
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**THE SOCIAL SECURITY ADMINISTRATION'S
IMPLEMENTATION OF THE E-VERIFY
PROGRAM FOR NEW HIRES**

January 2010

A-03-09-29154

AUDIT REPORT



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- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
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SOCIAL SECURITY

MEMORANDUM

Date: January 6, 2010

Refer To:

To: The Commissioner

From: Inspector General

Subject: The Social Security Administration's Implementation of the E-Verify Program for New Hires (A-03-09-29154)

OBJECTIVE

Our objective was to assess the Social Security Administration's (SSA) use of the E-Verify program for new hires.

BACKGROUND

E-Verify is a Department of Homeland Security (DHS) program that allows participating employers to determine whether newly hired employees are authorized to work in the United States.¹ SSA supports DHS in operating and administering this program. Employers must register with DHS to access E-Verify. Once registered, participating employers can electronically verify employee information taken from the *Employment Eligibility Verification* (Form I-9) against about 455 million records in SSA's Numident² and more than 80 million records in DHS' immigration databases to verify the employment eligibility of both citizen and non-citizen new hires.

The E-Verify program will provide one of the following responses stating that employment eligibility is authorized or employment eligibility is given tentative nonconfirmation (TNC).

- Employment Authorized—The data input by the employer matched the information in SSA's and DHS' databases, and the new hire is authorized to work in the United States.

¹ Authority for the E-Verify program is found in Title IV, Subtitle A, of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104-208, as amended (8 U.S.C. § 1324a note).

² The Numident is a record of identifying information (such as name, date of birth [DoB], date of death, mother's maiden name, etc.) provided by the applicant on his or her *Application for a Social Security Number* (Form SS-5) for an original Social Security number (SSN) and subsequent applications for replacement SSN cards. Each record is housed in the Numident master file.

- SSA TNC—The data input by the employer did not match information in SSA's Numident. If the employee chooses to contest, he or she has 8 Federal workdays to visit a local SSA field office to present documentation required to update or correct the Numident record.
- DHS TNC—The data input by the employer for a noncitizen did not match the information in DHS' immigration records and/or the DHS record shows the new hire is not authorized to work. If the employee chooses to contest, he or she has 8 Federal workdays to contact DHS.³

Memorandum of Understanding

Participating employers must sign an E-Verify Memorandum of Understanding (MoU) that sets forth the points of agreement between DHS, SSA, and the employer regarding the employer's participation in the E-Verify program. In addition, the MoU explains certain features of the E-Verify program and explains the specific responsibilities of DHS, SSA, and the employer. Included under the employer responsibilities are the following requirements.

- The employer agrees to initiate E-Verify procedures for new hires within 3 employer business days *after* each employee has been hired (but *after* both sections 1 and 2 of the Form I-9 have been completed)⁴ and to complete as many steps of the E-Verify process as are necessary according to the E-Verify User Manual. The employer is prohibited from initiating verification procedures before the employee has been hired and before the Form I-9 has been completed.
- The employer agrees not to use E-Verify for pre-employment screening of applicants, in support of any unlawful employment practice, or for any other use not authorized by the MoU. Employers must use E-Verify for all new hires, unless an employer is a Federal contractor that qualifies for certain exceptions set forth in the MoU.⁵
- The employer will not verify selectively and will not verify employees hired before the effective date of the MoU. The employer understands that if the employer uses E-Verify procedures for any purpose other than as authorized by the MoU, the employer may be subject to appropriate legal action and termination of its access to E-Verify pursuant to the MoU.

³ For a detailed description of the E-Verify program and some of its new enhancements, see Appendix B.

⁴ See Appendix D for a copy of the Form I-9.

⁵ As of September 8, 2009, Federal contractors were required to use E-Verify to confirm that employees assigned to Federal contracts are allowed to work legally in the United States. Executive Order 13465—Amending Executive Order 12989, as amended, June 2008, 73 FR 33285.

