told about TNC in private,
 - o Employees have the right to contest the TNC and correct their paperwork with Social Security or USCIS,
 - o Employer cannot deny or reduce pay, delay or cancel training, or fire employee while they are contesting a TNC.
- 24.** Are you familiar with the Photo Tool? What do you know about it?

25. Are there any other Form I-9 or verification services provided by your DA that we have not discussed? **Probe if not mentioned:** legal consultation, legal representation if company audited by Immigration and Customs Enforcement?

Communication between Client and DA

26. What type of communication typically occurs between you and your designated agent?
- o How often are you in contact with your DA about E-Verify? Typically, what type of information is discussed?
 - o Do you communicate primarily when there are problems with a worker's verification? What form does this communication take? (phone, email, in person, etc.)
 - o How satisfied are you with the level and quality of communication that you have with your designated agent?
 - o **[If not satisfied or there is low satisfaction:]** Would you prefer more or less communication with your DA or is about right? **[If more]:** What kinds of communication would you like to have with your designated agent, or what would you rather not have to discuss?
27. Have you asked your designated agent questions about the E-Verify process?
- o How well have they answered your questions?
 - o How quickly have they answered your questions?
 - o If you have not asked your DA, who, if anyone, have you contacted to ask questions about E-Verify? **[Probe on following if not mentioned]: USCIS, E-Verify helpline, state/federal government agency, employer groups, others?**
28. Have you encountered any challenges working with your designated agent on the E-Verify program?
- o What are they? How were they handled?

Satisfaction with DA re E-Verify Services

29. In general, how satisfied are you with the E-Verify services you receive from your designated agent?
- 29a. What makes you say that?
- 29b. How satisfied are you with the division of labor regarding the E-Verify process between you and your designated agent?

- 29c. Does your company plan to continue using the services of this designated agent in the future? What makes you say that? If no, will you look for another designated agent?
- 30.** Based on your experience as a user of a designated agent, what specific suggestions or advice would you offer to employers who are considering using a designated agent for their E-Verify needs?
- o **MANDATORY STATES ONLY:** What specific advice would you offer to other employers whose states might require them to use E-Verify? Would you recommend using a designated agent? Why or why not?
- 31.** What advice, if any, would you offer to USCIS about using designated agents?
- 32.** Do you think designated agents should be certified? What makes you say that?
- o **If yes, ask:** What criteria should be used?
 - o **If yes, ask:** How much do you think having a list of certified DAs have made it easier to locate a DA?
- 33.** Do you have any other comments or suggestions you would like to share about DAs or the services they provide?