

SUPPORTING STATEMENT
E-Verify Program
(No Agency Form Number; File OMB-18)
OMB Control No. 1615-0092

A. Justification.

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

E-Verify is an Internet-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers electronically verify the employment eligibility of newly hired employees by matching information provided by employees on the Form I-9, Employment Eligibility Verification (Form I-9), against existing information accessed by the Verification Information System (VIS), a composite information system that checks the data entered by the employer against data from the Department of Homeland Security (DHS), the Social Security Administration (SSA), the U.S. Department of State (DOS), and certain state Department of Motor Vehicle divisions.

This Supporting Statement describes E-Verify enhancements that propose to: (1) assist E-Verify employers in complying with Unique Entity Identification (UEI) reporting requirements, when applicable; (2) maintain account compliance related to remote document examination; (3) decrease the number of erroneous nonconfirmations due to employee non-response; (4) improve Account Compliance desk reviews; and (5) increase DHS statistics on remote hiring and how employers use remote examination, which will drive decision-making about policies and possible future rulemaking.

Move to Terms of Service (TOS) from Memorandum of Understanding (MOU)

The E-Verify statute, found in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208 (Sept. 30, 1996) at Title IV, Secs. 401-405, as amended, at section 402(c)(1) authorizes the Secretary of Homeland Security to set terms and conditions for election to participate in E-Verify. Section 404(d) (1) requires DHS to design and operate E-Verify to “maximize its reliability and ease of use” by employers and other entities. DHS is thus constantly evolving and improving E-Verify’s terms and conditions of participation to meet the Department’s needs in administering the program and maximize its reliability and ease of use. As part of these changes and improvements, DHS is consolidating its existing enrollment Memoranda of Understanding (MOUs) into a single streamlined Terms of Service (TOS) agreement.

Every E-Verify participant, including federal agencies, small businesses, and large corporations, electronically signs an E-Verify MOU upon enrollment with the program.

The participant's consent to and execution of the MOU are required in order for an employer to participate in E-Verify, and the electronic signature of the MOU signatory, who must be a responsible party of the employer, is collected during enrollment in E-Verify.

Currently, there are six different types of E-Verify users, each with its own MOU:

- (a) Employers – those who use E-Verify to verify their own new hires or badging applicants;
- (b) Employer Agents – those who create E-Verify cases on behalf of another company, usually for a fee;
- (c) Employer Agent clients – the clients of E-Verify Employer Agents;
- (d) Web Services Employers – those who develop software that interfaces with E-Verify in order to verify their own new hires;
- (e) Web Services Employer Agents – Those who develop software that interfaces with E-Verify and offer it as a service for a fee to clients. Cases may either be created by the Web Service Employer Agent or by the client. ;
- (f) Web Services Employer Agent clients – the clients of Web Services Employer Agents.

Over the past eleven years, E-Verify has maintained separate MOUs for each of the six types of E-Verify users: (1) the Employer MOU; (2) the E-Verify Employer Agent MOU; (3) the Employer Agent Client MOU; (4) the Web Services Employer MOU; (5) the Web Services E-Verify Employer Agent MOU; (6) the Web Services E-Verify Employer Agent Client MOU. Every MOU provides the specific terms and conditions governing the rights and responsibilities of all parties involved based on user type, as well as specific information on the employer.

DHS has now decided, in response to feedback from its participants (received through E-Verify Listens, previous information collection requests and through various other channels), to create one streamlined, consolidated TOS agreement to replace the six MOUs currently in use. This TOS is intended to provide all E-Verify participants with the terms and conditions governing their rights and responsibilities in E-Verify enrollment and use in one unified document.

Under the new TOS, like other commonly used agreements for accessing electronic services, employers and other participants wishing to enroll in E-Verify will review and “click to accept” the electronic E-Verify TOS agreement, which will provide the most efficient means for agreeing to the terms and conditions governing E-Verify enrollment and use. The TOS document has been written with a goal of maintaining current user requirements, responsibilities, and protections while enhancing its organization, readability, and ease of use, as well as updating some terms in relation to E-Verify policies that have changed since DHS last updated the six E-Verify MOUs.

The benefits of having one TOS agreement instead of six MOUs are numerous, both for E-Verify participants and for the Government.