Office of Management and Budget

In August 2007, the Office of Management and Budget (OMB) mandated that all Federal agencies and departments begin verifying their new hires through E-Verify starting no later than October 1, 2007.⁶ According to OMB, the Government has an opportunity to lead by example by using E-Verify to confirm the employment eligibility of its workers. Further, E-Verify not only helps U.S. employers maintain a legal workforce and protect jobs for authorized U.S. workers, it improves the accuracy of wage and tax reporting. To comply with the OMB requirement, SSA registered to use E-Verify beginning in September 2007. As of April 2009, SSA had 172 registered users in SSA Headquarters and its 10 regional offices.

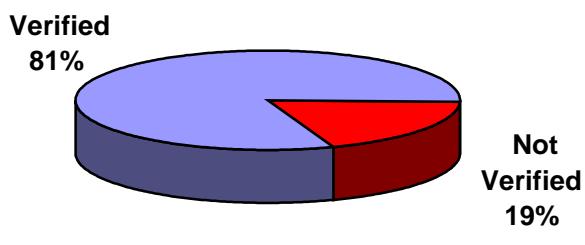
SCOPE AND METHODOLOGY

SSA's Human Resource Management Information System (HRMIS)⁷ showed that for Fiscal Year (FY) 2008 through March 31, 2009, SSA hired 9,311 new employees. To determine whether SSA verified the employment eligibility of these new hires, we obtained the E-Verify transactions SSA submitted from October 1, 2007 to April 30, 2009. See Appendix C for more details about our scope and methodology.

RESULTS OF REVIEW

SSA did not always use the E-Verify program as intended. Specifically, we found that of the 9,311 new employees hired in FYs 2008 and 2009,

Figure 1: Verification of SSA New Hires



- E-Verify was not used to confirm the employment eligibility of 1,767 (19 percent) new hires; 44 of these new hires would have received an SSA TNC response or been referred to DHS had SSA verified them through E-Verify, and
- E-Verify was used to confirm the employment eligibility of 7,544 (81 percent) new hires.

⁶ OMB Memorandum M-07-21, *Verifying the Employment Eligibility of Federal Employees*, August 10, 2007.

⁷ HRMIS is an electronic personnel database that contains information regarding SSA employees and their employment history. It contains information on employees, positions, training, and awards.

In addition, we determined that SSA did not always comply with the requirements of the E-Verify MoU. Specifically, we found that SSA had verified the employment eligibility of 26 existing employees because they had applied for new positions in the Agency. In addition, SSA erroneously verified the employment eligibility of 31 volunteers who were not considered Federal employees for any purpose. Furthermore, we found SSA had verified the employment eligibility of at least 18 external candidates who had applied for jobs at SSA but were not hired. Thus, it appeared the Agency used E-Verify procedures for verifying these individuals prior to their hire date, which is prohibited.

Finally, while SSA verified the employment eligibility of 7,544 new hires, we found that about 3,658 (49 percent) did not appear to be verified timely. The E-Verify MoU requires that employers verify new hires within 3 business days from their date of hire. In analyzing the timeliness of the verifications, we used 7 calendar days (5 business days) as a benchmark to account for the mailing of the Form I-9. Based on the 7 calendar days, we determined that 25 percent of the new hires was verified from 1 to 202 days before the date of hire,⁸ and 24 percent was verified from 8 to 522 days after the date of hire (see Table 1 below).

Table 1: Number of Days Verified Through E-Verify Program

Range of Days Verified	Number of Records	Percent
Verified Before Hire Date		
31 to 202	84	1
9 to 30	1,050	14
1 to 8	740	10
Total	1,874	25
Verified on Time		
0 to 7	3,886	51
Verified After Hire Date		
8 to 30	1,308	17
31 to 100	361	5
101 to 522	115	2
Total	1,784	24
Grand Total	7,544	100

NEW HIRES VERIFIED USING E-VERIFY

Of the 9,311 employees hired in FYs 2008 and 2009, our review of E-Verify records showed SSA verified the employment eligibility of 7,544 (81 percent). The E-Verify program provided an immediate “employment authorized” response for 7,537 of the 7,544 new hires, indicating they were authorized to work in the United States. SSA initially received an SSA TNC response for the remaining seven new hires because the information entered by the employer did not match SSA’s Numident. We determined that five of the seven new hires had a name change but failed to notify SSA. As of

⁸ To assess the timeliness of the verifications, we used the employee’s date of entry because this was the first day that SSA staff would have reviewed and completed the Form I-9.

