

Form E-Verify+ Extension - Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2023-0011](#)

60-day FRN Citation (federalregister.gov): [91 FR 28616](#)

Publish Dates: May 18, 2026 – July, 17, 2026

Comment ID	Comment Summary	USCIS Response
1.	Commenter: Makita Thatcher	
0019	<p>1. Meaningful Notice</p> <p>USCIS should ensure that workers receive clear, plain-language notice whenever E-Verify+ produces a mismatch, tentative nonconfirmation, final nonconfirmation, unresolved result, case closure, identity issue, document issue, or work-authorization issue.</p> <p>The notice should identify the specific issue, the record source, the deadline to respond, the steps required to correct or contest the result, and what the employer may and may not do while the process is pending.</p>	<p>Response: USCIS currently provides the requested information to employees and employers, in the Further Action Notice, or FAN. The FANs go through extensive clearance, including plain language review, before publication.</p>
2.	Commenter: Makita Thatcher	
0019	<p>2. Correction before consequence</p> <p>USCIS should provide meaningful correction procedures before an E-Verify+ result becomes a final employment consequence. The process should address errors involving name changes, transliteration, date of birth, document numbers, Social Security records, DHS records, status records, renewed or expired documents, identity verification, duplicate cases, and data-entry mistakes.</p> <p>A person should not lose work because the correction pathway was unclear, inaccessible, or split across multiple systems.</p>	<p>Response: USCIS currently provides the requested information to employees and employers in the Further Action Notice, or FAN. The FAN provides the employee the opportunity to correct any errors before a final nonconfirmation is issued. If a final nonconfirmation is issued, that is not an “employment consequence,” but rather DHS indicating it is unable to confirm an employee’s employment eligibility after: 1. The employee has contacted DHS or visited an SSA field office during the mismatch referral process; 2. The employee failed to call DHS and/or visit an SSA field office within 8 federal government working days; or 3. The employee did not give the employer their decision whether or not to take action by the end of the 10th federal government working day after E-Verify issued the mismatch result. The employer may terminate employment based on a case result of final nonconfirmation with no civil or criminal liability as noted in “Responsibilities of the Employer,” Article II, Section A, paragraph 13 of the MOU. See E-Verify Manual Section 3.6, available at https://www.e-verify.gov/e-verify-user-manual-30-case-results/36-final-nonconfirmation. However, that is a decision made by and the responsibility of the employer, not DHS.</p> <p>With respect to data entry errors, an employee may edit case information before submitting the case. From the Sign and Submit screen, the user can correct information before submitting the case. Employees may also request that the employer close the case using the Close Case link. A new case can then be created with the correct information. When a duplicate case is being created, users</p>

		<p>receive a warning and must select the reason for the duplication from a dropdown.</p> <p>With respect to correcting errors in federal databases, such correction methods are set by the agency which provides such data, not E-Verify. Instructions on contacting these agencies are provided in a Further Action Notice (FAN), if applicable, which an employer may provide in whichever manner they elect, including digitally, printed, translated, etc.</p>
3.	Commenter: Makita Thatcher	
0019	<p>3. Preservation of the record</p> <p>USCIS should preserve records sufficient to reconstruct each E-Verify+ case, including information entered by the worker or employer, system responses, timestamps, notices generated, referrals, worker responses, employer actions, case closures, final determinations, corrections, and any reopening or later agency action.</p> <p>If an E-Verify+ result later affects employment, immigration eligibility, benefits, enforcement, or adjudication, the affected person and reviewing authorities should be able to trace the record.</p>	<p>Response: USCIS currently stores the suggested data for the requisite time period per the National Archives and Records Administration (NARA) records retention and disposal schedule (N 1-566-08-7). Under this schedule, USCIS annually disposes of E-Verify employer records that are 10 years old or older. This reduces security and privacy risks associated with the U.S. government retaining personally identifiable information. To access such information beyond the required retention period, a company's program administrator or corporate administrator may download and save a Historical Records Report, See https://www.e-verify.gov/e-verify-records-retention-and-disposal-fact-sheet, to retain such E-Verify case information.</p>
4.	Commenter: Makita Thatcher	
0019	<p>4. Employer obligations</p> <p>USCIS should make employer obligations explicit in collection instruments, training materials, memoranda of understanding, and user screens. Employers should be clearly instructed that they may not terminate, suspend, reduce hours, delay training, withhold pay, or otherwise penalize a worker solely because of a tentative, unresolved, or contested E-Verify+ result.</p> <p>Employers should preserve proof that notices were provided and workers had a meaningful opportunity to correct or contest the result.</p>	<p>Response: The requested guidance is currently in the Terms of Service.</p> <p>Regarding the request for USCIS to require employers to preserve required notices, USCIS does not have the authority to dictate a company's internal records retention policies. Form I-9 retention obligations are outlined in 8 CFR 274a.2(b)(2). Guidance on E-Verify records retention policies can be found on the E-Verify Records Retention Download Instructions webpage: https://www.e-verify.gov/e-verify-records-retention-download-instructions.</p>
5.	Commenter: Makita Thatcher	
0019	<p>5. Privacy and limits on secondary use</p> <p>USCIS should clearly describe what information is collected, how long it is retained, who may access it, whether it may be shared with other agencies, and what limits apply to secondary use.</p> <p>Information collected for employment verification should not become an open-ended data pipeline for unrelated enforcement, benefits, or adjudicatory uses without clear legal authority, notice, record preservation, and review.</p>	<p>Response: With respect to privacy and limits on secondary use, E-Verify users are informed that information collected for employment verification is subject to strict privacy and security controls. The Form I-9 instructions (PDF) include a Privacy Act Statement notifying employees that their personal information may be used in E-Verify.</p> <p>E-Verify collects only the information necessary to confirm employment eligibility, as described in the E-Verify Privacy and Security Statement available at: https://www.e-verify.gov/key-links/our-commitment-to-privacy/e-verify-privacy-statement. Data is retained in accordance with federal records</p>