For program participants, the TOS will be easier to read and access and eliminate the need for an employer or other entity to have to re-execute its MOU upon a change in its business relationship with E-Verify. For example, if an employer decides to become an E-Verify Employer Agent to create cases on behalf of others, but is otherwise maintaining its legal name and form, then it will not be required to execute a new agreement to reflect that change. In addition, the TOS will more readily allow participants to familiarize themselves with their E-Verify responsibilities when enrolling in and using E-Verify. Other potential benefits for participants include decreased enrollment time, easier enrollment for small business users, and increased transparency in that participants can more easily review the requirements associated with all of the different E-Verify user types.

For the Government, consolidating the six MOUs into a single TOS will improve program administration by having a single document for reference when responding to inquiries from participants. Similarly, it will provide uniformity of citation and numbering of terms and conditions. Finally, when updating or revising the TOS, DHS will only need to revise one document instead of six, making those revisions clearer and easier to understand for participants as well as for E-Verify personnel.

In addition to streamlining the document, while maintaining current user requirements, responsibilities and protections, DHS is giving the TOS a more modern look and feel; for example, with a simpler and more modern format, fonts, language and structure; and fewer instances of duplication of terms and requirements. There are also some substantive updates to the TOS language such as:

- Removing obsolete language related to SSA and DHS operation of E-Verify, since SSA and DHS already comply with these provisions by law; and
- Updating or removing outdated provisions, such as updated breach reporting provisions clarifying the definition of a “breach” of information, revised provisions regarding unauthorized access, and new information regarding periods of unavailability and use of DHS and E-Verify seals, insignia and other visual identities.

The proposed E-Verify TOS will still be signed by an authorized representative of the company, who must be one of the Points of Contact (POC).

The proposed E-Verify TOS is submitted with this supporting statement and has been made available for public comment.

Mandatory Question During Enrollment

DHS proposes to make mandatory a response to the following question that is currently listed as optional in E-Verify: “What is the primary reason you’re enrolling in E-Verify?” Increasing responses to this question will provide DHS greater understanding of and

appreciation for customer goals in using the E-Verify service such that DHS can maximize the experience and system responsiveness to support employer use and needs.

This information assists DHS in better understanding its customers and guide the program in making strategic decisions that best serve the customers.

Multifactor Authentication

Consistent with Executive Order 14028: *Improving the Nation's Cybersecurity*, which directs executive branch agencies to adopt multifactor authentication processes when appropriate under federal records laws and other applicable laws, DHS is implementing use of Login.gov multifactor authentication to better secure users' access to E-Verify. Login.gov is a secure sign-in service used by the public to sign in to participating government agency web portals. Login.gov assists government agencies with authenticating the user. By submitting personal identifiable information (PII), such as their photo ID, Login.gov can authenticate users with or without transmitting that information to the government agency. See <https://www.login.gov/what-is-login/>. Users can then use the same username and password to access any agency that partners with Login.gov. This streamlines the login process and eliminates the need to remember multiple usernames and passwords.

Dual Enrollment

DHS now offers both E-Verify and E-Verify+ to users for employment eligibility verification. E-Verify+ is a service of E-Verify that streamlines the employment eligibility verification process by having new employees complete Form I-9 directly through E-Verify. Employees who are willing can choose to create an account with E-Verify+. After the employer creates the case in E-Verify+ the employee is emailed a unique link instructing them to either create or sign in to an existing account in myUSCIS. The employee then creates or signs in to an existing E-Verify+ account to enter their personal information and upload documents electronically using E-Verify+ so that E-Verify can verify their documents. The employer then reviews the information and documents provided using E-Verify+, receives an updated E-Verify case result, and then signs and retains the Form I-9 with the E-Verify case number printed on it along with the related documents and E-Verify case information.

This “two-click” enhancement to the process allows employers to choose to enroll in both E-Verify and E-Verify+ by clicking one or both options from the E-Verify enrollment page. Trainings will be offered for both systems after initial enrollment; however, the decision of which system to use will be left to the employer.

Unique Entity Identification (UEI) Required for Certain Federal Contractors

Previously, employers with federal contracts that have the FAR E-Verify clause were asked to provide their Dun & Bradstreet Data Universal Numbering System (DUNS) number when creating an account in E-Verify. As of April 4, 2022, the DUNS number is no longer used for federal contractors, and the UEI became the General Services Administration's identifier of record for all entities in Integrated Award Environment (IAE) systems. SAM.gov generates the UEI used in federal systems. See <https://sam.gov/content/duns-uei>. On October 3, 2023, the Government Accountability

Office (GAO) issued a report and recommendations to DHS titled “FEDERAL CONTRACTING: Agencies Can Better Monitor E-Verify Compliance” ([GAO-24-106219](#)). Recommendation 6 of that report indicated that DHS should, “identify and implement an approach to collect quality information on federal contractors enrolled in E-Verify for the purpose of helping agencies monitor contractor compliance, such as by collecting Unique Entity Identifiers from federal contractors with existing E-Verify accounts.” This collection responds to that recommendation by making the UEI field collection mandatory for covered federal contractors to use E-Verify. Information about which federal contractors are subject to the E-Verify Federal Acquisition Regulation can be found here: [Who is Affected by the E-Verify Federal Contractor Rule](#).

