

December 1, 2013

DHS, USCIS
Office of Policy and Strategy
Chief, Regulatory Coordination Division
20 Massachusetts Avenue NW.
Washington, D.C. 20529-2140

**Re: Agency Information Collection Activities; Proposals, Submissions, and Approvals:
myE-Verify; OMB 1615-0117; Docket USCIS-2010-0014**

This comment has been respectfully prepared in regards to the recent request for comments by USCIS concerning the revision of the E-Verify program.¹ 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.² 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.³ 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.^{4,5,6} 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.

¹ *Agency Information Collection Activities; Proposals, Submissions, and Approval: myE-Verify*,

² *Id.*

³ *What is E-Verify?*, November 2013, available at <http://www.uscis.gov/e-verify/what-e-verify>

⁴ *Id.*

⁵ *10 Big Problems with E-Verify*, December 2013, available at <https://www.aclu.org/10-big-problems-e-verify>

⁶ *E-Verify's Continued Ineffectiveness*, December 2013, available at <http://www.cato.org/blog/e-verify-continued-ineffectiveness>

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.⁷ 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.⁸ 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.⁹ 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, myE-Verify 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

⁷ U.S. Government Accountability Office, *Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain*, December 2010.

⁸ *Id.* at 15

⁹ *Id.* at 16

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.

Respectfully,

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