

Response: Commenter 1

1. SHRM Comment: Provide survey takers with clearer information regarding privacy “to the extent permitted by law.”

Response: For another component of the E-Verify evaluation, which was approved in March 2013, OMB requested that the phrase “to the extent permitted by law” be removed and replaced with a statement saying that all information collected through the study will be treated as private. This same change has been made to all materials for the E-Verify national onsite study.

Additionally, the study materials contain information explaining in greater detail what privacy means. For example, the USCIS letter for employers: “Westat will not provide DHS or others who are not part of the evaluation team with data containing identifiable information about organizations or individuals. Only summaries of results, which do not permit identification of individual respondents or corporate names or locations, will be released to the public.”

Similarly, the language in the letter to workers says, “Westat will only provide summary results; your individual responses will not be shared with your employer, DHS, the police, or any other local or state law enforcement agency.”

2. SHRM Comment: Make it clearer to participants that the survey is voluntary, including removal or alteration of materials coming from the Department of Homeland Security.

Response: Changes have been made throughout the study materials to state that taking part in the evaluation is the choice of the employers or workers. Please note that the evaluation gives employers the opportunity to provide input regarding what is working well in the program and what issues are problematic so USCIS can continue to make program improvements.

Responses to comments about specific materials are provided below.

SHRM Comment: Attachment F: Letter from USCIS for Employers—Remove USCIS Letter

Response: A letter from USCIS for employers is an essential part of the study materials because it shows employers that this is a legitimate government study. The letter has been modified to state that this evaluation is not an audit.

SHRM Comment: Attachment D: Westat Site Visit Introductory Email Letter for Employers—Remove the word “request” and emphasize that completing the survey is voluntary

Response: The word request is used to invite participation; it is frequently used in evaluation studies, including previous E-Verify Program studies. Employers in the former E-Verify studies did not appear to interpret the request as a mandate.

SHRM Comment: Attachment H: Authorization Letter from USCIS for Workers—Remove letter to worker or make it clear that completing the survey is voluntary.

Response: A letter from USCIS for workers is an essential part of the study because it shows workers that this is a legitimate government study. It will only be shown (not mailed) to employees if they express concerns about who is sponsoring the study. In addition, it is critical to show that the interviewer is trained and authorized to conduct the interview. It is important for workers to know

that USCIS is sponsoring the study and **not** U.S. Immigration and Customs Enforcement (ICE), which might cause concern for some of the potential respondents.

SHRM Comment: Attachment G: Telephone Recruiting Script for E-Verify National Onsite Study—Replace language indicating Westat is calling on behalf of the Department of Homeland Security with a statement identifying Westat as an independent, third-party.

Response: The first contact with an employer will be the email letter from Westat shown in Attachment D. At the very beginning of that email, Westat is clearly identified as an independent research firm. That email mentions that participation in the study is their choice and that no individual data will be reported. Attachment G is the recruiting script that will be used after the employer receives the email. Previous experience indicates that the government agency for which the study is being conducted needs to be mentioned at the very beginning of the recruiting call.

SHRM Comment: Attachment E: Fact Sheet for the Onsite Visit—Mention that completing the survey is voluntary.

Response: An explicit statement has been added that states participation in the study is their choice.

3. Incidental Comments on the Surveys

- a. SHRM Comment: Attachment A: Employer Survey – Introduction (p. I-1)—Clarify whether the recommendations will be made to DHS, Congress, or both.

Response: Study results in the form of reports are provided to DHS, who make the publicly-accessible reports available to Congress. The reports are also subject to the Freedom of Information Act, and can be requested by both government entities as well as the public.

- b. SHRM Comment: Attachment B: Employee Survey, Questions to Be Completed by the Interviewer After the Interview (pp. I-51 through I-55) —Remove the interviewer questions.

Response: Including the interviewer questions in the OMB package was an oversight on our part. They will be removed since the interviewer data will only be used by the contractor to assess how well the interviewer did their work. The responses to these questions will not be analyzed for inclusion in the report.

Response: Commenter 2

USCIS would like to thank Mr. Henry P. Chery for his interest in the E-Verify Program. Although the comments are outside the scope of the data collection and the E-Verify Program, Mr. Chery's concerns regarding US Citizenship can be further explored through USCIS website (<http://www.uscis.gov/portal/site/uscis>). Mr. Chery's will be forwarded to the program managers for further consideration.

Response: Commenter 3

USCIS would like to thank bk1492@aol.com for their interest in the E-Verify Program and recommendations for improving the program. This data collection is developed to study and evaluate the process and to improve system performance. Some concerns that bk1492@aol.com has raised are issues that would involve legislative action of the US Congress. Despite some of the criticisms raised,

the E-Verify system's accuracy has improved over the years as a result of evaluations similar to this collection. The other recommendations that bk1492@aol.com has made will be forwarded to the program managers for further consideration.