Existing employers with federal contracts that have a FAR E-Verify clause were not previously required to update their account with the DUNS number or UEI as part of account maintenance requirements. Upon enactment of this change, employers with a federal contract that has a FAR E-Verify clause who are enrolling or that already have an account in E-Verify will be required to enter their UEI in the Company Profile before a new case can be created.

Both the DUNS and UEI numbers will remain optional fields for employers that do not have a federal contract.

Case Hiring Site Location

If the employer has multiple hiring sites listed on their account, DHS will provide a drop-down box in E-Verify where the employer will choose the employee’s specific hiring site when creating a case. This will allow DHS to be more responsive to users’ questions and provide compliance guidance. The feature will also further aid the government in identifying potential noncompliance with E-Verify rules and identify opportunities for training by being able to see patterns of activity at certain locations across the employer’s operations.

Remote Document Examination Checkbox

As part of a final rule and optional alternative published on July 25, 2023, and in connection with the latest published Form I-9, certain employers enrolled in E-Verify are able to verify an employee’s employment eligibility remotely. See 88 Fed. Reg. at 47990 (Final Rule) and 47749 (Optional Alternative). DHS intends to include a checkbox in E-Verify that employers will check to indicate that an employee was verified remotely when creating a case. This will assist DHS in monitoring employer adoption of the rule, identifying possible avenues of necessary guidance and addressing specific noncompliance issues as it monitors employer compliance with the E-Verify TOS and the DHS optional alternative rule. This feature also aids DHS account compliance in addressing specific noncompliance issues and to bring employers into compliance and, if necessary, to make external referrals to agency and inter-governmental partners. Knowing if an employee was verified remotely could potentially reduce fraud related to remote document examination, while ensuring the program has a better understanding of

how remote document examination is being used which will help drive decision making about policies and possible future rulemaking improvements.

Employee Telephone Number Required in the Event of a Potential Mismatch

DHS is adapting to the digital world, which includes communications by both email and text messages. By requiring employers to provide a telephone number for a new employee if the employee voluntarily provides one on Form I-9, and only if the case may result in a potential mismatch, E-Verify could then communicate with new employees via voice or text message about critical steps in the E-Verify process that may require their immediate action. The first point where that might be necessary is if a mismatch is imminent. This occurs in less than 2% of E-Verify cases. DHS would use the new employee's phone number to contact and attempt to work directly with the employee if there was a problem with the employer's document upload or by providing more accurate information, rather than relying on the relay of communications solely through the employer. Once implemented, this is envisioned to lead to less final nonconfirmation results (in which the new employees may be terminated), and reduce the manual work required by DHS to overturn final nonconfirmations that occur because the employer did not inform the employee of a critical step in a timely manner or the employee did not have an opportunity to correct their information. If the employee did not list a phone number on Form I-9, E-Verify would require the employer to select the checkbox, "No phone number was provided."

Employee Email Address Requirement Moved from Case Entry Page to Potential Mismatch Page

In the past, employers were required to enter the employee's email address, if provided on the Form I-9, on the first case entry page. DHS proposes to move this entry field to the potential mismatch page, which occurs in less than 2% of cases. The form of data entry will be the same, with a checkbox to select "No email address provided," if none was listed on the Form I-9. DHS can continue to use the employee's email, if listed, to communicate with the employee when action is required on their part to prevent a mismatch which could result in a final nonconfirmation and potential loss of employment. This change will significantly reduce the collection burden on employers, who now input employee-provided email addresses in all cases; instead they will input those email addresses in just the 2% of cases where E-Verify may need to contact the employee.

