

# 32BJ



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Assistant to the President

**Local 32BJ Headquarters**  
101 Avenue of the Americas  
New York, NY 10013-1991  
212.388.3800

**Capital Area District**

866.925.3225  
Washington 202.387.3211  
Baltimore 410.244.5970

**Connecticut District**

800.228.5253  
Hartford 860.560.8674  
Stamford 203.602.6615

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215.923.5488

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305.672.7071

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914.637.7000

**Mid-Atlantic District**

215.226.3600

**National Conference of  
Firemen and Oilers District**

202.962.0981

**New Jersey District**

973.824.3225

**Western Pennsylvania**

412.471.0690

[www.seiu32BJ.org](http://www.seiu32BJ.org)

Monday, March 08, 2010

To: Members of the CT Labor and Public Employees Committee and the CT  
General Assembly

Re: Attachments in support of testimony by Paul Filson of SEIU in opposition to  
SB 240 -AN ACT CONCERNING THE E-VERIFY PROGRAM

# Basic Pilot / E-Verify

## Why Mandatory Employer Participation Will Hurt Workers, Businesses, and the Struggling U.S. Economy

FEBRUARY 2009

**B**asic Pilot/E-Verify is a voluntary Internet-based program whose purpose is to allow employers to electronically verify the information that workers present to prove their employment eligibility by accessing information in databases maintained by the Department of Homeland Security (DHS) and the Social Security Administration (SSA).<sup>1</sup> As of January 8, 2009, approximately 100,000 employers were enrolled in Basic Pilot/E-Verify — slightly more than 1 percent of the approximately 7.4 million employers in the U.S. Only half of those enrolled, however, actually use the program.<sup>2</sup>

While Basic Pilot/E-Verify often is portrayed as the magic bullet that would curb the hiring of unauthorized workers, since its inception in 1997 the program has been plagued by multitude problems that adversely affect both workers and businesses. Numerous entities, including the Government Accountability Office (GAO), the Social Security Administration's Office of the Inspector General (SSA-OIG), and a research firm under contract with DHS, have found that Basic Pilot/E-Verify has significant weaknesses, including (1) its reliance on government databases that have unacceptably high error rates and (2) employer misuse of the program to take adverse actions against workers.<sup>3</sup>

### ■ Workers and businesses pay a high price for Basic Pilot/E-Verify database errors.

- A 2007 independent evaluation of the program commissioned by DHS found that the Basic Pilot/E-Verify database “is still not sufficiently up to date” to meet the requirements for “accurate verification.”<sup>4</sup>
- SSA has estimated that if Basic Pilot/E-Verify were to become mandatory and the databases were not improved, SSA database errors alone could result in 3.6 million workers a year being misidentified as not authorized for employment.<sup>5</sup> For example:<sup>6</sup>
  - A U.S. citizen and captain in the U.S. Navy was flagged by E-Verify as not eligible for employment after 34 years in the service and maintaining high security clearance with the U.S. government. It took him and his wife, an attorney, two months to resolve the discrepancy.<sup>7</sup>
  - Carmen, a U.S. citizen, applied for a position with a temporary agency in California, only to be turned away because E-Verify was unable to confirm her work authorization. The employer did not advise her of her right to contest the finding and violated the law by asking her to show additional documents. She was unemployed for over four months without health insurance and was diagnosed with a serious illness during that time.<sup>8</sup>



NATIONAL  
IMMIGRATION  
LAW CENTER  
www.nilc.org

LOS ANGELES (Headquarters)  
3435 Wilshire Boulevard  
Suite 2850  
Los Angeles, CA 90010  
213 639-3900  
213 639-3911 fax

WASHINGTON, DC  
1444 Eye Street, NW  
Suite 1110  
Washington, DC 20005  
202 216-0261  
202 216-0266 fax