June 2009, the five new hires had resolved their SSA TNCs. One new hire received an SSA TNC response because it appeared the Numident record included an incorrect spelling of her last name. As of June 2009, the Numident had not been updated, and the SSA TNC had not been resolved. Finally, one new hire received an SSA TNC because her citizenship status showed she was not eligible to work. According to SSA staff, this individual failed to provide the proper work authorization documentation and was terminated in June 2008.

NEW HIRES NOT VERIFIED USING E-VERIFY

SSA did not use E-Verify to confirm the employment eligibility for 1,767 (19 percent) of the 9,311 new hires.⁹ According to the E-Verify MoU, an employer must use E-Verify for all new hires and should not verify selectively. Among the 1,767 new hires, were 1,172 new hires who did not have prior Federal employment, 541 new hires who previously worked for the Government, and 54 new hires who transferred from other Federal agencies with no break in Federal employment. According to SSA staff, transferees who have no break in Federal employment are not required to be verified through E-Verify. SSA relies on the former agency's favorable suitability determination for transferees to determine their eligibility to work, which is permitted in Executive Order 13488.¹⁰ According to SSA staff, the reciprocal recognition for transferees can eliminate the need for SSA to use E-Verify because the employee's employment eligibility should have been confirmed by the former agency. Furthermore, SSA staff stated that, although E-Verify is the Agency's primary resource for identity and work authorization of all new hires, the Agency can also verify work authorization by obtaining an Office of Personnel Management (OPM) background investigation and/or viewing the employee's Numident record.

We reviewed the Numident for the 1,767 new hires to confirm their eligibility to work in the United States. Our review revealed the following.

⁹ SSA hired the 1,767 new employees to fill 162 different positions in the Agency. The top five positions filled were Student Interns, Service Representatives, Claims Representatives, Benefit Authorizers, and Benefit Technical Examiners.

¹⁰ When agencies determine individuals' fitness to perform work as employees in the excepted service or as contractor employees, prior favorable fitness or suitability determinations should be granted reciprocal recognition, to the extent practicable. Agencies making fitness determinations shall grant reciprocal recognition to a prior favorable fitness or suitability determination when (i) the gaining agency uses criteria for making fitness determinations equivalent to suitability standards established by OPM; (ii) the prior favorable fitness or suitability determination was based on criteria equivalent to suitability standards established by OPM; and (iii) the individual has had no break in employment since the favorable determination was made. Executive Order 13488, *Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust*, January 2009, 74 FR 4111.

- For 1,723 new hires, the reported names, SSNs, and DoBs matched the Numident, and the new hires' citizenship status indicated they were eligible to work in the United States.¹¹ These new hires would have received an employment-authorized response had SSA used E-Verify to confirm their employment eligibility.
- For 39 new hires, the names, SSNs, and DoBs in HRMIS matched the Numident, but their citizenship status indicated they may not have been eligible to work in the United States.¹² It is possible these employees were eligible to work but had failed to report changes to their work authorization status to SSA after being issued their SSNs.¹³ They were assigned SSNs from 1963 to 2004 that indicated they were not eligible to work or were foreign-born individuals whose work authorization status was unknown. Had SSA used E-Verify to confirm their employment eligibility, either the Agency would have received an SSA TNC response or the case would have been referred to DHS to determine their eligibility to work. In addition, we found that 10 of the 39 new hires were transferees or former SSA employees. According to SSA staff, while E-Verify cannot be used to verify transferees, SSA has other processes to determine whether transferees are eligible to work. For example, as part of the process for issuing identification badges to employees as required by Homeland Security Presidential Directive (HSPD) 12,¹⁴ SSA reviews the Numident for all employees, including transferees, to verify their identity and eligibility to work.
- For three new hires, the last names in HRMIS did not match the Numident. It is possible either the new hires failed to notify SSA of a name change or SSA was notified but failed to update its records with the name change. These new hires would have received an SSA TNC response from E-Verify indicating their SSNs did not match SSA's Numident.

