

May 15, 2013

Dear Member of Congress:

We, the undersigned organizations, representing thousands of businesses and millions of Americans from all sides of the political spectrum, write to express our desire for greater accountability in the electronic employment verification (E-Verify) provisions of the Border Security, Economic Opportunity, and Immigration Modernization Act (Title III of S. 744). We believe that a simple reform is needed to protect small businesses and their legal employees.

Our concern is that the system could create unnecessary burdens on Americans by initially failing to confirm hundreds of thousands of *authorized* workers. If the present E-Verify error rate (0.26%) was applied nationally, it would fail to approve 156,000 authorized employees every year.

As E-Verify's rollout expands from just 7.5 percent of employers to 100 percent, it is vital to us that the error rate remains at least this low. Errors thrust employers into a state of regulatory uncertainty as to whether their new hire will be able to work or not. Many small employers lack the full time human resource staffs necessary to help workers correct these problems, and they will often incur significant costs attempting to do so.

Errors also burden *legal* workers, forcing them to spend time and money sorting out the errors at federal offices. These errors will disproportionately impact authorized foreign-born workers and naturalized citizens, who are at least 20 times as likely to receive an error as a native born American, according to E-Verify's most recent independent audit. Based on this number, one recent study found that foreign-born workers would receive 82 percent of all errors. This could create an incentive for discrimination against foreign-born workers. It also places an undue burden on the Social Security Administration, impacting seniors and those with disabilities who rely on a timely response from SSA.

Basic accountability can protect both workers and employers. **We propose that Congress require that E-Verify's error rate remain at or below its current level before small businesses are forced to comply with the mandate.** This gives the government over four years to work out any issues with the system, and Department of Homeland Security (DHS) Secretary Janet Napolitano has already testified that she believes that the current rate can be maintained.

Requiring the government to consider the impact on small businesses and foreign-born workers before E-Verify implementation is just simple accountability. It will protect businesses from the bureaucratic limbo that comes from not knowing if a new hire will be able to work, and it will give authorized employees the confidence that their transition to a new job will not be subject to costly and unnecessary delays.

For these reasons, we urge you to support this commonsense reform.

Sincerely,

Advocacy for Principled Action in Government

American Civil Liberties Union

American Immigration Lawyers Association

American Library Association

American Policy Center

Arizona Employers for Immigration Reform (AZEIR)

Arizona Small Business Association

Campaign for Community Change

CALEGISLATION

CAMBIO

CASA In Action

Center for Digital Democracy

Center for Financial Privacy and Human Rights

Competitive Enterprise Institute

Consumer Action

Council of Smaller Enterprises

Electronic Frontier Foundation

Illinois Coalition for Immigrant and Refugee Rights

The Leadership Conference on Civil and Human Rights

Liberty Coalition

The Multiracial Activist

National Center for Transgender Equality

National Council of La Raza (NCLR)

National Consumers League

National Immigrant Justice Center

National Immigration Forum

National Immigration Law Center

National Small Business Association

OneAmerica

The Rutherford Institute

Patient Privacy Rights

Privacy Activism

Privacy Journal

Privacy Rights Clearinghouse

Privacy Times

Rights Working Group

SEIU

Small Business & Entrepreneurship Council

Small Business Association of Michigan

Small Business California

Small Business Majority

Taxpayers Protection Alliance

UFCW International Union

World Privacy Forum