




U.S. Immigration
and Customs
Enforcement

MAY 21 2008

MEMORANDUM FOR: Assistant Directors
Special Agents in Charge
Deputy Assistant Directors

FROM: Marcy M. Forman
Director *For* 

SUBJECT: Request for E-Verify Records from USCIS

E-Verify (formerly known as the Basic Pilot/Employment Eligibility Verification Program) is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS), in partnership with the Social Security Administration (SSA), that allows participating employers to electronically verify the employment eligibility of their newly hired employees. The data contained in E-Verify has proven useful in many investigations, especially those in which it is suspected that employees are using fraudulent documents to obtain employment.

E-Verify is a voluntary program (with very limited exceptions) and is currently free to employers. E-Verify is currently the best means available for employers to verify electronically the employment eligibility of newly hired employees. USCIS believes that E-Verify virtually eliminates Social Security "No Match" letters, improves the accuracy of wage and tax reporting, protects jobs for authorized U.S. workers, and helps U.S. employers maintain a legal workforce.

E-Verify records are maintained by the USCIS Verification Division. The USCIS Verification Division provides ICE with E-Verify records when requested, in connection with ongoing administrative and/or criminal investigations pursuant to ICE's authority, as long as the investigation involves potential violations of law relating, entirely or in part, to the integrity or operation of E-Verify. This includes, but is not limited to, document fraud committed by E-Verify employers or their employees, employment of unlawful aliens by an E-Verify employer, failure by an E-Verify employer to use the E-Verify program for lawful purposes or in a lawful manner to verify work authorization, and deliberate misuse of the E-Verify program to circumvent immigration laws.

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As such, USCIS assumes that any request by ICE for E-Verify information relates to an investigation that involves the E-Verify program. If ICE requests E-Verify information for another purpose, ICE shall inform USCIS, and USCIS will consider the request and respond as appropriate pursuant to law and policy.

E-Verify records available pursuant to an investigation include the following:

- Confirmation of an employer as an E-Verify participant, and the date on which participation commenced;
- The name, title, address and telephone number of the employer representative(s) authorized to perform employment verification queries;
- The following employment verification information for newly hired employees, as provided on Sections 1 and 2 of Form I-9:
 - Employee's name and date of birth;
 - Social Security Number (SSN);
 - Citizenship status he or she attested to;
 - An Alien Registration Number or I-94 number, if applicable;
 - Type of document provided on the Form I-9 to establish work authorization status; and
 - Proof of identity and its expiration date, if applicable.

Pursuant to an agreement between ICE and USCIS, all requests for E-Verify records should be made by the Headquarters Worksite Enforcement Unit (WSE). Requests should be sent, via email, to WSE National Program Manager (b)(6); (b)(7)(c) t maris (b)(6); (b)(7)(c)@dhs.gov. All requests will be recorded for reporting purposes and forwarded to the USCIS Verification Division. WSE will also be responsible for ensuring that all information received from the USCIS Verification Division is provided to the requesting offices in a timely manner.

Any questions regarding this procedure or E-Verify should be directed to WSE National Program Manager (b)(6); (b)(7)(c) at (202) 514- (b)(6); (b)(7)(c) or (b)(6); (b)(7)(c) z@dhs.gov.