Reverification and Rehires

When an employee's employment authorization expires, Immigration and Nationality Act (INA) § 274A and DHS implementing regulations require an employer to verify that the employee is still authorized to work. Currently, the employer verifies continuing employment authorization by obtaining the necessary employment authorization documentation from the employee and updating Form I-9 using Supplement B - Reverification and Rehire. Currently, no actions are required in E-Verify. In order to align E-Verify with Form I-9 and to provide electronic verification of continuing

employment authorization, DHS proposes to add reverification functionality to E-Verify, and require participating employers to update existing cases or create new cases, if applicable, for all employees requiring reverification.

Since its inception, the E-Verify program has largely limited its verification processes to new hires. Regulations under INA § 274A define “hire” as “the actual commencement of employment of an employee for wages or other remuneration.” 8 C.F.R. 274a.1(c). DHS’s implementation of regulations for the employment verification process under INA § 274A (i.e., the Form I-9 process), requires reverification of expired temporary work authorization on Form I-9. 8 C.F.R. 274a.2(b)(1)(vii). Thus, the addition of reverification to E-Verify is consistent with the continuing obligation on the employer to verify that an employee with temporary work authorization continues to be work authorized. This supports the Executive Order “ensuring that employment authorization is provided in a manner consistent with section 274A of the INA (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States.” Executive Order 14159, *Protecting the American People Against Invasion* (Jan. 20, 2025).

For technical and programmatic reasons, E-Verify has not, to date, included an electronic reverification or rehire process as a complement to the I-9 requirement. E-Verify system upgrades and extensive experience with E-Verify administration now permit DHS to expand electronic verification to reverification and rehire processes in the context of expiring temporary work authorization. Electronic reverification is not prohibited by the E-Verify statute or any other law and matches the reverification process long-established under the Form I-9 regulations.

Similar to the current reverification and rehire process for Form I-9 required by 8 C.F.R. § 274a.2(b)(vii), in the E-Verify reverification process, the employer would not collect identity documents or verify identity during reverification. Instead, employers will be required to enter the updated employment authorization documentation information the employee provided into E-Verify. The proposed E-Verify reverification process does not change the employer’s obligation to update Form I-9 Supplement B with the required reverification information and retain Form I-9 as required by law.

When a case completed in E-Verify has work authorization documents expiring, a Case Alert will appear on the employer’s homepage in E-Verify. The employer can select “View Expiring Doc Cases” to see all affected cases. From there, the employer can select “Reverification” to create a new case in E-Verify using the updated employment authorization document(s) provided by the employee, following the existing process within E-Verify for new cases. If the employee was not run through E-Verify in the past, a new case can be created following the current process.

If an employer rehires an employee within 3 years of the date that a previous Form I-9 was completed, the employer may either complete a new Form I-9 for the employee or complete Supplement B of the previously completed Form I-9. To align with this process in E-Verify, the employer will be able to complete a new case, as is currently available;

or they will be able to enter only the information required by Supplement B. As with reverification, employers will enter the updated employment authorization documentation information the employee provided into E-Verify. The proposed E-Verify reverification and rehire processes do not change the employer's obligation to update Form I-9 Supplement B with the required work authorization information and retain Form I-9 as required by law.

If a case is created that matches another case created by the employer within the last 365 days, a Duplicate Case Found Alert will appear. If the employer decides to continue processing a duplicate case listed in this alert, the employer must select a reason for continuing a duplicate case. This includes, but is not limited to "Reverification," "Rehire," and "Other," which allows the employer to provide an explanation.

Similarly, currently in E-Verify if the case is being created three or more days past the employee's first day of employment, the employer must provide a reason for the delay. The employer would select one of the reasons from a drop-down menu. As part of the reverification requirements, DHS proposes adding "Rehire" and "Reverification" to the list of dropdowns. This will keep track of cases which are submitted for reverification due to work authorization documents expiring and rehires.

During this proposed reverification process, DHS will be requesting and collecting the following information not already covered by an existing OMB approval for reverification when work authorization documents are expiring:

- Information in Supplement B of Form I-9. The document name, expiration date (if applicable) and new name (if applicable).

