Immigration Task Force

ISSUE BRIEF:

USCIS Updates E-Verify Accuracy Statistics

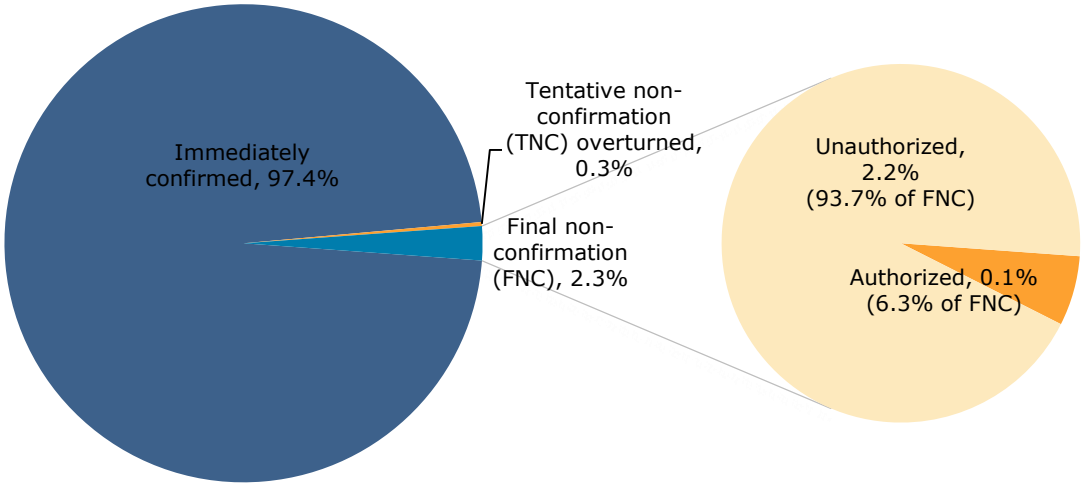
JULY 2013

On July 18, 2013, the U.S. Citizenship and Immigration Services (USCIS) released a new E-Verify program evaluation from its external evaluator, Westat. The new report contains two measures of E-Verify's accuracy: a new measure called the final non-confirmation (FNC) accuracy rate and an existing measure called the erroneous tentative non-confirmation rate (TNC).

To check an employee's work-authorization status, E-Verify compares data from form I-9 to Social Security Administration (SSA) and Department of Homeland Security (DHS) databases. Employers electronically submit the employee's Social Security Number (SSN), name, date of birth, citizenship or immigration status, and if applicable, alien number (A-number) or I-94 number. Workers who initially appear unauthorized receive a TNC, which they may appeal. If the appeal is rejected, or no appeal is filed, the worker receives an FNC. In FY2012, nearly 99 percent of those checked through the system were immediately confirmed.

FNC accuracy. E-Verify issued a FNC to 2.3 percent of workers in FY2009. Westat estimated that, in FY2009, 93.7 percent of the workers who received an FNC through E-Verify were, in fact, not authorized to work (Figure 1). The remaining 6.3 percent of FNC recipients were work-authorized. This means that, overall, about 0.15 percent of FY2009 cases involved authorized workers who wrongly received an FNC.

Figure 1. FNC accuracy rate and FNCs as a share of all E-Verify cases, FY2009.



Source: GAO (blue chart), Westat (orange chart).

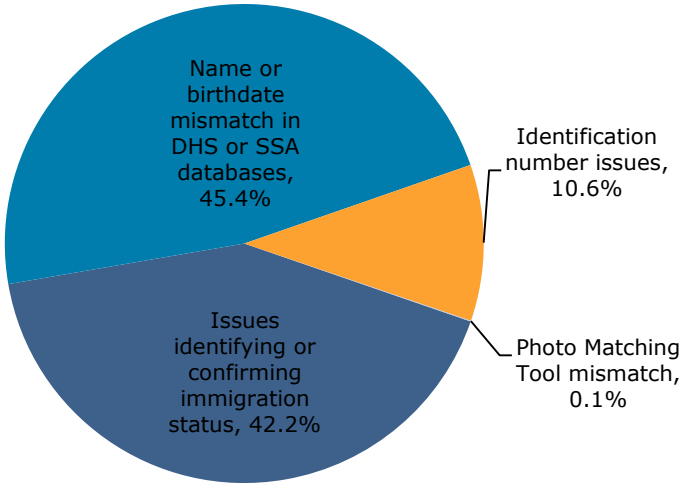
Note: GAO reported 190,165 FNCs for FY2009 and Westat reported 189,000. Both reported 8.2 million total cases.