¹¹ For 16 new hires, the DoB did not match exactly. However, the DoB tolerances used by E-Verify would have resulted in a match response for these 16 new hires.

¹² For two new hires, the DoB did not match exactly, but the DoB tolerances used by E-Verify would have provided a match response. These two new hires would have received a no-match response based on their citizenship status.

¹³ We did not contact DHS to confirm the employment eligibility for the 39 employees. We relied on the information included in SSA's Numident file. Thus, their citizenship status may have changed since SSA assigned their SSNs.

¹⁴ OMB Memorandum M-05-24, *Implementation of HSPD 12- Policy for a Common Identification Standard for Federal Employees and Contractors*, August 5, 2005. HSPD-12 directs the implementation of a new standardized badging process, which is designed to enhance security, reduce identity fraud, and protect the personal privacy of those issued government identification. HSPD 12 requires that Federal agencies conduct background investigation, including Federal Bureau of Investigation fingerprint check for their employees. In addition, Federal employees must provide two forms of identification, one of which must include a photograph.

- For one new hire, the SSN in HRMIS was not assigned to the new hire. It is possible the incorrect SSN entered into HRMIS was the result of a transposition error on behalf of the Agency. We determined the employee's correct SSN was similar to the incorrect SSN entered into SSA's database. This employee would have received an SSA TNC response from E-Verify indicating that her SSN did not match SSA's Numident.
- For one new hire, the reported DoB in SSA's HRMIS did not match SSA's Numident. Our review showed there was a 10-year difference in the reported DoB and the DoB shown on the Numident. The DoB in HRMIS was January 7, 1975, while the DoB on the Numident was January 7, 1985. We discussed this case with SSA staff and they believe the disparity in the DoB occurred because of a typographical error. However, this error would have been discovered had the Agency used the E-Verify program.

VERIFICATION OF NON-SSA EMPLOYEES

We found SSA had verified the employment eligibility of 169 individuals who did not appear to be current SSA employees. These individuals were not included in SSA's human resources records nor did they have SSA wages posted to their earnings records.

A detailed review for 50 of the 169 individuals revealed the following.

- 31 individuals were SSA volunteers. Regional staff stated they occasionally use volunteers to assist with various SSA workloads. SSA accepts voluntary services from participants in student internship programs and certain federally funded vocational rehabilitation and/or training programs. The volunteers are not considered Federal employees for any purpose. However, they may perform SSA work, including duties that require limited access to sensitive information. As such, they are required to undergo the same personnel security and suitability screenings as employees who perform the same or similar duties. Our review showed that several regional offices erroneously used E-Verify to confirm the volunteers' identity and work eligibility status. According to the E-Verify MoU, E-Verify should be used to verify the work eligibility of employees. We believe SSA needs to provide clear guidance to staff reminding them that E-Verify should not be used to verify the work eligibility of volunteers because they are not Federal employees.
- 18 individuals were potential candidates for employment, but SSA did not hire them. As stated previously, the E-Verify program should only be used to verify new hires and cannot be used for any pre-employment screening of job applicants. Therefore, SSA should not have used E-Verify to determine their employment eligibility. SSA needs to remind personnel staff of the E-Verify requirements for verifying new hires.

- 1 individual was an SSA employee whose SSN was transposed. SSA discovered the mistake and resubmitted her information through E-Verify to confirm her eligibility to work.

VERIFICATION OF CURRENT SSA EMPLOYEES

Our review determined that in FYs 2008 and 2009, SSA verified the employment eligibility of 26 current SSA employees who had applied for new positions in the Agency. SSA's HRMIS showed these employees were hired from August 1975 to August 2007. The E-Verify program prohibits an employer from verifying the employment eligibility of its current workforce. According to the MoU, an employer must not verify employees who were hired before the effective date of the MoU. The effective date of SSA's MoU was September 2007. According to SSA staff, the 26 existing employees were verified because they were appointed to new positions in the Agency. We believe SSA needs to provide guidance to staff that clarifies when it is appropriate to verify a new employee to help ensure the Agency is adhering to the E-Verify MoU. The guidance should clearly define who is considered a new hire or an existing employee for the purpose of verification.