During this proposed rehire process, DHS will be requesting and collecting the following information not already covered by an existing OMB approval for rehires:

- Information in Section 1 of Form I-9: Employee Information. This includes the employee name, address, date of birth, social security number, email address and phone number, as well as citizenship or immigration status.
- Information in Section 2 of Form I-9: Employer Review and Verification of employment authorization documents. This includes the document name, expiration date (if applicable), the employee's name, date of birth, Form I-94 Number or Alien Registration Number, and Social Security Account Number.-

Photo matching at Rehire or Reverification

When an employee must complete Form I-9 using Supplement B - Reverification and Rehire the photo matching tool which currently exists in E-Verify will be triggered when certain List A documents are presented to the employer: U.S. Passport or Passport Card, Permanent Resident Card or Alien Registration Receipt Card (Form I-551), and Employment Authorization Document (EAD) (Form I-766). This will not be run to verify identity of the employee, but rather to confirm that the person submitting the

document is the person in the photo on the document. This is done to reduce fraud related to document examination. This supports the Executive Order “ensuring that employment authorization is provided in a manner consistent with section 274A of the INA (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States.” Executive Order 14159 (Jan. 20, 2025).

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Move to Terms of Service (TOS) from Memorandum of Understanding (MOU)

The participant’s execution of and provision of point of contact information on the E-Verify TOS is an information collection that already occurs in the E-Verify MOU process. Participants incur a time burden to read the TOS, which is little changed in substance from the existing MOU. E-Verify stores the collected information with the participant’s user profile, as proof that the participant agreed to the terms and conditions of E-Verify enrollment and use. In some cases, when a potential participant’s misuse of E-Verify is discovered, E-Verify’s Account Compliance Branch may use the TOS agreement and the participant’s point of contact information to assist with correcting the potential misuse.

Mandatory Question During Enrollment

This information will assist DHS in better understanding its customers and guide the program in making strategic decisions that best serve the customers.

Multifactor Authentication

This is not a collection of information, but rather an enrollment process for increased security related to user login.rev

Dual Enrollment

This is not a collection of information but rather a streamlined method for employers to enroll in E-Verify and E-Verify+ with a unified interface.

Unique Entity Identification (UEI) Required for Certain Federal Contractors

The UEI is used within SAM.gov and other government award and financial systems as a primary key to identify a unique entity. The transition to the Unique Entity ID (SAM) is a federal government-wide initiative. See <https://sam.gov/content/duns-uei>. Information about which federal contractors are subject to the E-Verify rule can be found here: [Who is Affected by the E-Verify Federal Contractor Rule](#). This information will be used to better track compliance of federal contract awardees with the FAR E-Verify rule requirements as recommended by GAO.

Case Hiring Site Location

This information will be used by DHS to be more responsive to users' questions and provide compliance guidance. The feature will also further aid the government in identifying potential noncompliance with E-Verify rules and identify opportunities for training by being able to see patterns of activity at certain locations across the employer's operations.

Remote Document Examination Checkbox

Collection of this information will assist DHS in monitoring employer adoption of the rule, identifying possible avenues of necessary guidance and addressing specific noncompliance issues as it monitors employer compliance with the E-Verify Terms of Service and the DHS optional alternatives rule. This feature also aids DHS account compliance in addressing specific noncompliance issues and to bring employers into compliance and, if necessary, to make external referrals to agency and inter-governmental partners.

Employee Telephone Number Required in the Event of a Potential Mismatch

By requiring employers to provide a telephone number for a new employee if the employee voluntarily provides one on Form I-9, E-Verify could then communicate with new employees via voice or text message about critical steps in the E-Verify process that may require their immediate action. The first point where that might be necessary is if a mismatch is imminent. This occurs in less than 2% of E-Verify cases. DHS would use the new employee's phone number to contact and attempt to work directly with the employee if there was a problem with the employer's document upload or by providing more accurate information, rather than relying on the relay of communications solely through the employer. Once implemented, this is envisioned to lead to less final nonconfirmation results (in which the new employees may be terminated), and reduce the manual work required by DHS to overturn final nonconfirmations that occur because the employer did not inform the employee of a critical step in a timely way or the employee did not have an opportunity to correct their information.

Employee Email Address Requirement moved from Case Entry page to Potential Mismatch page

This is not a new collection, but rather moving the location of collection of the data to reduce the collection burden on the employer to instances only when the government may need to contact the employee.

Reverification and Rehires

Under the reverification process DHS proposes, employers would be required to create cases to reverify work authorization documents for employees whose temporary employment authorization documents have expired. Currently, when the employee's temporary employment authorization expires, employers complete Form I-9 Supplement B with updated employment authorization documentation. Under the proposed process, once Form I-9 Supplement B is updated, employers will then enter information provided

on Form I-9 Supplement B into E-Verify and submit the case for reverification. If the employee never had an E-Verify case, the employer will create a new case in E-Verify using the information provided on the Form I-9 as well as Supplement B.