- Foreign-born U.S. citizens feel the greatest impact, with almost 10 percent initially being told that they are not authorized to work (versus 0.1 percent of native-born U.S. citizens).<sup>9</sup>
- Although DHS claims that the error rates are low, that is not what U.S. businesses report:
  - Queries submitted to Basic Pilot/E-Verify by Intel Corporation in 2008 resulted in nearly 13 percent of all workers being initially flagged as unauthorized for employment. All of these workers were cleared by Basic Pilot/E-Verify as work-authorized, but only after “significant investment of time and money” and “lost productivity.”<sup>10</sup>
  - The U.S. Citizenship and Immigration Services Ombudsman interviewed a variety of employers in Arizona (where use of E-Verify is mandatory) and found the “concern most frequently identified” is that the notices employers receive when the federal databases cannot confirm a worker’s employment eligibility are “issued on work-authorized individuals.”<sup>11</sup>

### ■ Mandatory participation in Basic Pilot/E-Verify would impose exorbitant costs at a time when our economy is most vulnerable.

- According to the Congressional Budget Office, implementation of a mandatory program (without legalizing the current undocumented population) would decrease Social Security Trust Fund revenue by more than \$22 billion over ten years because it would increase the number of employers and workers who resort to the black market, outside of the tax system.<sup>12</sup>
- An economic analysis commissioned by the U.S. Chamber of Commerce concluded that the net societal costs of a rule requiring all federal contractors to use Basic Pilot/E-Verify would be \$10 billion a year.<sup>13</sup>
- Small businesses employ approximately half of the entire U.S. workforce and have generated 60 to 80 percent of net new jobs annually over the last decade.<sup>14</sup> These businesses, already struggling in the current economy, will face additional burdens and unanticipated problems if they are required to use Basic Pilot/E-Verify, potentially harming their ability to create new jobs and revenue.

### ■ Qualified workers won’t have a chance to prove they are authorized to work.

- The 2007 evaluation of Basic Pilot/E-Verify found that the rate of employer noncompliance with the program rules is “substantial.”<sup>15</sup> These are long-standing problems that DHS has failed to address since they were first identified in 2002.
  - Against program rules, 47 percent of employers put workers through Basic Pilot/E-Verify *before* the employees’ first day at work.<sup>16</sup>
  - 9.4 percent of employers did not notify workers of a tentative nonconfirmation notice,<sup>17</sup> and 7 percent who gave workers the notice did not encourage them to contest it because, they said, the process of contesting the notice takes too much time.<sup>18</sup>
  - 22 percent of employers restricted work assignments, 16 percent delayed job training, and 2 percent reduced pay based on tentative nonconfirmation notices.<sup>19</sup>

- According to the 2007 evaluation, “Employees reported that the supervisors assumed that all employees who received tentative nonconfirmation findings were unauthorized workers and therefore required them to work longer hours and in poorer conditions.”<sup>20</sup>

■ **Mandatory participation in Basic Pilot/E-Verify would further increase the cost of doing business in a tough economic climate.**

- According to the American Council on International Personnel (ACIP), the reason 99 percent of employers have not enrolled in Basic Pilot/E-Verify is not because they are hiring undocumented workers or shirking their employment verification responsibilities, but because Basic Pilot/E-Verify enrollment is “not easy or efficient.”<sup>21</sup>
- An ACIP member with 50,000 U.S. employees recently outsourced Basic Pilot/E-Verify to a vendor after 18 months of planning. The company made the decision that verification was not a core business function and that verification of its dispersed workforce was best handled by another organization with expertise in this complex legal area. The annual tab for this service is \$40,000 per year.<sup>22</sup>
- According to a manager of a small business in Maryland, it takes seriously its legal obligation to confirm its employees are eligible to work in the U.S. but has not enrolled in Basic Pilot/E-Verify because it does not have “the luxury of a large human resources department” and the costs for one year would total approximately \$27,000.<sup>23</sup>
- MCL Enterprises, an employer in Arizona, found the transition to Basic Pilot/E-Verify “extremely costly” and “disruptive” to operations.<sup>24</sup>

