

E-Verify Problems and Solutions

Problems

Program Errors: Even with an error rate of less than one percent, hundreds of thousands of legal workers would have to wait in lines at the Social Security Administration (SSA) offices to prove their right to work. Employers cannot fire employees until after appeals are resolved, so they must pay unauthorized workers for months only to fire them.

Of the 156 million legal workers in America today ...



... 436,800 will be initially denied.

Employer Conscript: E-Verify conscripts employers to enforce immigration law. It will cost small businesses over \$2.6 billion per year to implement. These costs combined with those of resolving program errors and complying with costly federal audits of employer E-Verify records will act as a tax on hiring, which will cut wages and job growth.

Discriminatory Impact: E-Verify errors disproportionately impact young workers, women who change their name, Hispanics with multiple surnames, naturalized citizens, and legal immigrants. Fear of penalties or added costs due to errors incentivize employers to avoid these groups or prescreen them to see if they will be immediately approved.

Identity Theft: E-Verify will create an unprecedented demand for stolen identities. The GAO has found that 50 percent of unauthorized hires thwarted E-Verify primarily for this reason. E-Verify will also enable thieves to determine the validity of a stolen Social Security number and provide hackers with a potential gold mine of personal information.

National ID: E-Verify permits anyone to verify any legal resident's identity with a government database that contains names, addresses, work histories, worksites, legal statuses, and much else. It has expanded to include driver records and biometrics like physical descriptions and pictures. E-Verify's potential uses are myriad—it could monitor access to anything based on any criteria.

Solutions

Reform: We suggest that 1) government compensate error victims for lost wages; 2) failure to challenge E-Verify not be considered an admission of unlawful residence; 3) E-Verify's rollout be suspended if errors exceed 0.1 percent after one year or if 99.9 percent of initial rejections are not resolved in one month or less.

Reform: We suggest that 1) all E-Verify audits be based on reasonable suspicion, not random or based on the race of its employees; 2) penalties be reasonable; and 3) businesses be able to correct technical mistakes.

Reform: We suggest that if an independent agency appointed by Congress finds E-Verify has resulted in discrimination or had discriminatory impact after one year, the program be suspended.

Reform: We suggest that 1) E-Verify use by public or private entities without an employee's prior knowledge be prohibited; 2) notifications be issued by the SSA to employees after each time an E-Verify check is performed; but 3) employees with multiple jobs not be required to take additional steps to prove their identities.

Reform: We suggest that 1) the inclusion of biometrics and state motor vehicle records in E-Verify be prohibited; 2) E-Verify be used solely to determine lawful eligibility to work based on immigration status alone; and 3) prohibit a biometric Social Security card or biometric national ID card.