Once the case is submitted in E-Verify, E-Verify will provide an initial case result. The reverification process will be identical to the current E-Verify process except the employee's identity will not be verified. Currently, when completing Supplement B, employers must also complete the last name, first name and middle initial fields at the top of the page, so this is not additional work for employers. The information collected is used to verify the employee's eligibility to work in the United States and is relayed back only to the employer who submitted the case.

For rehires, this is not a new collection of information since E-Verify already collects Form I-9 information to verify an employee's employment authorization. The information collected is used to verify the employee's eligibility to work in the United States and is relayed back only to the employer who submitted the case.

Photo matching at Rehire or Reverification

Once the case is submitted in E-Verify, E-Verify will provide an initial case result, which includes the results of the photo matching tool to prevent document fraud. The photo matching process will be identical to the current E-Verify process when an initial case is submitted, except that the employee's identity will not be verified. The information collected is used to verify the employee's eligibility to work in the United States and is relayed back only to the employer who submitted the case.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Move to Terms of Service (TOS) from Memorandum of Understanding (MOU)

The method by which DHS collects information through E-Verify will not change under this approval. Review and acceptance of the new TOS will be done electronically, as it currently is done with the MOUs. This proposed change will reduce burden for participants, who will only require one TOS for multiple roles, as well as DHS and E-Verify, which will only have to maintain and update one TOS versus six MOUs.

Mandatory Question During Enrollment

This proposed requirement will collect information in the same manner E-Verify currently collects information. When employers enroll in E-Verify, they will need to choose from a dropdown containing four common reasons for why they are choosing to enroll: (1) Due to a Government Requirement; (2) To participate in Form I-9 Remote Document Examination; (3) It was recommended to me; or (4) My own initiative.

Providing selections in a dropdown, as opposed to requiring a free response, reduces the employer's burden of determining a reason for enrolling.

Multifactor Authentication

This is not a collection of information, but rather an enrollment process for increased security related to user login. It is fully automated by Login.gov.

Dual Enrollment

This is not a collection of information but rather a streamlined method for employers to enroll in E-Verify and E-Verify+ with a unified interface. It is fully automated in the interface.

Unique Entity Identification (UEI) Required for Certain Federal Contractors

This requirement to collect the UEI rather than the DUNS from federal contractors whose contracts have a FAR E-Verify clause transfers the burden of the requirement to enter the DUNS to the updated requirement to enter the UEI, resulting in no change to the burden of this collection.

Case Hiring Site Location Dropdown

This process will collect information through an automated dropdown box in the same manner E-Verify currently collects information.

Remote Document Examination Checkbox

This process will collect information in the same manner E-Verify currently collects information. The proposed remote document examination checkbox mimics the checkbox on Form I-9 where employers must indicate if they examined the employee's documents remotely and will require employers to make this same indication in the associated E-Verify case. This results in a minimal burden increase to assist DHS in addressing noncompliance issues as it monitors employer compliance with the E-Verify TOS and the DHS optional alternatives rule.

Employee Telephone Number Required in the Event of a Potential Mismatch

This proposed requirement will collect information in the same manner E-Verify currently collects information. Employers would be required to input the phone number provided by the employee on Form I-9 into E-Verify only if the case may be a potential mismatch. If the employee does not enter their phone number on Form I-9, the employer will be required to check the proposed checkbox to indicate, "No phone number was provided." The increased burden of this input will be minimal for employers. In addition, it only applies to cases with a mismatch, which is about 2% of cases. This requirement has no additional collection burden on the employee and helps ensure that employees who provide their phone number on Form I-9 are notified to take action on E-Verify case results, reducing unnecessary potential job loss.

Employee Email Address Requirement moved from Case Entry page to Potential Mismatch page

Since this field is already required in the system, this proposed change in location will collect information in the same automated manner E-Verify currently collects information. It would result in lowering the burden on employers, since employers will be required to input the email address provided by the employee on Form I-9 into E-Verify only if the case may be a potential mismatch, not in all cases.

Reverification and Rehires

The reverification process for E-Verify will collect information in the same manner E-Verify currently collects information. Employers will continue to complete Form I-9 and input the information provided by the employee on Form I-9 and Supplement B into E-Verify. Currently, when completing Supplement B, employers must also complete the last name, first name and middle initial fields at the top of the page, this is not additional work for employers. The Case Alerts link reduces the steps needed to create a new case when an employee who already had a case in E-Verify requires reverification.