A large majority of erroneous FNCs could have been avoided if employers more consistently notified employees of TNCs, as they are required to. In FY2009, employer notification was the only way for employees to learn of a TNC. This meant that, if an employer failed to notify employees, the employee would not have an opportunity to appeal the TNC and would subsequently be issued an FNC. Westat's evaluation team estimated that, "if all employment-authorized workers were informed of their TNCs and how to contest them, … the FNC accuracy rate in FY 2009 would have been 99 percent instead of 94 percent." In both 2011 and 2012, more than 80 percent of TNCs went uncontested.

Critics of E-Verify frequently raise the issue of employer failure to notify employees. Since FY2009, DHS has responded to this legitimate criticism by adding two new features. In 2011, it introduced E-Verify Self Check, which enables individuals to check their own employment status in both English and Spanish, and in July 2013, it added a capability to directly notify employees of TNCs via e-mail.

When employees are notified of their TNCs, they can address the most common source of the errors: data accuracy. Westat found that "database accuracy is clearly key to the overall accuracy of E-Verify" and issued several recommendations in this area. The evaluation's Appendix D breaks the FNC accuracy rate into 20 categories. Figure 2 below consolidates these errors into four categories.[1] In total, 99.95 percent of wrongful rejections were due to name or birth date mismatches, issues identifying or confirming immigration status, or a failure to match the individual to an I-94 number, Alien number, or SSN.

Figure 2. Sources of FNC inaccuracy (consolidated categories), FY2009



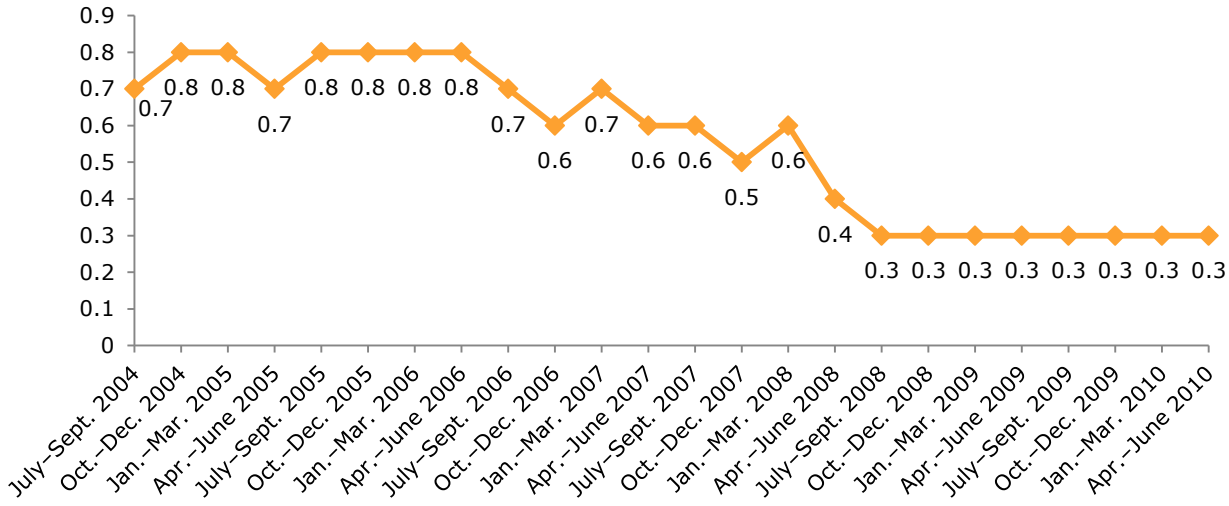
Source: Westat.

