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### Tips for Conducting International Background Checks

By Jason Morris, Nick Fishman and Robert Thomson, June 2005

[From SHRM's [Global Forum](#).]

Background checks—of anything from a candidate's work history to criminal records—are an increasingly important component of the hiring process. Such checks are just as important when you are weighing candidates who reside—or have resided—outside of the United States.

Far too often, however, HR professionals and recruiters overlook this vital step in the hiring process, thinking an international background check is either prohibitively expensive or difficult to obtain.

Unfortunately, this oversight can expose employers to unnecessary risk from both legal and workplace perspectives. With better understanding of the availability of international background information and how to obtain it, however, employers can help reduce those risks and perform due diligence on their international candidates.

### Regulation Can Add Complexity to Screenings

We are at an interesting crossroads for background screening both in the United States and internationally. The Internet has eased the access to and mobility of information, resulting in great efficiencies—but also unintended side effects, such as privacy violations and identity theft.

In the United States, these side effects have been addressed through federal and state legislation requiring a permissible use for the information commonly used in background checks, as well as strict guidelines regarding information handling and ensuring accuracy and reliability.

Internationally, however, there are few standards in employment screening processes. Records maintenance capabilities, procedures and rules governing access to information can vary widely from country to country. Further, the ability to access information in various countries is dependent on compliance with global information exchange rules for ensuring data security across international borders.

One such compliance framework is the European Union's [Directive on Data Protection](#), which prevents the transfer of personal data to non-EU nations that do not meet the European "adequacy" standard for privacy protection.

U.S. companies, however, can obtain [Safe Harbor certification from the U.S. Department of Commerce](#), which indicates European approval for their data collection methods and practices. While such certification is not required for international data gathering, employers conducting international data transfer or considering background services providers should inquire about it: If possessed, it can make international investigations substantially easier and quicker.

### The Background on Background Checks

Background checks, whether domestic or international, generally consist of two elements: a criminal history check and a verification of personal information, the latter of which can include a reference check.

#### *International Criminal History Checks*

International criminal history research begins with identifying the government office or agency responsible for maintaining criminal records in a particular country or region, then following the procedures that office makes available. (It's also advisable to check the U.S. Treasury Department's Office of Foreign Asset Control's list of ["specially designated nationals,"](#) a regularly updated rundown of people and organizations whose assets are blocked and with whom U.S. organizations and individuals are generally forbidden to deal.)

Unfortunately, there is no single free resource available for obtaining foreign criminal records: Lists of known terrorists or internationally wanted criminals, such as those maintained by the FBI and Interpol, can be helpful but do not have the depth of information into local criminal records employers may require. As a result, employers will need to locate and contact the pertinent local governmental organization that oversees criminal records or contract with an organization that has already collected the information itself.

The cost and turnaround time of a criminal history search varies widely from one country to the next. Such checks typically take between a few days and six weeks depending on the development of the nation in question, though in very rare cases it could take as

long as six months. Employers should be prepared to build that time, along with any time zone differences, into their expectations.

Despite any potential delays or inconveniences, the key is that the tools are available and can be considered the best information reasonably available in a given country—apart, that is, from having a representative actually verify or clarify the information themselves in-country. To do so, obviously, would require further resources and time, and any decision about further work or investigation should be tied to the specific position in question, your organization's need and the resources available.

#### *Employment, Education and Reference Checks*

Attempts to verify non-government related information—data such as employment and education information, as well as references—are generally requested directly from the relevant employers, schools or educational institutions rather than a state office. This will generally require the use of telephone or fax and, in some cases, local language proficiency.

Distinctions between U.S. and overseas verifications include the increased expense of multiple long distance phone calls and faxes, and the fact that complete and accurate contact information is mandatory: It can be virtually impossible to locate a company or individual overseas without precise contact information, particularly if language differences exist.

As in the United States, educational institutions and personal references around the world typically consider it their obligation to vouch for those upon whom they have conferred degrees or agreed to act as references.

#### **Key Considerations**

Employers who need to perform international background checks can either attempt to do them themselves or hire a company to do them.

Those that intend to manage the process themselves must ensure that they have a set of skills and information that includes, at a minimum, an understanding of time differences, language skills as needed, and a detailed understanding of topics including the information needed to make requests, where to file them, where and how to make payment, and any cultural protocols that might influence their interactions with overseas bodies and authorities.

Several companies, meanwhile, offer services that access criminal history information from countries, around the world. To locate one, consider checking with the Commerce Department (for Safe Harbor certification information), as well as with the **National Association of Professional Background Screeners** and **ASIS International**, an association of security professionals, for referrals, tips and background information on various firms and practices.

Collectively speaking, international screening tools are in their infancy compared with those currently available in the United States. This means there are drawbacks: they are more expensive, average longer turnaround times and, in most cases, there is little recourse if an applicant disputes something in a report.

Compared with the total investment bundled up in recruiting, relocating, training and compensating a new employee, however, the expense is miniscule. Due diligence and consistency in the hiring process are industry standards for U.S. companies, and are closely scrutinized in the event of employment litigation. These standards are becoming increasingly relevant overseas as international economies and business practices continue to evolve.

*This article was co-authored by [Background Information Services Inc. \(BIS\)](#) President & COO [Jason Morris](#), Executive Vice President of Business Development [Nick Fishman](#) and Senior Account Executive [Robert Thomson](#). BIS is an industry-leading U.S.- based global pre-employment screening provider.*

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