



**American Payroll Association**  
**Government Affairs Task Force – Immigration Subcommittee**  
**Tuesday, September 27, 2011 – 2:00-3:00 P.M. Eastern**  
**Conference Number: 1-605-477-2100**  
**Access Code: 419534#**  
**Meeting Notes/Minutes**

**Attendance at last meeting:**

**Subcommittee Members:**

<input checked="" type="checkbox"/> Susan Baptista	<input checked="" type="checkbox"/> Luke Bollinger	<input type="checkbox"/> Amy Call
<input checked="" type="checkbox"/> Maryann Carroll	<input type="checkbox"/> Karen Cole	<input checked="" type="checkbox"/> Dave Fowler
<input type="checkbox"/> Debra Heikkinen	<input type="checkbox"/> Michael Hinson	<input type="checkbox"/> Mike Hourihan
<input type="checkbox"/> Gretchen Inouye	<input type="checkbox"/> Corey Lehr	<input checked="" type="checkbox"/> Emily Lindsay
<input type="checkbox"/> Paul Mascazine	<input checked="" type="checkbox"/> E. Dina Rand	<input type="checkbox"/> Lois Wojtas
<input type="checkbox"/> Shell Wu	<input type="checkbox"/> Carl York	<input checked="" type="checkbox"/> Barbara Youngman
<input checked="" type="checkbox"/> Lynne Davidson	<input type="checkbox"/> Scott Timmerman	<input checked="" type="checkbox"/> Janet Roome
<input checked="" type="checkbox"/> Lisa Wachter	<input type="checkbox"/> Terry Watkins	

**DHS (ICE, USCIS)**

<input type="checkbox"/> Adam Wilson (ICE)	<input type="checkbox"/> Jeff Mayfield (ICE)	<input type="checkbox"/> Amy Lawson (USCIS)
<input type="checkbox"/> Fran Hill (USCIS)	<input type="checkbox"/> Yvette LaGonterie (USCIS)	<input type="checkbox"/> Dave Scott (ICE)

**APA Staff**

<input checked="" type="checkbox"/> Brian O'Laughlin	<input type="checkbox"/> Mike O'Toole
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**Agenda – *Notes/Minutes are recorded below in blue.***

I. Attendance: Gretchen Inouye

*Dave Fowler took attendance in Gretchen's absence.*

II. Comments/approval of minutes from previous meeting

*August minutes were not formally reviewed or approved.*

III. We need a member to volunteer to be the subcommittee recorder

*Dave requested a member to volunteer for the open recorder role. Since there were no permanent volunteers Barbara Youngman volunteered to fill in for the September meeting. The committee members then collectively decided to rotate the responsibility each month between members. If you are interested in volunteering for October (or any future meeting), please email Dave and Gretchen to coordinate.*

*At this time, there was discussion surrounding articles needed for Paytech or Paytech online. All members will asked to think of ideas for articles that a member could volunteer to write and send those ideas to Brian and Dave.*

IV. Updates from ICE

*ICE was not in attendance therefore, no updates directly from the agency were provided.*

*Dave shared that he asked an ICE agent that was presenting at a client form if there were any standards for audits in which the agents are supposed to follow or ask during inspections. The answer provided*

*by the agent was there is nothing specific and that it depends on the auditor in charge of the inspection.*

*One committee member shared that based on her experience and conversations, newer auditors seemed to be more lenient because they are also learning. While auditors with more experience seemed to be a bit tougher and “by the book”.*

*Another committee member shared that she had experienced the opposite. She said newer auditors were less lenient and more experienced auditors were more lenient.*

*Another committee member shared that an agent at a recent IMAGE seminar stated that if an employer is truly showing due diligence to try to be in compliance, then ICE will be more lenient.*

- a. IMAGE training sessions. Update on additional training session scheduled.
- b. Updated IMAGE program.
- c. ICE is not responsible for enforcing E-Verify rules (ICE will ask for E-Verify information during an audit)
- d. Update on ICE rule in 2011 re: technical and substantive errors on Form I-9 (Virtue memo)

V. Updates from USCIS

*USCIS was not in attendance therefore, no updates were provided.*

*A new E-Verify Release came out in June called RIDE (see b(ii) below). Drivers licenses will be incorporated into the E-Verify program. Mississippi is the first state and is already being used by E-Verify direct users and Michigan will be added soon. Employers using web services (Employer Agents) will see the update on Version 23 which will be released this fall and include both states. The update to include RIDE must be in place no later than 1/30/2012.*

*E-Verify Self Check is now available in 21 states. Dave suggested that committee members test out the functionality by self checking themselves to experience the process firsthand. He was proud to say he had passed. The self check link can be found at [www.USCIS.gov](http://www.USCIS.gov).*

- a. E-Verify Employer Agent monthly conference calls
- b. The RIDE program. How does this program affect employers?
  - i. E-Verify Can Now Verify Driver's Licenses
  - ii. E-Verify launched Records and Information for Department of Motor Vehicles for E-Verify (RIDE) in June. RIDE strengthens the integrity of E-Verify by adding driver's license verification. Mississippi is the first state to partner with the Department of Homeland Security (DHS) for the RIDE program. So far, more than 25,000 driver's licenses have been validated. Learn more at <http://www.dhs.gov/E-Verify> or on the USCIS Press Room.
- c. Update: E-Verify Statistics
- d. News: I-9 Central
- e. E-Verify ICD v23.2 for Web Services – implement by January 30, 2012
- f. Update on Self Check and expansion. How many transactions? Initial feedback? How many TNCs?
- g. Status of requests to lessen the burden on employers by:
  - i. Allowing cases to be closed automatically when only one closure code applies.
  - ii. Not requiring employers to retain copies of employee documents subject to Photo Matching if the matching is done with the employee's original document.