The FNC accuracy rate should not be confused with, and cannot be compared to, the inaccuracy rates that Westat calculated in its December 2009 program evaluation. The December 2009 evaluation estimated the percentage of authorized workers who were rejected (fewer than 1 percent), the percent of unauthorized workers who were not rejected (54 percent), and an overall inaccuracy rate (4.1 percent). By contrast, the FNC accuracy rate only applies to individuals who E-Verify rejected and says nothing about accuracy for workers who E-Verify confirmed. (Click here for BPC's analysis of the December 2009 evaluation.)

Erroneous TNCs. The erroneous TNC rate is the "percentage of workers found to be employment authorized who initially received a TNC." In other words, it is the share of workers that E-Verify initially rejects, but ultimately confirms. Like the FNC accuracy rate, the erroneous TNC rate only concerns workers who are rejected and leaves out workers who are wrongly approved. Unlike the FNC accuracy rate, it does not include workers who are never informed of their TNC and thus fail to contest it.

In April–June 2010, the erroneous TNC rate was 0.3 percent, where it has remained since July–September 2008 (Figure 3). This represents a drop of more than half since the last round of comprehensive immigration reform proposals in 2005–2007.

Figure 3. Erroneous TNC rate, 2004–2010



Although the recent evaluation notes that the measure is comparable to figures released in earlier evaluations, it should be noted that, for every overlapping month, Figure 3's numbers are 0.1 or 0.2 percent higher than the numbers presented in December 2009 (summarized in Table 2 here). Westat's report suggests that this was due to improvements to its data-cleaning procedures (see page 14 here).

Conclusions. E-Verify immediately confirms almost everyone it is supposed to, and in FY2009, about 93.7 percent of its rejections were accurate. Among the 6.3 percent of rejections that were erroneous—representing about 0.15 percent of cases that went through the system—a large share were due to database errors. The bulk of these erroneous rejections could have been avoided if employers did a better job of notifying workers of TNCs, enabling these employees to correct database errors.

Erroneous TNC rates fell by more than half between the 2004–2007 and 2008–2010 periods, suggesting that E-Verify significantly improved during that time. However, neither the erroneous TNC rate nor the FNC accuracy rate shed light on the accuracy of work authorizations—only the accuracy of rejections. In the 2009 evaluation, Westat found that erroneous approvals of unauthorized workers were E-Verify's largest source of error.

Although E-Verify's accuracy rates appear high to some observers, the workers and employers affected by its errors still experience considerable inconvenience. Even though just 0.15 percent of FY2009 cases were wrongful rejections, there were about 155.8 million people in the labor force in July 2013. If FY2009's accuracy numbers still held today and the entire labor force were run through E-Verify, this error rate suggests that about 226,000 authorized workers would be wrongfully rejected.[2]

Because the data stop in 2010, the new figures cannot tell us whether or how significantly Self Check and e-mail notifications have cut into E-Verify errors. However, it is clear that in any mandatory implementation of an employment verification system, Congress and

executive agencies should pay careful attention to data accuracy and employee notification of TNCs. Fortunately, Westat's evaluation contains a litany of recommendations that, if implemented, appear equipped to help remedy these problems.

Endnotes

[1] Explanation of categories in Figure 2. *"Issues identifying or confirming immigration status" contains*: Attested citizenship status not confirmed; DHS records show worker is a U.S. citizen; Unclear immigration status: student; Unclear immigration status: cultural exchange visitor; Unknown immigration status (Image Storage and Retrieval System *ISRS* case); Employment-authorization expired; Immigration status indicates worker is not employment-authorized. *"Name or birthdate mismatch in DHS or SSA databases" contains*: Name-only mismatch; DOB-only mismatch; DOB and name mismatch; Name-only problems, total; DOB-only problems, total; DOB and name problems, total; Employer referred case for further review after receiving a response of employment-authorized (presumably based on name). *"Identification Number Issues" contains*: SSN mismatch; I-94 number not found; A-number not found; Multiple numbers not found.

[2] Labor force size and error rate were not rounded for this calculation—a calculation using the rounded figures would yield about 234,000.