■ **Mandatory participation in Basic Pilot/E-Verify would mire SSA deeper in bureaucracy and backlogs.**

- A bill debated in the 110th Congress (H.R. 4088) that would require all employers to use E-Verify would cost SSA more than \$1 billion a year to implement, about 10 percent of SSA’s administrative budget.<sup>25</sup>
- SSA is already overburdened by its primary mission of administering critical benefits to the public, such as Supplemental Security Income disability benefits and retirement payments. There are currently 751,767 disability cases waiting for a hearing decision with average waiting times of 499 days.<sup>26</sup> Additionally, in 2008, the first of 78 million baby boomers became eligible for retirement benefits, and the number of retirees receiving Social Security benefits is expected to rise by approximately 13 million over the next 10 years.<sup>27</sup>
- According to the president of the National Council of Social Security Management Associations, Inc., if a mandatory employment eligibility verification system is implemented without the necessary funding, “it could cripple SSA’s service capabilities” and negate any progress in addressing the disability backlog.<sup>28</sup>

FOR MORE INFORMATION, CONTACT

Tyler Moran, employment policy director | moran@nilc.org | 208.333.1424

<sup>1</sup> For more information on Basic Pilot/E-Verify, see *Basic Information Brief: DHS Basic Pilot/E-Verify Program* (NILC, Mar. 2008), [www.nilc.org/immsemplymnt/ircaempverif/e-verify\\_infobrief\\_2008-03-13.pdf](http://www.nilc.org/immsemplymnt/ircaempverif/e-verify_infobrief_2008-03-13.pdf).

<sup>2</sup> Not all of those enrolled, however, have even used the program once. In April 2008, when 61,000 employers were enrolled in the program, only half were active users, “active users” being defined as employers who had run at least one query in fiscal year 2008. See Richard M. Stana, *Testimony Before the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, Committee on the Judiciary, House of Representatives: Employment Verification: Challenges Exist in Implementing a Mandatory Electronic Verification System* (Government Accountability Office, June 10, 2008, GAO-08-895T), [www.gao.gov/new.items/d08895t.pdf](http://www.gao.gov/new.items/d08895t.pdf), at 10.

<sup>3</sup> See *Findings of the Basic Pilot Program Evaluation* (Temple University Institute for Survey Research and Westat, June 2002), <http://tinyurl.com/dhcgwga>; *Findings of the Web-Based Basic Pilot Evaluation* (Westat, Sept. 2007) (hereafter “Westat 2007”), <http://tinyurl.com/2tddqs>; *Congressional Response Report: Accuracy of the Social Security Administration’s Numident File* (Office of the Inspector General, Social Security Administration, Dec. 2006), [www.socialsecurity.gov/oig/ADOBEPDF/auditxt/A-08-06-26100.htm](http://www.socialsecurity.gov/oig/ADOBEPDF/auditxt/A-08-06-26100.htm); *Congressional Response Report: Employer Feedback on the Social Security Administration’s Verification Programs* (Office of the Inspector General, Social Security Administration, Dec. 2006), [www.ssa.gov/oig/ADOBEPDF/A-03-06-26106.pdf](http://www.ssa.gov/oig/ADOBEPDF/A-03-06-26106.pdf); *Congressional Response Report: Monitoring the Use of Employee Verification Programs* (Office of the Inspector General, Social Security Administration, Sept. 2006), [www.ssa.gov/oig/ADOBEPDF/A-03-06-36122.pdf](http://www.ssa.gov/oig/ADOBEPDF/A-03-06-36122.pdf); and Richard M. Stana *supra* note 2.

<sup>4</sup> See Westat 2007, *supra* note 3, at xxi, emphasis added. Section 404g of the Illegal Immigration Reform and Immigrant Responsibility Act states: “The Commissioners of Social Security and the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process. . . .”