- iii. Not requiring employers to send copies of employee documents subject to Photo Matching to DHS to resolve a Photo Matching TNC. Put this responsibility on the employee as it is for other TNCs.

VI. Various Questions

*Since there was no representation by the agencies, Dave opened the floor up to questions and updates by committee members.*

*IMAGE Seminars:*

*One committee member had received updates from his local ICE agent (Roy Costas?) and confirmed that ICE will be hosting an IMAGE seminar Sept 29<sup>th</sup> in San Diego. It is believed that attendees can receive RCH credits but ICE has not reached out directly to APA to become an approved RCH provider.*

*MaryAnn Carroll attended a recent IMAGE session and provided feedback that it was a good session and well worth the time to attend.*

*Dave reminded members that an IMAGE coordinator will provide free training for employers or local groups and chapters. This is a good way to establish a relationship with the agents and build a good rapport.*

*Sue Baptista mentioned that she reached out to local representative and they obtained an ICE speaker for their October Chapter meeting and for their statewide/regional meeting. Dave added that if ICE does come out they may want to know what employers will be in attendance for their own internal reporting purposes.*

*Higher Education – Conference and E-Verify:*

*Brian O’Laughlin put out a request for questions for APA’s Educational Institutions Payroll Conference being held October 30 – Nov 2. If anyone has questions on higher education’s use of E-Verify please send them his way. In response, Dave mentioned that it is a struggle for higher education due to the high number of Visa’s and those employees that do not have a SSN upon hire. What docs are acceptable and what should institutions of higher learning do to ensure compliance with I-9’s and E-Verify in these situations.*

*MaryAnn Carroll also shared that there is a very high number of employees hired under the Intl Student and Exchange Visitor program (SEVIS). Even though this is a government program it is not interfaced with E-Verify therefore there is a timing issue creating additional manual data entry on behalf of the hiring institution. This can be upward of 1000 manual entries to just document that a person was hired through this program and they have not gone through E-Verify yet.*

*2012 Congress*

*Barbara asked who would be speaking at the 2012 conference on E-Verify. It was suggested that APA may need to look at a session being created from the employers perspective to comparing E-Verify direct and web services. The current session only seems to concentrate on the government’s perspective and with a direct user. For an employer to truly evaluate the program and how it applies to their business, more information is needed that ICE may not be able to provide but an employer using a EA may.*

*Brian will check with Speaker Administration to see what is being scheduled.*

- a. How can we resolve the conflict between OSC and USCIS documentation (M-274 FAQ 14 and I-9 Central document list by citizenship status) regarding some documents not being acceptable for citizenship status in Section 1?
- b. Can E-Verify put a policy in place to allow an employer to smoothly transition to a new E-Verify employer agent (EEA) without there being a gap in which new hires cannot be submitted to E-Verify? The 30-day notice language in the MOU only applies to terminating a MOU and does not indicate that an employer

is not allowed to activate a new account with the new EEA until the account with the old EEA is terminated. When switching EEAs there is also a large data migration effort that must take place and the old EEA account must remain open for some time to facilitate the migration effort.

- c. How can an employer update the employer signatory on the MOU when that representative leaves the company (other than by creating a new account)?

VII. Announcements from Dave, Brian, and Mike

***The following items are outstanding from previous calls.***

- a. A Form I-9 completed with a replacement receipt cannot be submitted to E-Verify until all receipts are updated with original documents on Form I-9.
- b. When you complete Form I-9, you may not accept any document that displays a future validity date. Creating an E-Verify case using a document that is valid on a future date will create a TNC.
- c. Want to understand how a conference call with E-Verify Employer Agents makes information available to the public any more than using the APA to disseminate information.

VIII. Next Meeting: TBD 2:00 pm Eastern

***Dave will be traveling thru mid-Oct so please send items for the next meeting agenda as soon as possible. We need to get feedback from CIS and see if they going to continue to partner with APA. They have not been participating on calls lately. We also need to find out what the relationship is with the EEA calls which started in June.***

***Brian will reach out to Yvette (USCIS) and Dave will also email her. Barbara voiced a concern that they have not been on the calls. If their participation is going to be limited, she feels the committee needs to re-evaluate their goals and purpose to ensure we are meeting the needs of APA, its members, and obtaining the information timely to do so.***

***Dave asked Barbara to reach out to Gretchen asking her to send out a meeting request for our next meeting to be held Oct 18<sup>th</sup>.***