		<p>retention schedules and is accessible only to authorized personnel for purposes directly related to employment verification.</p> <p>Information may be shared with other agencies only as permitted by law, and any secondary use is subject to legal authority, notice, and review. E-Verify does not allow information collected for employment verification to be used for unrelated enforcement, benefits, or adjudicatory purposes without clear legal authority and appropriate safeguards.</p> <p>Users are provided information on privacy protections through E-Verify privacy resources, including the agency's privacy documentation available at: https://www.e-verify.gov/key-links/our-commitment-to-privacy.</p> <p>Additional information can be found in the E-Verify System of Records Notice, DHS/USCIS-011 E-Verify Program System of Records, 84 Fed. Reg. 28326 (June 18, 2019), and the E-Verify Privacy Impact Assessment, DHS/USCIS/PIA-030 E-Verify Program, available at https://www.dhs.gov/publication/dhsuscispia-030f-e-verify-mobile-app-usability-testing.</p>
6.	Commenter: Makita Thatcher	
0019	<p>6. Language access and digital access</p> <p>E-Verify+ notices, instructions, and correction pathways should be available in languages commonly used by affected workers. The system should also account for workers with limited digital access, limited English proficiency, disabilities, unstable housing, limited documentation access, or difficulty navigating multiple agencies.</p> <p>A verification system is not meaningful if the correction process is practically unavailable.</p>	<p>Response: The longstanding policy of USCIS related to Form I-9 is that it be completed in English. Only employers located in Puerto Rico may complete the Spanish-language version of Form I-9 instead of the English-language version. Any employer may use the Spanish-language form and instructions as a translation tool. As a tool to assist employers in meeting their employment verification obligations, the same policy applies. See https://www.uscis.gov/i-9. In addition, Supplement A of the Form I-9 allows for a translator or interpreter to assist with completing the Form I-9, which provides the data an employer runs in E-Verify.</p> <p>All materials, including Further Action Notices, may be printed by an employer from E-Verify. Employers and/or employees are free to enlist interpreter services, if needed.</p>
7.	Commenter: Makita Thatcher	
0019	<p>7. Burden and cost</p> <p>USCIS should consider the burden on workers, not only employers or system users. Workers may need to read notices, contact agencies, gather identity or immigration records, travel, take time away from work, obtain assistance, resolve records in multiple systems, or follow up repeatedly.</p>	<p>Response: Burden estimates determine the average time it takes a respondent to complete an information collection, to include time to review documentation, gathering any required documentation and information, preparing statements, and attaching any necessary documentation. The intent of this information collection is to create a more secure and less</p>

