

What is the Basic Pilot?

- In 1996, Congress authorized the development of several employment verification systems as a way to improve upon the paper-based “I-9” system in place since 1986. The “Basic Pilot” is a voluntary electronic employment verification system that developed from the 1996 law.
- The U.S. Citizenship and Immigration Services (USCIS) administers the Basic Pilot program, which verifies employment eligibility by cross-checking information with the Social Security Administration’s database and it’s own immigration records.

How Does the Basic Pilot Work?

- In addition to examining the employee’s work authorization and identification documents and recording this information on Form I-9, employers participating in the Basic Pilot must also electronically submit certain information about the employee through the Basic Pilot within three working days of hire.
- Through the Basic Pilot, an employer can enter the name and either the Social Security number or the I-94 card number (issued when seeking admission into the U.S.) into a web-based system. The system checks either the Social Security or U.S. Department of Homeland Security (DHS) databases to verify whether the employee’s name and Social Security or immigration number match each other in the government’s database, and whether that person is authorized to work in the United States.
- Employers participating in the Basic Pilot receive either a confirmation or a tentative non-confirmation of the individual’s work eligibility through the Basic Pilot system. However, if the individual receives a tentative non-confirmation, he or she is eligible to contest that tentative non-confirmation through a 10-day secondary verification process. Employers are not permitted to terminate individuals who have received a tentative non-confirmation until the employer receives a final non-verification from this system or the 10-day time period has elapsed.

Who Uses the Basic Pilot?

- Use of the Basic Pilot, whose availability expanded from six states to fifty in 2003, is voluntary. According to a Government Accountability Office (GAO) report, only 2,300 out of approximately 5.6 million American employers used the system in 2004.
- USCIS has made progress since the issuance of the last GAO report, with an estimated 13,000 U.S. employers using the Basic Pilot as of January 2007.

What is the Problem with the Basic Pilot?

- Employers have expressed concern regarding the system's ability to handle a significant surge in use if it becomes mandatory for all employers. GAO officials have testified before Congress that USCIS does not have adequate staff to complete secondary verification if use rises sharply and, that the Basic Pilot was not ready for nationwide compulsory participation.
- There have also been major concerns, as evidenced in several recent high profile situations, that the Basic Pilot's accuracy is severely limited by the proliferation of fraudulent identity documents. The Basic Pilot system does not verify the authenticity of the identity being presented for employment purposes, only that the identity presented matches information in the Social Security and DHS databases. In fact, there is evidence that some employers' usage of the Basic Pilot may encourage identity theft by prospective employees to ensure that their information is cleared by the system.
- A major cause of delay and inaccuracy in the system is that the Basic Pilot's information resides in separate government databases – which may not be up-to-date – increasing instances of tentative non-confirmations and delays.
- A significant percentage of the Basic Pilot queries require human intervention, a clear indication that substantial resources are needed to purge the various agency databases, improve communication between agencies, and prevent identity fraud. The percentage of cases requiring additional clearance has increased as more employers enroll in the system.
- The problem is likely to be exacerbated if participation increases from 13,000 to all 6 million-plus employers in the United States. As we have seen in other aspects of immigration adjudication, a substantial increase in immigration-related caseload without corresponding increases in resources can lead to major processing delays.

What is the Solution?

- The HR Initiative supports Congress and the Department of Homeland Security in the effort to restore integrity to our immigration system. Indeed, the vast majority of U.S. employers would endorse a process to bring certainty to employment verification. However, we believe required participation in the Basic Pilot in its present form repeats and magnifies past mistakes and ultimately will fail to provide the security needed.
- A commitment of resources and the use of advanced technology are needed to create a truly effective and efficient workforce verification system.

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The Human Resource Initiative for a Legal Workforce represents human resource professionals in thousands of small and large U.S. employers across every sector of the American economy. The HR Initiative and its members are seeking to improve the current process of employment verification by creating a secure, efficient and reliable system that will ensure a legal workforce and help prevent unauthorized employment, a root cause of illegal immigration.