The rehire process for E-Verify will collect information in the same manner E-Verify currently collects initial verification information. Employers will continue to complete Form I-9 and input the information provided by the employee on Form I-9 into E-Verify.

Photo matching at Rehire or Reverification

The photo matching process for E-Verify will collect information in the same manner E-Verify currently collects information. Employees will submit their documents for reverification or rehire. For certain List A documents (U.S. Passport or Passport Card, Permanent Resident Card or Alien Registration Receipt Card (Form I-551), Employment Authorization Document (EAD) (Form I-766)), the photo matching tool will verify that the employee submitting the document is the employee whose photo appears on the document.

The photo matching process for E-Verify will collect information in the same manner E-Verify currently collects initial verification information. However, employee identity will not be confirmed, only employment eligibility. Employers will continue to complete Form I-9 and input the information provided by the employee on Form I-9 into E-Verify

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

A review of DHS's Forms Inventory Report revealed no duplication of effort and there is no other similar information currently available that can be used for these purposes.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This collection of information does not have a significant impact on a substantial number of small businesses or other small entities. E-Verify is a voluntary program for employers wishing to participate and a condition of contracting for certain contractors and subcontractors that choose to do work for the Federal government. In addition, some state and local laws require that employers participate in E-Verify as a condition of business licensing. This program is intended to benefit these small entities by allowing them to quickly verify whether an employee is legally eligible to work and therefore comply with INA § 274A.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If this information collection is not conducted, many of the enhancements to the E-Verify program otherwise described in this Supporting Statement and associated documents would not take place. In particular, implementation of the required collection of the UEI number for Federal Contractors subject to the FAR E-Verify clause may not take place if the agency does not conduct the collections described in this supporting statement, and thus DHS may not meet GAO's recommendation to collect and use this information in its Account Compliance processes.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The special circumstances contained in item seven of the supporting statement are not applicable to this information collection. Once the employer is enrolled in E-Verify, the employer is required to create a case each time a new employee is hired. Certain Federal contractors and their subcontractors, in addition to being required to create an E-Verify case for each new hire, must also create an E-Verify case for all existing employees assigned to a covered contract or all existing employees of the contractor.

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

REV

On MAY 13, 2026, USCIS published a 60-day notice in the Federal Register at 91 FR 27075. USCIS did receive comments after publishing that notice.

On SEPTEMBER 10, 2026, USCIS published a 30-day notice in the Federal Register at 91 FR 57649. USCIS did receive comments after publishing that notice.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

DHS does not provide payments or gifts to E-Verify respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

DHS assures E-Verify users (employers) in the E-Verify TOS that it will safeguard the information they provide in E-Verify and will limit access to such information to individuals responsible for the verification process, for evaluation of E-Verify, or to such other persons or entities as may be authorized by applicable law. The E-Verify TOS Section F(3) also states, and the User understands and agrees that "Participation in E-Verify is not confidential information and may be shared as authorized or required by law or policy. A complete list of routine uses for this information is available in the DHS E-Verify System of Records Notice, which can be found at dhs.gov/privacy."

The system used to support E-Verify is operated and maintained according to DHS privacy requirements. Information about the employee to be verified including the result

of the E-Verify query (e.g., Employment Authorized, TNC, etc.) is handled in accordance with the Privacy Act of 1974. The system of records notice associated with this information collection is the

- DHS/USCIS-011 E-Verify Program, June 18, 2019, 84 FR 28326
- DHS/ALL-037 E-Authentication Records, August 11, 2014, 79 FR 46857

The associated privacy impact assessment is the E-Verify Program available on the DHS Privacy Office website <http://www.dhs.gov/privacy>. The INA and IIRIRA also provide specific privacy protections to workers who complete Form I-9 and have their data entered into E-Verify.