<sup>5</sup> *Transcript from Hearing on Employment Eligibility Verification Systems* (Subcommittee on Social Security, Committee on Ways and Means, U.S. House of Representatives, June 7, 2007).

<sup>6</sup> For more examples of U.S. citizens and lawful immigrants impacted by the program, see *How Errors in Basic Pilot / E-Verify Databases Impact U.S. Citizens and Lawfully Present Immigrants* (NILC, Apr. 2008), [www.nilc.org/immsemplymnt/ircaempverif/e-verify\\_impacts\\_USCs\\_2008-04-09.pdf](http://www.nilc.org/immsemplymnt/ircaempverif/e-verify_impacts_USCs_2008-04-09.pdf).

<sup>7</sup> Account related at a Jan. 24, 2009, town hall meeting in Ashtabula, OH, sponsored by Building Unity in the Community and billed as “Why We Need Comprehensive Immigration Reform.”

<sup>8</sup> Summary of charge filed with the Dept. of Justice Office of Special Counsel for Immigration-Related Unfair Employment Practices in 2008.

<sup>9</sup> See Westat 2007, *supra* note 3, at 50.

<sup>10</sup> Intel Corporation, “Comments on Proposed Employment Eligibility Regulations Implementing Executive Order 12989 (as amended),” Aug. 8, 2008.

<sup>11</sup> *Observations On The E-Verify Experience In Arizona & Recommended Customer Service Enhancements* (U.S. Department of Homeland Security Office of the Citizenship and Immigration Services Ombudsman, Dec. 22, 2008), [www.dhs.gov/xlibrary/assets/cisomb\\_everify\\_recommendation\\_2008-12-22.pdf](http://www.dhs.gov/xlibrary/assets/cisomb_everify_recommendation_2008-12-22.pdf).

<sup>12</sup> Letter to Chairman John Conyers, Chair, Committee on the Judiciary, U.S. House of Representatives, from Peter Orszag, Director, Congressional Budget Office, Apr. 4, 2008.

<sup>13</sup> Richard B. Belzer, *Peer Review of Regulatory Impact Analysis: Federal Acquisition Regulation Case 2007-013(Employment Eligibility Verification)* (Labor, Immigration and Employee Benefits (LIEB) Division, U.S. Chamber of Commerce, August, 2008).

<sup>14</sup> *Frequently Asked Questions* (Small Business Association Office of Advocacy, Sept. 2008), [www.sba.gov/advo/stats/sbfaq.pdf](http://www.sba.gov/advo/stats/sbfaq.pdf).

<sup>15</sup> See Westat 2007, *supra* note 3, at xxii, emphasis added.

<sup>16</sup> *Id.* at 71.

<sup>17</sup> Employers receive a “tentative nonconfirmation” notice from either SSA or DHS when the agencies are unable to automatically confirm a worker’s employment eligibility. A “tentative nonconfirmation” notice is not an indication of an immigration violation, and workers have the right to contest the finding with the appropriate agency.

<sup>18</sup> See Westat 2007, *supra* note 3, at 76–77.

<sup>19</sup> *Id.* at 77.

<sup>20</sup> Westat 2007, *supra* note 3, at 77, emphasis added.

<sup>21</sup> American Council on International Personnel, “Comments on Proposed Rule Published at 73 Fed. Reg. 33374 (June 12, 2008),” Aug. 11, 2008, emphasis added.

<sup>22</sup> *Id.*

<sup>23</sup> *Chamber of Commerce of the USA v. Chertoff*, No. 08-cv-3444-AW (D.Md.).

<sup>24</sup> Mitchell C. Laird, *Testimony Before the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives: “Employment Eligibility Verification Systems (EEVS) and the Potential Impacts on the Social Security Administration’s (SSA’s) Ability to Serve Retirees, People with Disabilities, and Workers”* (MCL Enterprises, Inc., May 6, 2008), <http://waysandmeans.house.gov/media/pdf/110/laird.pdf>, emphasis added.

