Comment URL	http://www.regulations.gov/#!documentDetail;D=USCIS-2010-0014-0012
Comment ID	USCIS-2010-0014-0022
Commenter Name and/or Organization	Jamie S. Meyers, University of Missouri School of Law

Comment:

This comment has been respectfully prepared in regards to the recent request for comments by USCIS concerning the revision of the E-Verify program *(Agency Information Collection Activities; Proposals, Submissions, and Approval: myE-Verify).* The revised E-Verify program would include a system called myE-Verify that is purported to allow users the opportunity to access their employment eligibility information to confirm the correctness of the information, and would include the added benefit of allowing users to notify agencies of any inaccuracies in their information. This web-based tool's professed purpose is to allow users a secure and proactive way to participate in the E-Verify process, an aim that is beneficial to both users and the agency *(Id).* It is the author's opinion that the inclusion of myE-Verify in the E-Verify program is necessary to ensure the transparency and accuracy of the E-Verify program, and the implementation of myE-Verify should be used as a platform to promote public awareness about the importance of all employees verifying their employment eligibility information.

Background

The E-Verify service was created to allow employers the ability to check the employment eligibility of current and prospective employees by comparing an employee's information to data that the U.S. Department of Homeland Security and the Social Security Administration has recorded on that particular individual *(What is E-Verify?, November 2013, available at http://www.uscis.gov/e-verify/what-e-verify).* While thousands of workplaces have instituted E-Verify in evaluating employment eligibility, the use of E-Verify has incited controversy from across the political spectrum *(id; 10 Big Problems with E-Verify, December 2013, available at https://www.aclu.org/10-big-problems-everify; E-Verify's Continued Ineffectiveness, December 2013, available at http://www.cato.org/blog/e-verifyscontinued-ineffectiveness).* Though some of the controversy surrounding E-Verify has focused on the inability of E-Verify to detect all employees who are not legally eligible for employment in the U.S., a common theme of discontent is that E-Verify posts an unfair burden on employees who are legally eligible to work in the United States. E-Verify is easily viewed as yet another hurdle in the obstacle course work-eligible employees must complete when trying to secure employment.

Stories that chronicled the problems of E-Verify incorrectly identifying eligible employees as ineligible to work have garnered media attention and have not gone unnoticed by the federal government. The U.S. Government Accountability Office's Report on the E-Verify program was released in December of 2010 and detailed the steps that have been taken to improve E-Verify *(U.S. Government Accountability Office, Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain, December 2010).* The Report notes that although E-Verify has decreased the percentage of employees who are erroneously deemed to be tentatively ineligible for employment, the program still faces many

challenges *(Id. at 15).* One particularly difficult challenge to ensuring that work-eligible employees are not deemed ineligible has been correcting the inconsistencies or inaccuracies of how names are entered and spelled throughout the various records that E-Verify uses to confirm employment eligibility*(Id. at 16).* For instance, a misspelling of a name by one agency, or a failure to include a hyphen in a name by another agency, may result in a work-eligible employee erroneously being deemed ineligible. The mistakenly denied employee would then be notified that s/he has been tentatively deemed ineligible and it is left to that employee to then inquire about the mistake and attempt to correct the inconsistency or inaccuracy.

New Policy

The use of myE-Verify allows employees the ability to see the information that is being used to confirm or deny their work eligibility. By allowing employees direct access to view this information, myE-Verify is promoting a transparent evaluation process. Additionally, myEVerify provides an employee with the opportunity to recognize and correct a mistake in the records that E-Verify uses to determine eligibility before an employee is erroneously denied immediate work authorization. This ability to locate and correct inaccuracies before an employee is mistakenly denied creates a more efficient and proactive system of assessing employee work eligibility.

Recommendations

The use of the web-based myE-Verify promotes a more transparent and efficient system of evaluating employee work eligibility by allowing employees to view the records that are being used to make evaluations, and by giving employees the ability to notify agencies that have incorrect information. The myE-Verify system is an improvement to the process of employment eligibility verification that should be implemented. In addition to implementing the myE-Verify tool, USCIS, and parent and partner agencies, should actively promote the use of the myE-Verify system amongst all employees in the United States. Unless an employee is entrenched in the immigration system or has some experience with the immigration process, it is unlikely that a job applicant would check his/her employment eligibility with E-Verify prior to applying for a job. In essence, USCIS and the other agencies responsible for the E-Verify system need to use the implementation of the myE-Verify system as an opportunity to inform all employees of the widespread use of the E-Verify system of employment eligibility verification and the public should be informed of the necessity of all employees to check the accuracy of their records via myE-Verify.

Response:

We appreciate your comments in support of myE-Verify. USCIS is planning on conducting a thorough outreach effort with its release of the myE-Verify program following OMB approval of this information collection. The goal of the outreach effort will be to educate individuals about the existence of myE-Verify and the benefits of using the system.

Comment URL	http://www.regulations.gov/#!documentDetail;D=USCIS-2010-0014-0023
Comment ID	USCIS-2010-0014-0023
Commenter Name and/or Organization	Ron Gotcher, Global Immigration Partners

Comment:

From: Ron Gotcher [mailto:jrg@gotcherlaw.com]
Sent: Thursday, November 21, 2013 1:11 PM
To: USCIS FR Comment
Subject: Comment
This message is offered in response to your request for comments on the functionality of the myE-Verify site. For reference, this is the USCIS notice that appeared in the Federal Register Volume 78, Number 225, at page 69871: OMB Control Number 1615-0117 e-Docket ID number USCIS-2010-0014

My experience, and that of my clients, has been that this site is essentially worthless. I have tried repeatedly to perform a self check, only to be turned away each time because the software was unable to verify my identity. I have lived at the same address for 37 years, so I doubt that the problem can be attributed to data updates. I encourage my clients to perform self checks and fuflly 90% of them have reported the same problem.

This web site performs no useful purpose and should either be fixed or discontinued.
With regards,
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Response:

Thank you for your comments. Currently, over three quarters of users are able to generate an identity proofing quiz, and nearly 80% of users are able to verify their identity via the quiz. The inability to generate an Identity Assurance Quiz could be due to a variety of reasons which are outlined in the Question and Answer section of the Self Check website: http://www.uscis.gov/self-check. Users having issues using Self Check may contact our help desk to get assistance with the service at (888) 891-7781. Please report the problems you have been experiencing to our help desk so that we can identify where improvements to the service are needed.