TIMELINESS OF VERIFICATIONS

Although SSA verified the employment eligibility of 3,886 (51 percent) of the 7,544 new hires within 7 calendar days, we determined the remaining 3,658 (49 percent) new hires were verified either before they were hired or at least 8 calendar days after they were hired, which is prohibited by the E-Verify MoU (see Table 1).¹⁵ The MoU requires that employers verify new hires within 3 business days after they are hired. In analyzing the timeliness of verifications, we allowed 7 calendar days (5 business days) as a benchmark to account for SSA's Servicing Personnel Offices receiving the Form I-9 from the hiring offices. Among the 3,658 new hires, we found the following.

- 1,874 (25 percent) new hires were verified 1 to 202 days before their date of hire, with a median of 10 days. For example, SSA verified a new employee on December 3, 2007, and HRMIS showed the employee was hired on June 22, 2008. Therefore, SSA verified the employee about 202 days before her date of hire. We contacted regional staff and determined this occurred because the individual was brought on as a volunteer in December 2007 and verified through the E-Verify program at that time. The individual was not classified as an SSA employee until June 2008 when she was hired as a student intern under the Student Temporary Employment Program. In another example, SSA verified an employee on April 14, 2008, and HRMIS showed the employee was not hired until July 20, 2008. Therefore, SSA verified the employee about 97 days before his hire date. We discussed this case with SSA staff and learned the individual had initially accepted SSA's job offer, completed section 1 of the Form I-9, mailed the Form to SSA, and

¹⁵ To assess the timeliness of the verifications, we used the employee's date of entry because this was the first day that SSA staff would have reviewed and completed the Form I-9.

was verified through the E-Verify program at that time. However, the individual subsequently declined the job offer and never reported for duty. This individual later applied and was hired for another position at SSA on July 20, 2008. The E-Verify MoU prohibits an employer from initiating verification procedures before an employee has been hired and both sections of the Form I-9 have been completed. According to the Form I-9, the employee must complete section 1 at the time of employment, and the employer must complete section 2 after they have examined the evidence of identity and employment authorization.¹⁶ Verifying an employee before his date of hire could be perceived as pre-screening, which is prohibited by the MoU.¹⁷

- 1,784 (24 percent) new hires were verified 8 to 522 days after their date of hire, with a median of 17 days. For example, SSA verified an employee on April 16, 2009, but HRMIS showed the employee's date of hire was November 11, 2007 indicating SSA had verified the employee about 522 days after her date of hire. According to SSA staff, the Agency did not always meet the 3-day requirement because of the volume of new hires who had to be entered into E-verify. In addition, the Agency had other competing priorities (for example, conducting background checks and processing payroll transactions) that delayed verifying the new hires.

CONCLUSION AND RECOMMENDATIONS

In FYs 2008 and 2009, SSA (1) did not verify the employment eligibility for about 19 percent of its new hires; (2) did not verify about 49 percent of new hires within 7 calendar days after the new hires' date of hire; and (3) verified the employment eligibility of 26 existing SSA employees, 31 volunteers, and at least 18 job candidates, which was not in accordance with the E-Verify MoU.

We believe by not using E-Verify to confirm the employment eligibility of all its new hires, SSA increases the risk of hiring individuals who are not eligible to work in the United States. Further, we believe SSA needs to set an example for Federal agencies when using E-Verify by making sure all new hires are verified to help maintain a legal workforce, and improve the accuracy of wage and tax reporting. In addition, the Agency needs to ensure it complies with all the E-Verify requirements related to existing employees and job candidates.

¹⁶ An example of the Form I-9 is included in Appendix D.

¹⁷ It should be noted that in July 2009, DHS changed its timeframe rules for verifying the employment eligibility of new hires. Per DHS, the earliest an employer may initiate a query is after an individual accepts an offer of employment and both the employee and employer have completed the Form I-9. In addition, the employer must initiate the query no later than the end of 3 business days after the new hire's actual start date.