<sup>25</sup> Letter to U.S. House of Representatives Democratic colleagues from Chairman McNulty, Subcommittee on Social Security, Committee on Ways and Means, U.S. House of Representatives and Chairman Charles Rangel, Committee on Ways and Means, U.S. House of Representatives, March 27, 2008.

<sup>26</sup> Patrick P. O’Carroll Jr., Inspector General, Social Security Administration, *Reducing the Disability Backlog at the Social Security Administration*, testimony before the U.S. House Appropriations Committee, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Feb. 28, 2008, [www.ssa.gov/oig/communications/testimony\\_speeches/02282008testimony.htm](http://www.ssa.gov/oig/communications/testimony_speeches/02282008testimony.htm).

<sup>27</sup> Richard Warsinskey, Past President, National Council of Social Security Management Associations Inc., *Written Testimony for the Record*, submitted to the U.S. House Appropriations Committee, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Feb. 28, 2008, <http://socsecperspectives.blogspot.com/2008/02/social-securityadvocacy-group-written.html>.

<sup>28</sup> Richard Warsinskey, President, National Council of Social Security Management Associations, *Testimony before the U.S. Senate Committee on Finance*, May 23, 2007, <http://finance.senate.gov/hearings/testimony/2007test/052307testrw.pdf>, emphasis added.

# BASIC PILOT/E-VERIFY REALITY CHECK

## Businesses Challenge DHS's Claims

OCTOBER 2008

**A**n official in the U.S. Department of Homeland Security (DHS) recently described using Basic Pilot/E-Verify as “a bit less burdensome than ordering books for the first time from Amazon.com.”<sup>1</sup> But that’s not what U.S. businesses report. Here’s a sample of their real-life experiences using the program.

### ■ On the database accuracy rates:

DHS claims that only 0.5% of work-authorized employees receive a tentative nonconfirmation (TNC).<sup>2</sup> But businesses that use the program say:

- Queries submitted to Basic Pilot/E-Verify by Intel Corporation in 2008 resulted in slightly over 12% of all workers receiving a TNC. All of these workers were cleared by Basic Pilot/E-Verify as work-authorized, but “only after significant investment of time and money, lost productivity and, for our affected foreign national staff, many hours of confusion, worry and upset.”<sup>3</sup>
- A large multinational employer reported that 15% of queries it submitted to Basic Pilot/E-Verify between January 1, 2008, and May 22, 2008, resulted in a TNC. Of the DHS TNCs, approximately 80% required personal attention to resolve, at a great cost to the employer.<sup>4</sup>
- MCL Enterprises, a company that owns 24 Burger King restaurants in Arizona, reports that over 14% of queries to Basic Pilot/E-Verify result in a TNC, and the rate for foreign-born workers is 75%.<sup>5</sup>

### ■ On correcting database errors:

DHS claims that it should take an employer 5 minutes to examine the TNC and print out a copy for the worker, and 10 minutes for the employer and worker to sign the form.<sup>6</sup> DHS also estimates that it takes 8 hours on average to resolve a TNC with the Social Security Admini-

stration (SSA).<sup>7</sup> But businesses that use the program say:

- DHS’s estimate regarding resolution of TNCs assumes a small single-site employer where there is face-to-face interaction with workers, according to the American Council of International Personnel (ACIP). ACIP members rarely work this way, and it is “not unusual” for 24 hours to pass before the worker receives the TNC. Once a TNC is delivered, ACIP members routinely spend more than 30 minutes with the worker.<sup>8</sup>
- ACIP members also report that corrections at SSA usually take in excess of 90 days, and that workers must wait 4 or more hours per trip, with repeated trips to SSA frequently required to get their records corrected.<sup>9</sup>
- Intel reports that each TNC requires at least 30 minutes in direct consultation with each affected worker, as well as government agents, to resolve. If Intel’s nearly 13% TNC rate for new hires were extrapolated to its existing workforce, Intel estimates the need for “thousands of additional personnel-hours to manage the additional TNC’s.”<sup>10</sup>