	<p>The burden estimate should include the real-world time and cost imposed on workers who must correct or contest E-Verify+ results.</p>	<p>burdensome employment eligibility verification process overall for employees and employers, integrating the Form I-9 and E-Verify processes.</p> <p>The impacted respondents for completion of this information collection include employers, recruiters, referrers, state employment agencies; employees; and record keepers.</p> <p>Regarding the estimated burden for corrections, this is covered in the burden estimate accounted for employees and includes what would be required of the employee to log back into their account, make required edits, and then sign and submit the Form I-9 for employer examination and completion.</p> <p>USCIS acknowledges that some respondents may take less or more time to complete the employee sections within I-9NG than the reported estimate and our time burden analysis may not capture every applicant's experience when completing this information collection. However, to report a time burden that is higher than the estimate could overestimate the time burden imposed on respondents.</p>
8.	Commenter: Makita Thatcher	
0019	<p>8. Aggregate auditability</p> <p>USCIS should maintain aggregate data on mismatches, tentative nonconfirmations, final nonconfirmations, contested cases, corrections, case closures, reopened cases, employer compliance findings, known error patterns, language-access needs, average resolution times, and outcomes after correction.</p> <p>This data should be available for oversight so that E-Verify+ can be evaluated for accuracy, fairness, privacy, and burden.</p> <p>Where federal verification systems affect a person's ability to work, notice must be specific, correction must be meaningful, privacy limits must be clear, employer duties must be enforceable, and the record must be preserved.</p>	<p>Response: E-Verify data is available for internal use, applicable law enforcement investigations, and for oversight purposes, as appropriate, such as requests by Congress. USCIS disagrees that this information should be publicly available since it contains Personally Identifiable Information (PII).</p>
9.	Commenter: Anonymous	
0020 0021 0022	<p>Getting hired with a company that uses E-Verify+ is like getting hired by a company using a ghost to do HR paperwork. You have no idea how to use the system and if you look for instructions or help online you won't find anything. Even if your company has nice human resources they don't know anything either.</p> <p>But then if you look for regular I9 information you can find alot, but none of it is about E-Verify+. Where are the job protections? How does the government allow an I9 system but does not tell anyone how to do it? Heaven forbid you make a mistake when putting the information inside the E-Verify+ system because some employers will</p>	<p>Response: USCIS appreciates your feedback regarding your experience with E-Verify+. We recognize the importance of clear guidance and accessible resources for both employers and employees. USCIS continues to work to improve user support and provide comprehensive instructions for E-Verify+ through official channels, including the E-Verify website and user manuals. We encourage users to consult these resources and contact E-Verify customer support for assistance. Your comments regarding system usability and job protections will be considered as DHS evaluates</p>

	<p>say too bad you got to live with the mistake. But The Social Security Agency then tells you there is nothing for them to fix. You just need to fix what you put online. But how do you do that? The E-Verify+ ghost does not tell you and HR also doesn't know because they don't understand the information they're told and also can't find anything online. And by then the company fires you because they think you are an illegal alien, even though you were born here and just have a wierd last name. That did not happen to me but it did happen to my neighbor.</p> <p>The only reason why I was even able to get my problem fixed is because I called DOJ of all places. Actually first I tried calling E-Verify but 10 years later, I was still on hold. So then I kept looking online and found DOJ does I9 stuff too. They said I could use a paper I9 and then called the company and fixed everything. I don't know how they knew what to fix because the ghost E-Verify+ system does not tell you anything and my HR also did not understand. But HR was really pumped to have DOJ there because they had a whole bunch of questions about other stuff that DOJ answered. I had DOJ on speaker phone and HR was just rattling off 10 random questions about other stuff from the USCIS website she did not understand and boom boom boom boom -- that DOJ lady answered them all and I thought that HR lady was going to pee her pants she was so excited. LOL.</p> <p>I was then able to tell my gf and a neighbor because they had E-Verify+ problems too although part of it may be my neighbor is not online that much and so the computer stuff is harder for him. But how are you putting stuff on this federal register website instead of putting it on your normal website? I get that you might not be trying to make it hard for regular people to work but I can tell you that you are not making it any easier and probably are making it harder even if by accident. I know times in the government are rough but you can't cut corners and have a ghost E-Verify+ system when jobs are on the line. Though I know you are just people and maybe you are the only one left in your office so Thank You for your service (I am saying that for real).</p>	<p>future enhancements to E-Verify+ and related guidance materials.</p>
10.	Commenter: WhoPoo App	
0023	Your enforcement arm is not strong enough to enforce EVerify violations, so this proposal is useless. Maybe hire more enforcement attorneys who aren't terrified of being called racist	Response: This comment was out of scope for this information collection and did not provide feedback on the nature of the information collection. This extension action is to keep this information collection approved for use under the Paperwork Reduction Act.
11.	Commenter: ACCURACY INTL M107 Commenter: MANHIEM AUTO DEALER SUPPLY AND KELLEY IU BLUE BOOK OF DOD KEVIN M KELLEY OF KELLEY.IU.EDU	
0024 0025	These comments included information and attachments that were out of scope for this information collection.	Response: This comment was out of scope for this information collection and did not provide feedback on the nature of the information collection. This extension action is to keep this information

		collection approved for use under the Paperwork Reduction Act.
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