Accordingly, we recommend SSA:

1. Ensure the 1,713 new hires discussed in the report are verified through the E-Verify program to confirm their employment eligibility and ensure that SSA has complied with the E-Verify MoU.
2. Establish guidance that reminds staff to follow the E-Verify MoU regarding (1) verifying “all new hires,” (2) conducting verification queries within 3 business days after a new employee has reported for duty and both sections of the Form I-9 have been completed, and (3) prohibiting the verification of existing SSA employees and job candidates.
3. Provide written guidance to staff reminding them that E-Verify should not be used to verify the work eligibility of volunteers.
4. Resolve the SSA TNC response and update the Numident record for the one individual whose last name was misspelled on the Numident.

AGENCY COMMENTS

SSA agreed with our recommendations. The full text of the Agency's comments is included in Appendix E.



Patrick P. O'Carroll, Jr.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Description of the E-Verify Program

APPENDIX C – Scope and Methodology

APPENDIX D – Employment Eligibility Verification (Form I-9)

APPENDIX E – Agency Comments

APPENDIX F – OIG Contacts and Staff Acknowledgments

Appendix A

Acronyms

DHS	Department of Homeland Security
DMV	Department of Motor Vehicles
DoB	Date of Birth
FR	Federal Register
FY	Fiscal Year
HRMIS	Human Resource Management Information System
HSPD	Homeland Security Presidential Directive
MoU	Memorandum of Understanding
OMB	Office of Management and Budget
OPM	Office of Personnel Management
Pub. L. No.	Public Law Number
SEVIS	Student and Exchange Visitors Information System
SSA	Social Security Administration
SSN	Social Security Number
TNC	Tentative Nonconfirmation
U.S.C.	United States Code

Forms

Form I-9	Employment Eligibility Verification
Form SS-5	Application for a Social Security Number

Description of the E-Verify Program

E-Verify, formerly known as the Basic Pilot/Employment Eligibility Verification, is a Department of Homeland Security (DHS) program whereby participating employers verify whether newly hired employees are authorized to work in the United States.¹ The Social Security Administration (SSA) supports DHS in operating this program.

Employers must register with DHS to access E-Verify. Participating employers input information about the new hire, including his/her name, date of birth (DoB), and Social Security number (SSN), as well as whether the new hire claims to be a U.S. citizen or work-authorized noncitizen (for noncitizens, the DHS-issued alien or admission number is also entered) into the E-Verify program.

The information the employer submits via E-Verify is sent to SSA to verify the name, SSN, and DoB against SSA's Numident² records. SSA also provides DHS an indication of U.S. citizenship, as recorded in SSA's records. DHS confirms the current employment-authorization for non-citizens. The E-Verify program will provide one of the following responses stating that employment eligibility is authorized or employment eligibility is given tentative nonconfirmation (TNC).

- Employment Authorized—The data input by the employer matched the information in SSA's and DHS' databases, and the new hire is authorized to work in the United States.
- SSA TNC—The data input by the employer did not match information in SSA's Numident. If the employee chooses to contest, he or she has 8 Federal workdays to visit a local SSA field office to present documentation required to update or correct the Numident record.
- DHS TNC—The data input by the employer for a noncitizen did not match the information in DHS' immigration records and/or the DHS record shows the new hire is not authorized to work. If the employee chooses to contest, he or she has 8 Federal workdays to contact DHS.

¹ Authority for the E-Verify program is found in Title IV, Subtitle A, of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104-208, as amended (8 U.S.C. § 1324a note).

² The Numident is a record of identifying information (such as, name, DoB, date of death, mother's maiden name, etc.) provided by the applicant on his or her *Application for a Social Security Number* (Form SS-5) for an original SSN and subsequent applications for replacement SSN cards. Each record is housed in the Numident Master File.

As of the end of Fiscal Year 2009, about 156,000 employers, representing about 605,000 locations, were enrolled to use E-Verify. These employers submitted approximately 8.5 million queries during this period.

NEW ENHANCEMENTS TO E-VERIFY

According to DHS officials,³ DHS, in cooperation with SSA, has made several enhancements to E-Verify to improve accuracy rates, ensure E-Verify is fast and easy to use, and ensure efficient and effective verification. Some of the enhancements are discussed below.

