



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 10, 2007

THE DIRECTOR

M-07-21

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: Stephen S. McMillin
Acting Director

SUBJECT: Verifying the Employment Eligibility of Federal Employees

The ability to verify the employment eligibility of our nation's workforce is key to enforcing our immigration laws. An existing program operated by U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), in coordination with the Social Security Administration, provides U.S. employers with a tool to confirm the employment eligibility of their workers.

The Employment Eligibility Verification Program (E-Verify), previously known as the Basic Pilot Program, allows U.S. employers to verify name, DOB, and SSN, along with immigration information for non-citizens, against Federal databases in order to verify the employment eligibility of both citizen and non-citizen new hires. Along with helping U.S. employers maintain a legal workforce and protect jobs for authorized U.S. workers, use of E-Verify also improves the accuracy of wage and tax reporting.

In this area, the Federal government has an opportunity to lead by example. Therefore, by October 1, 2007, all Federal departments and agencies shall begin verifying their new hires through E-Verify. This process complements your existing implementation plans in support of Homeland Security Presidential Directive 12. To ensure timely implementation of this requirement, agencies should provide a point of contact to Gerri Ratliff, USCIS Verification Division, at gerri.ratliff@dhs.gov by August 24, 2007. Additional implementation guidance for the E-Verify requirements will be provided as necessary following this memorandum.

Additionally, agencies should encourage their existing and future contractors to use E-Verify. Attached is a copy of a letter that DHS recently sent to its major contractors encouraging their use of E-Verify and emphasizing its ability to help contractors comply with immigration law. We are working with DHS and the Federal Acquisition Regulatory Council on appropriate government-wide regulatory coverage.

Attachment



August 10, 2007

Dear DHS Vendor:

The mission of the Department of Homeland Security (DHS) is to preserve our freedoms, protect America, and secure the homeland. Inherent in that mission is the duty to enforce our immigration and customs laws and ensure a legal and authorized workforce in the United States.

DHS is dedicated to enforcing federal immigration and customs laws. In that regard, the United States Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA) have developed and are currently operating a joint program previously known as the Employment Eligibility Verification (EEV) program which has been renamed E-Verify. E-Verify is a free program that allows employers electronically to verify the employment eligibility of all newly hired employees—both U.S. citizens and non-citizens.

E-Verify greatly limits subjectivity otherwise required in employer review during the Form I-9 process, virtually eliminates Social Security mismatch 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. Through the use of the E-Verify program, employers will better ensure the legality of their workforce and face a lower risk of a worksite audit by Immigration and Customs Enforcement (ICE).

In fiscal year 2006, ICE has expanded its efforts to identify employers who are non-compliant with immigration laws. ICE has concluded many criminal investigations that have resulted in 716 criminal arrests and the arrest of 3,667 aliens working in this country illegally. Many of those arrested were charged with illegally employing unauthorized workers. Penalties for these violations include prison sentences, forfeiture of assets and civil fines.

DHS would like to invite employers to participate in the E-Verify program. Employers can register on-line at <https://www.vis-dhs.com/employerregistration/>, which provides instructions for completing the Memorandum of Understanding (MOU) required for official registration for the program. If you would like additional information about the program, please visit the E-Verify website at www.dhs.gov/E-Verify, or call the E-Verify program at 1-888-464-4218.

The Administration has initiated action to change the Federal Acquisition Regulation to address the use of E-Verify by Federal Contractors. In the interim, the E-Verify Program can help you comply with the law and help us protect America.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Schneider". The signature is written in a cursive, flowing style.

Paul A. Schneider
Under Secretary for Management