February 20, 2013

Dear Member of Congress:

We, the undersigned organizations, representing thousands of businesses and millions of Americans from all sides of the political spectrum, encourage you to vote against a mandatory national "E-Verify" electronic employment verification system established by S. 202 or in subsequent comprehensive immigration reform bills. Although we believe it is irredeemably flawed, we believe reasonable amendments can mitigate some of its negative effects.

E-Verify imposes immigration enforcement costs on Americans. System errors will make hundreds of thousands of legal workers visit federal offices to exercise their right to work.
- **Reform**: Make E-Verify's deployment contingent on due process for workers, a low error rate, and a strict limit on wait times for employers and employees to resolve database errors.

E-Verify errors disproportionately impact minority groups: including young workers, married women, naturalized citizens, legal immigrants, and individuals with multiple surnames, including many Hispanics.
- **Reform**: Suspend E-Verify's rollout if it has a discriminatory impact on these groups.

E-Verify conscripts employers to act as immigration agents. According to Bloomberg Government, small businesses will spend $2.6 billion every year to implement the system.
- **Reform**: Avoid draconian penalties and allow businesses to correct paperwork errors.

E-Verify will exacerbate identity theft. E-Verify will increase demand for stolen identities and enable thieves to use its database to determine the validity of a Social Security number.
- **Reform**: Send written notifications to any individual whose name is checked by E-Verify and prohibit E-Verify use without employees' prior knowledge.

E-Verify creates a *de facto* national ID system. Since the system permits identity verification, it can be used to monitor access to any public or private service based on immigration status or any other criteria.
- **Reform**: Prohibit the inclusion of biometrics and state motor vehicle records in the system and authorize E-Verify to be used only to determine work eligibility.

The case for E-Verify presumes that Congress cannot create a system that prevents unauthorized entries at the border. This is wrong. Congress can and should address illegal immigration without sacrificing Americans' privacy or imposing the costs of immigration enforcement on small businesses and workers. If an E-Verify mandate is enacted anyway, these reasonable reforms are essential.

Sincerely,

Advocacy for Principled Action in Government

American Civil Liberties Union

American Library Association

Bill of Rights Defense Committee

Blacks in Law Enforcement of America

Center for Digital Democracy

Center for Financial Privacy and Human Rights

Center for Media and Democracy

Center for Media Justice

Competitive Enterprise Institute

Constitutional Alliance

Consumer Action

Consumer Federation of America

Cyber Privacy Project

Defending Dissent Foundation

DRUM - Desis Rising Up & Moving

Electronic Frontier Foundation

Equal Justice Alliance

The 5-11 Campaign

Former Congressman Bob Barr

The Greater Cleveland Immigrant Support Network

Hispanic Leadership Fund

Home School Legal Defense Association

Insituto de Educación Popular del Sur de California (IDEPSCA)

La Asamblea de Derechos Civiles de Minnesota

The Leadership Conference on Civil and Human Rights

Liberty Coalition

Main Street Project

Media Alliance

Media Literacy Project

The Multiracial Activist

National Alliance of Latin American and Caribbean Communities (NALACC)

National Small Business Association

National Workrights Institute

New York Immigration Coalition

Patient Privacy Rights

Privacy Activism

Privacy Journal

Privacy Rights Clearinghouse

Privacy Times

Rights Working Group

The Rutherford Institute

South Asian Americans Leading Together (SAALT)

Taxpayers Protection Alliance

World Privacy Forum