Past Program Enhancements

- In September 2007, DHS instituted an automatic flag notice that allows employers to double check the data they entered into the system for those queries that are about to result in a mismatch. The change was to help reduce the number of mismatches that occur because of data entry errors.
- In May 2008, the E-Verify program added the Integrated Border Inspection System that provides real-time arrival and departure information for non-citizens to its databases to prevent mismatches that previously resulted from delays in data entry for persons entering the United States through ports of entry.
- In February 2009, DHS began incorporating passport data into E-Verify to help verify citizenship status information in the event of a mismatch with SSA for citizens who present a United States passport during the Form I-9 process.

Future Program Enhancements

DHS plans to make the following enhancements in FY 2010.

- Incorporate the Student and Exchange Visitors Information System (SEVIS) data into E-Verify to improve E-Verify's ability to automatically verify international students and exchange visitors. By incorporating SEVIS nonimmigrant student visa data into the automatic initial E-Verify check, the number of students and exchange visitors who receive initial mismatches and then have to contest the initial result is expected to reduce.

³ *Interior Enforcement of Immigration Laws: Eliminating Employer Demand for Illegal Immigrants as part of Comprehensive Immigration Reform*, Testimony of Gerri Ratliff, Deputy Associate Director of the National Security and Records Verification Directorate, United States Citizenship and Immigration Services, DHS, before the Senate Committee on the Judiciary Subcommittee on Immigration, Refugee and Border Security, July 21, 2009.

- Expand the types of documents available to the E-Verify system to provide photograph confirmation. Currently, only DHS-issued identity documents are displayed in the photograph tool, but DHS is seeking to expand the types of photographs available in this functionality. This would prevent one possible avenue of identity theft currently used to “game” the system.
- Initiate a State-based Department of Motor Vehicles (DMV) data exchange that would incorporate driver’s license photographs into the photograph tool. This would represent a significant enhancement to the system since new hires most often present a driver’s license for Form I-9 purposes. To date, no State has agreed to add its driver’s license data to the photograph tool. As a first step, DHS plans to add a function to the system that will allow employers to query by driver’s license number. This will confirm the driver’s license number provided by the individual on the Form I-9 and his or her name match in the state DMV’s driver’s license system. This functionality would be available to any state that chooses to participate.
- Enable individuals to choose to “lock” and “unlock” SSNs for E-Verify purposes.⁴ DHS is aware that identity fraud is a serious concern in the United States and is especially concerned with how this practice affects E-Verify and thus the new enhancement should help detect and determine fraud.
- Examine the best ways to validate the legitimacy of employers using the system, the individual registrants applying to use the system, and those using the system after the enrollment phase. Improving the registration portion of the E-Verify program will help ensure that E-Verify has accurate and complete information on those employers using the program.

⁴ Under the DHS proposal, numberholders who have been victims of identity theft would have the option of contacting DHS and requesting their SSN be “locked” within the E-Verify program.

Scope and Methodology

To accomplish our objective, we:

- Reviewed applicable Federal laws, Social Security Administration (SSA) policies and procedures, and the E-Verify User Manual related to the E-Verify program.
- Reviewed the Memorandum of Understanding (MoU) between the Department of Homeland Security (DHS) and the employer that enumerates the specific responsibilities of DHS, SSA, and the employer with respect to the E-Verify program.
- Obtained and reviewed a data extract from SSA's Human Resource Management Information System of 9,311 SSA employees hired from Fiscal Year 2008 through March 31, 2009.
- Obtained and reviewed a data extract of approximately 141,000 former and current SSA employees who were included in the Mainframe Time and Attendance System as of January 2009.
- Obtained and reviewed a data extract of approximately 8,600 SSA employees who were verified through the E-Verify program between October 1, 2007 and April 30, 2009.
- Reviewed the Numident File for the 1,767 new hires who were not verified through E-Verify to confirm the identity and eligibility to work.
- Held discussions with regional staff to determine why new hires were not always verified, existing employees were verified, and new hires were not verified timely.