### ■ On the costs and burden of using Basic Pilot/E-Verify:

According to a DHS official, “Anyone who has seen it done once can do it, and the process takes a few minutes. Understanding the rules that go with the process requires a bit of online training, but that takes at most an hour or two.”<sup>11</sup> But businesses that use the program say:

- “The reason 99 percent of American employers have not enrolled in Basic Pilot/E-Verify is *not* because they are hiring undocumented workers or shirking their employment verification responsibilities, but rather because Basic Pilot/E-Verify enrollment is not easy or efficient for a large employer,” according to ACIP.<sup>12</sup>



NATIONAL  
IMMIGRATION  
LAW CENTER  
www.nilc.org

LOS ANGELES (Headquarters)  
3435 Wilshire Boulevard  
Suite 2850  
Los Angeles, CA 90010  
213 639-3900  
213 639-3911 fax

WASHINGTON, DC  
1444 Eye Street, NW  
Suite 1110  
Washington, DC 20005  
202 216-0261  
202 216-0266 fax

- MCL Enterprises recently registered to use Basic Pilot/E-Verify as a result of the Arizona law requiring all employers to use the system and found the transition to Basic Pilot/E-Verify “extremely costly” and “disruptive” to operations.<sup>13</sup>
- An ACIP member with 50,000 U.S. employees recently outsourced Basic Pilot/E-Verify to a vendor after 18 months of planning. The company made the decision that verification was not a core business function and that verification of its dispersed workforce was best handled by another organization with expertise in this complex legal area. The annual tab for this service is \$40,000 per year.<sup>14</sup>
- Other ACIP members report that it takes 3 to 4 hours for each staff person to register, understand the requirements, and take the tutorial. “For those with

multiple hiring sites, or where the Basic Pilot/E-Verify function is spread across the country, the costs would need to be multiplied to account for several staff members at each location as well as training and coordination of policies and practices across locations.”<sup>15</sup>

## ■ Conclusion:

Currently, only approximately 1% of employers nationwide are enrolled in Basic Pilot/E-Verify, and of those only an estimated half actually use it regularly.<sup>16</sup> But DHS is doing everything under its power to expand the program, regardless of the costs and burdens for businesses and workers. Common sense demands a reality check on the effectiveness and costs of the program as it actually operates before it is expanded any further.

### FOR MORE INFORMATION, CONTACT

Tyler Moran, Employment Policy Director | moran@nilc.org | 208.333.1424

## NOTES

<sup>1</sup> Stewart Baker, “Debunking Three More Basic Pilot/E-Verify Myths,” *Leadership Journal: The Blog of the Department of Homeland Security*, June 2, 2008, [www.dhs.gov/journal/leadership/labels/Basic\\_Pilot/E-Verify.html](http://www.dhs.gov/journal/leadership/labels/Basic_Pilot/E-Verify.html) (last visited Oct. 21, 2008).

<sup>2</sup> Employers receive a “tentative nonconfirmation” (TNC) notice from either SSA or DHS when the agencies are unable to automatically confirm a worker’s employment eligibility. A TNC notice is not an indication of an immigration violation, and workers have the right to contest the finding with the appropriate agency. For information on the DHS statistic, see Jonathan Scharfen, *Written Testimony Before the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives: “Electronic Employment Verification Systems: Needed Safeguards To Protect Privacy And Prevent Misuse”* (U.S. Citizenship and Immigration Services, June 10, 2008), [www.uscis.gov/files/pressrelease/testimony.pdf](http://www.uscis.gov/files/pressrelease/testimony.pdf).

<sup>3</sup> Intel Corporation, “Comments on Proposed Employment Eligibility Regulations Implementing Executive Order 12989 (as amended),” Aug. 8, 2008.