- DHS/USCIS/PIA-030 E-Verify Program PIA, and its most relevant subsequent updates listed below:
- DHS/USCIS/PIA-030(h) myE-Verify, which allows USCIS users to create an online account through myAccount before using certain myE-Verify features, such as Self Check, Self-Lock, and Case History. January 24, 2020
- DHS/USCIS/PIA-030(e) E-Verify Program, which covers (1) a new interconnection to the National Law Enforcement Telecommunications System (NLETS), (2) the use of the Person Centric Entity Resolution microservice, and (3) migration to a cloud-hosted environment. September 12, 2014
- DHS/USCIS/PIA – 030(d) E-Verify Program, which describes EVerify’ s collection and verification of the foreign passport country of issuance (COI) through the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program’s Arrival and Departure Information System (ADIS); July 27, 2012
- DHS/USCIS/PIA-030(b) E-Verify Self Check, covers E-Verify Self Check service, which is voluntary and available to any individual who wants to check his own work authorization status prior to employment and facilitate correction of potential errors in federal databases that provide inputs into the E-Verify process. When an individual uses the E-Verify Self Check service he will be notified that either 1) his information matched the information contained in federal databases and would be deemed work authorized, or 2) his information was not matched to information contained in federal databases which would be considered a “mismatch.” September 06, 2013
- DHS/USCIS/PIA-036 Form I-9 Employment Eligibility Verification, describes how the USCIS Verification Division manages the business process in support of the statutory requirement that employers maintain Form I-9, Employment Eligibility Verification, which is completed by their new employees. This form serves to verify employment authorization for all new employees.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons for whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total Number of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate *	Total Annual Respondent Cost
Business or other for-profit	New Users Entry (Employer Enrollment)	66,330	1	66,330	2.26	149,906	\$47.68	\$7,147,509
Business or other for-profit	New User Training	66,330	1	66,330	1	66,330	\$47.68	\$3,162,614
Business or other for-profit	Existing User Annual Training	358,670	1	358,670	0.5	179,335	\$47.68	\$8,550,693
Business or other for-profit	Terms of Service Training	119,557	1	119,557	0.55	65,756	\$47.68	\$3,135,254
Business or other for-profit	Queries/Initial Cases	235,985	55	12,979,175	0.121	1,570,480	\$47.68	\$74,880,495
Business or other for-profit	Reverification	232,900	1	232,900	0.06	13,974	\$47.68	\$666,280
Total				13,822,962		2,045,781		\$97,542,854

* The above Average Hourly Wage Rate is the [Bureau of Labor Statistics](#) average wage for All Occupations times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$47.68. The selection of "All Occupations" was chosen because respondents to this collection could be expected from any occupation.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of

cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

Capital or Start-Up Costs:

A computer, printer and internet access are required to use the E-Verify Program. While we believe that employers will already have a computer, printer, and an internet connection, there may be a very small number of companies that do not have a computer, printer, or internet connection at their hiring site. Many companies have hiring sites or multiple hiring sites that are not co-located with the company headquarters or the location where the employees perform work for the government. Each firm requiring a computer would need internet access as well.

The Estimated Average Annual Capital Cost is **\$1,887,000**. The estimated average annual capital cost is determined by multiplying the average annual estimated number of firms 2,550 x \$740 (\$400 estimated cost of a computer + \$100 estimated cost of a printer/copy/scanner/ fax machine + \$240 estimated cost of internet for a year). The estimated cost per respondent is \$1,887,000 divided by 13,822,962 respondents, which equals \$0.137 per respondent.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Text Messages sent due to collection of employee phone number: the estimated cost to the Government is less than \$10,000/year. This figure is calculated by:

- Multiplying the total estimated number of Text Messages (in FY24 there were 939,683 TNCs issued, which would require a text message + 281,527 FNCs issued, which would also require a text message) 1,221,210 x \$.007 (estimated average cost per query).

Government Cost

The estimated cost to the Government is **\$4,437,118**. This figure is calculated by:

- Multiplying the total estimated number of queries 13,822,962 x \$0.26 (estimated average cost per query), which equals \$3,593,970; plus
- Multiplying the number of people that either went to SSA to resolve their issue or called DHS to resolve their issue (note: not all employees who receive a tentative non confirmation take steps to resolve the issue) 48,865 x \$17.05 (average DHS and SSA cost per tentative non-confirmation resolution, which equals \$833,148.
- Adding in the cost for text messaging at \$10,000

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Data collection Activity/Instrument (in hours)	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
New Users Entry (Enrollment)				149,906	149,906	0
New User Training				66,330	66,330	0
Existing User Annual Training				179,335	179,335	0
Terms of Service Training				0	65,756	65,756
Queries/ Initial Cases				1,570,480	1,570,480	0
Reverification				0	13,974	13,974
Total(s)				1,966,051	2,045,781	79,730

The change in total burden is the result of the new terms of service requirements that new users will be required to review and reflected in the burden established above. There is no change in the cost burden for the respondents.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

DHS does not intend to employ the use of statistics or the publication thereof for this collection of data.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

DHS will display the expiration date of OMB approval for this information collection.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submission,” of OMB 83-I.

DHS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.