We found data used for this audit were sufficiently reliable to meet our audit objectives. The entity responsible for the maintenance of the E-Verify program is the Office of Personnel under the Deputy Commissioner for Human Resources. Our work was conducted at the Philadelphia Audit Division, Philadelphia, Pennsylvania, between May and August 2009. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix D

Employment Eligibility Verification (Form I-9)

OMB No. 1615-0047; Expires 06/30/09

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year) <input type="button" value="▼"/>
City	State	Zip Code	Social Security #
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.	I attest, under penalty of perjury, that I am (check one of the following): <input type="checkbox"/> A citizen of the United States <input type="checkbox"/> A noncitizen national of the United States (see instructions) <input type="checkbox"/> A lawful permanent resident (Alien #) _____ <input type="checkbox"/> An alien authorized to work (Alien # or Admission #) _____ until (expiration date, if applicable - month/day/year) <input type="button" value="▼"/>		
Employee's Signature	Date (month/day/year) <input type="button" value="▼"/>		

Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year) <input type="button" value="▼"/>	

Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____ <input type="button" value="▼"/>		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____ <input type="button" value="▼"/>		_____		_____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year) <input type="button" value="▼"/>

Section 3. Updating and Reverification (To be completed and signed by employer.)

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable) <input type="button" value="▼"/>
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization. Document Title: _____ Document #: _____ Expiration Date (if any): _____ <input type="button" value="▼"/>	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.	
Signature of Employer or Authorized Representative <input type="button" value="▼"/> Date (month/day/year)	

Appendix E

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: December 30, 2009 **Refer To:** S1J-3

To: Patrick P. O'Carroll, Jr.
Inspector General

From: Margaret J. Tittel */s/*
Acting Chief of Staff

Subject: Office of the Inspector General (OIG) Draft Report, "The Social Security Administration's Implementation of the E-Verify Program for New Hires" (A-03-09-29154)--INFORMATION

Thank you for the opportunity to review and comment on the draft report. We appreciate OIG's efforts in conducting this review. Attached is our response to the report recommendations.

Please let me know if we can be of further assistance. Please direct staff inquiries to Candace Skurnik, Director, Audit Management and Liaison Staff, at (410) 965-4636.

Attachment

COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT, “THE SOCIAL SECURITY ADMINISTRATION’S IMPLEMENTATION OF THE E-VERIFY PROGRAM FOR NEW HIRES” (A-03-09-29154)

We reviewed the draft report and our responses to the specific recommendations are below.

Recommendation 1

Ensure the 1,713 new hires discussed in the report are verified through the E-Verify program to confirm their employment eligibility, and ensure that we have complied with the E-Verify policy.

Comment

We agree that we should verify new hires through E-Verify. In reviewing the 1,713 names OIG identified, we found a number of employees who did not meet the E-Verify criteria. We would like to work with OIG to determine which of the employees it identified meet the E-Verify criteria.

Recommendation 2

Establish guidance that reminds staff to follow E-Verify policy regarding: 1) verifying “all new hires;” 2) conducting verification queries within 3 business days after a new employee has reported for duty and both sections of the Form I-9 have been completed; and 3) prohibiting the verification of existing SSA employees and job candidates.

Comment

We agree. We recently held a meeting with our regions to discuss the E-Verify policy and related instructions. In addition, we are developing guidance to assist staff in following the E-Verify policy and related instructions. We plan to release the guidance by the end of March 2010.

Recommendation 3

Provide written guidance to staff reminding them that E-Verify should not be used to verify the work eligibility of volunteers.

Comment

We agree. We are developing guidance to assist staff in following the E-Verify policy and related instructions. We plan to release the guidance by the end of March 2010.

Recommendation 4

Resolve the SSA Tentative Non-confirmation response and update the Numident record for the one individual whose last name was misspelled on the Numident.

Comment

We agree. We will take the necessary actions to resolve the Tentative Non-confirmation and update the Numident.

Appendix F

OIG Contacts and Staff Acknowledgments

OIG Contacts

Cylinda McCloud-Keal, Director, Philadelphia Audit Division

Acknowledgments

In addition to those named above:

Frank Trzaska, Senior Auditor

Richard Devers, IT Specialist

For additional copies of this report, please visit our web site at
www.socialsecurity.gov/oig or contact the Office of the Inspector General's Public Affairs Staff Assistant at (410) 965-4518. Refer to Common Identification Number A-03-09-29154.

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