<sup>4</sup> American Council on International Personnel (hereinafter “ACIP”), “Comments on Proposed Rule Published at 73 Fed. Reg. 33374 (June 12, 2008),” Aug. 11, 2008.

<sup>5</sup> Mitchell C. Laird, *Testimony Before the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives: “Employment Eligibility Verification*

*Systems (EEVS) and the Potential Impacts on the Social Security Administration’s (SSA’s) Ability to Serve Retirees, People with Disabilities, and Workers”* (MCL Enterprises, Inc., May 6, 2008), <http://waysandmeans.house.gov/media/pdf/110/laird.pdf>.

<sup>6</sup> Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council, *Regulatory Impact Analysis: Employment Eligibility Verification* (Federal Acquisition Regulation Case 2007-013, May 29, 2008), at 34.

<sup>7</sup> *Id.*, at 35.

<sup>8</sup> Intel Corporation.

<sup>9</sup> ACIP.

<sup>10</sup> Intel Corporation, emphasis added.

<sup>11</sup> Baker.

<sup>12</sup> ACIP, emphasis added.

<sup>13</sup> Laird, emphasis added.

<sup>14</sup> ACIP.

<sup>15</sup> *Id.*, emphasis added.

<sup>16</sup> Richard M. Stana, *Testimony Before the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives: Employment Verification: Challenges Exist in Implementing a Mandatory Electronic Employment Verification System* (GAO-08-729T, Government Accountability Office, May 2008), <http://waysandmeans.house.gov/media/pdf/110/gao5608.pdf>.

## **E-Verify Clips:**

Associated Press

### **Report: E-Verify misses half of illegal workers**

By SUZANNE GAMBOA , 02.25.10, 11:32 AM EST

WASHINGTON -- The system Congress and the Obama administration want employers to use to help curb illegal immigration is failing to catch more than half of the unauthorized workers it checks, a research company has found.

The online tool E-Verify, now used voluntarily by employers, wrongly clears illegal workers about 54 percent of the time, according to Westat, a research company that evaluated the system for the Homeland Security Department. E-Verify missed so many illegal workers mainly because it can't detect identity fraud, Westat said.

Clearly it means it's not doing its No. 1 job well enough," said Marc Rosenblum, a researcher at the Migration Policy Institute, a nonpartisan Washington think tank.

E-Verify allows employers to run a worker's information against Department of Homeland Security and Social Security databases to check whether the person is permitted to work in the U.S. The Obama administration has made cracking down on employers who hire people here illegally a central part of its immigration enforcement policy, and there are expectations that some Republicans in Congress will try in coming weeks to make E-Verify mandatory.

E-Verify correctly identified legal workers 99 percent of the time, Westat said. However, previous studies have not quantified how many immigrants were fooling the E-Verify system. Much of the criticism of E-Verify has focused on whether U.S. citizens and legal immigrants with permission to work were falsely flagged as illegal workers.

Sen. Chuck Schumer of New York, who is writing the Democrats' immigration bill and has fought expanding E-Verify because of its flaws, said Wednesday that the fact that E-Verify was inaccurate so often shows that it is not an adequate tool.

"This is a wake-up call to anyone who thinks E-Verify is an effective remedy to stop the hiring of illegal immigrants," Schumer said.

A worker verification process like E-Verify is considered essential to any immigration overhaul proposal that has any chance of approval in Congress.

Westat's report, completed in December 2009 using data from the previous year, was quietly posted on Homeland Security's Web site Jan. 28 along with a summary that pointed out E-Verify is accurate "almost half of the time."

"While not perfect, it is important to note that E-Verify is much more effective" than the I-9 paper forms used by most employers, the summary said.

Rosenblum, who has studied E-Verify, said Westat's evaluation shows it doesn't make sense to substantially expand and invest in E-Verify without fixing the identity theft problem.

Bill Wright, a spokesman for U.S. Citizenship and Immigration Services, said the agency, part of the Homeland Security Department, has created an anti-immigrant identity fraud unit in Buffalo, N.Y., to address the issue.

The agency is developing a way for people to screen themselves through E-Verify so they can show potential employers they can legally work.

About 184,000 of the nation's 7 million to 8 million employers are using E-Verify, the Homeland Security Department says on its Web site.

Congress gave DHS about \$100 million to spend on E-Verify in its 2010 budget.

### **Report: E-Verify misses a lot of illegal workers**

Stephen Wall, Staff Writer

Posted: 02/25/2010 06:37:00 PM PST

Touted by some as an essential tool for stopping illegal immigration, an independent research firm says the E-Verify system flags less than half the number of illegal workers it checks.

E-Verify, a free online program used voluntarily by employers, fails to catch 54 percent of the illegal workers run through the system because it can't detect identity fraud, the report states.

Started as a pilot program in 1997, E-Verify is used by more than 180,000 employers nationwide. It allows employers to run a worker's information against Homeland Security and Social Security databases to make sure the person is allowed to work in the United States.

Critics say the report shows the need to find more effective ways to stop employers who willingly violate immigration laws.

"For years, I have been saying the E-Verify system does not work," Rep. Joe Baca, D-San Bernardino, said in a statement.

"I support greater enforcement of workplace immigration laws, and strong penalties for employers that knowingly violate these laws," Baca said. "But this report confirms that E-Verify is not an effective tool to use in achieving these goals."

Immigration officials note the report's finding that E-Verify's overall accuracy rate for legal and illegal workers is 96 percent.

Only 6 percent of the names run through E-Verify databases involve illegal workers. Fifty-four percent of those illegal workers are not cleared to work, the report says.

The report was based on research conducted by Westat, a Maryland-based company under contract to U.S. Citizenship and Immigration Services, an agency within the Department of Homeland Security. It was completed in December and posted in late January on the department's Web site.

"E-Verify is a smart, simple and effective online tool that reflects our continued commitment to working with employers to maintain a legal workforce," Bill Wright, a spokesman for U.S. Citizenship and Immigration Services, said in a statement.

The agency "takes any inaccuracies seriously and continues to enhance E-Verify," he said.

Many area Republicans in Congress continue to back E-Verify and want to make it mandatory for all employers.

"While I have always been supportive of E-Verify, I have also maintained that without mitigating for document fraud, it is still vulnerable," Rep. David Dreier, R-San Dimas, said in a statement.

Dreier said he has introduced his own bill, House Resolution 98, which would create a counterfeit-proof Social Security card to deal with the document fraud problem.

The bill "would help fill the gaps exposed by this report," he said.

Rep. Jerry Lewis, R-Redlands, said he was glad to hear Homeland Security Secretary Janet Napolitano tell the House Appropriations Committee Thursday that the department is committed to E-Verify.

"I was pleased to hear that the department is working on methods to identify and defeat document fraud through cross-checks and flagging duplicate users of Social Security numbers," Lewis said in a statement. "I agree with the Secretary that this system promises to be the most feasible way to ensure that new workers are legal."

Rep. Gary Miller, R-Brea, who was unavailable for comment Thursday, introduced a bill last year to require employers to verify they are hiring only citizens or immigrants who are allowed to work in this country. Miller has said he wants to force businesses to use E-Verify and create penalties for those that break the rules.

"If you've proven to repeatedly hire illegals, there should be some consequence for that," Miller said earlier this month.

Federal officials say recent improvements to E-Verify include changes to reduce typographical errors; a photo-screening tool to combat document fraud; and establishment of a monitoring and compliance unit to detect and deter identity fraud, discrimination and misuse.

While conceding that E-Verify is "not perfect," the system is "much more effective than the Form I-9 (paper) verification process used by employers" not participating in the program, according to the report.

"E-Verify is detecting unauthorized employment in hundreds of thousands of cases, although there is more work yet to be done," the report states.

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