E-Verify Talking Points

What is E-Verify?[1]

- Free, safe, secure and simple to use, E-Verify provides participating employers an automated Internet-based resource to verify the employment eligibility of newly-hired employees.   Almost one million employers are registered E-Verify users.

- Participating employers electronically enter information from an I-9 Form (the paper-based form currently used to verify the work eligibility of all new hires) in E-Verify, which checks the information against records in Social Security Administration's database and the Department of Homeland Security immigration databases.

- E-Verify utilizes special safeguards to ensure that employees are not discriminated against and their personal information remains private. It also allows individuals to "self-check" their workplace eligibility status.[2]

Why should employers use E-Verify?

- E-Verify enables cheap, efficient, and accurate compliance with the federal ban on hiring unauthorized workers. It is currently the best means available for employers to electronically verify the employment eligibility of their newly hired employees.

- E-Verify improves the accuracy of wage and tax reporting and shifts the responsibility for vetting workplace eligibility from employers to the government.

- E-Verify provides a safe harbor for businesses that use the system in good faith. When an employee is confirmed as being workplace eligible, a rebuttable presumption is established that the employer has not violated federal law with respect to the hiring of an illegal alien.

What is the E-Verify Accuracy Rate?

- 98.34 percent of all queries are automatically verified as employment-authorized either instantly or within 24 hours. The so-called error rate is 0.12 percent.[3]

- Mismatches, known as tentative non-confirmations, occur because:

✔ The employee is not authorized to work in the United States;

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[1] https://www.e-verify.gov/
[2] https://www.e-verify.gov/employees/mye-verify/self-check
[3] https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance

- ✔ The employee has failed to update his/her records with SSA or DHS (for example, to reflect the change from a maiden to married name); and
- ✔ The employer made an error when entering information into the E-Verify system.

  - Those who have inaccuracies are given instructions on how to clear up their records with SSA and time to do so. The bottom line is that nobody is automatically ruled out for work authorization and those eligible to work in the U.S. will not lose their job. If a person is not work authorized, it's not discrimination. It's following the law.

- 1.66 percent of employees receive initial system mismatches. 0.12 percent are later confirmed as work authorized after contesting and resolving the mismatch. 1.54 percent are later found not work authorized.
- Of the 1.54 percent of employees not found to be work authorized, 0.43 percent of employees who receive initial mismatches do not contest the mismatch either because they do not choose to or are unaware of the opportunity to contest and as a result are not found work authorized. 1.09 percent of employees with initial mismatches are unresolved. 0.011 percent of employees who receive initial mismatches contest the mismatch and are not found work authorized.

Reasons to Support E-Verify

- E-Verify is an accurate and reliable system for ensuring that citizens and legal residents are competing on a level playing field for jobs and wages.

- There is no excuse for allowing employers to hire illegal workers given economic inequalities, stagnant wages, and the millions of sidelined American workers who would benefit from increased economic opportunities.

- E-Verify allows employers to differentiate between legal and illegal workers without worrying about the authenticity of IDs. Most employers want to do the right thing but if they do, they can be undercut by unscrupulous companies that thrive on illegal labor. E-Verify will level the playing field.

- E-Verify will not burden employers. It only requires spending a few extra seconds typing in data already required for the federal I-9 form.

- Employers that use E-Verify in good faith are given a safe harbor, so hiring an illegal alien that E-Verify did not detect will not adversely affect the employer.

- The U.S. Supreme Court upheld the ability of states to require employers to use E-Verify, rejecting arguments that states have no role in immigration matters. The decision should remove any doubt about the constitutionality of requiring employers to use E-Verify.

- You will not turn off the jobs magnet that attracts illegal immigration until employers use E-Verify.

False Allegations About E-Verify

Qualified workers won't have a chance to prove that they are authorized to work.
Response: Every individual that gets a mismatch is given instructions on how to clear up their records with the SSA or DHS and time to do so. Most cases can be taken care of by phone and involve married or divorced women who did not update their records with SSA. The bottom line is that nobody is automatically ruled out for work authorization and those eligible to work in the U.S. will not lose their job. If there is an inaccuracy in the SSA database, it is best to know about it and rectify it prior to applying for retirement benefits. Plus, citizens and legal residents can "self-check" their records under E-Verify to uncover possible errors.

Mandatory E-Verify would be a burden and increase the cost of doing business.
Response: According to a 2007 study by Westat, 96 percent of long-term E-Verify users disagreed or strongly disagreed that the tasks required by the system overburden their staff. Any human resources employee assigned to collect information for the Federal I-9 form would simply spend a few extra seconds typing the same data into the E-Verify system. 98.92 percent of responses come either instantly or within 24 hours. If the business does not have a human resources employee, vendors are available to provide this service on a per-employee or subscription basis. Rates are very affordable.

E-Verify could lead to discrimination.
Response: E-Verify does not cause hiring discrimination. The system cannot even be used until after a person is hired and cannot be used selectively for verification based on foreign appearance. It actually eliminates hiring discrimination because all new hires must be checked.

SSA Database error rates make E-Verify unworkable.
Response: The real error rate is only 0.16 percent. What other government program can boast that it works correctly 99.84 percent of the time?

E-Verify doesn't protect against identity theft cases.
Response: The one weak point that remains in E-Verify is the false positives that occur when a legitimate identity is stolen. E-Verify provides a tool to protect yourself from identity theft: E-Verify Self Lock.[4] The Social Security Administration could close the loophole almost entirely if it would simply notify workers with more than one employer making contributions to their social security account numbers and ask them to report if they were actually working for each of those employers.[5] SSA, however, has a policy of not informing the victims of identity theft. Most bills mandating E-Verify address that loophole. In the meantime, DHS has a "photo match" feature that adds to E-Verify the digital photos from IDs issued to non-citizens as well as passport photos to help with visual identification.[6]

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[4] https://www.e-verify.gov/employees/employee-self-services/mye-verify/self-lock
[5] Beck, Jeremy, 2015. E-Verify Opponent's Faulty Data & Logic For Scrapping Immigration Enforcement. NumbersUSA. https://www.numbersusa.com/blog/everify-opponents-faulty-data-logic-scrapping-immigration-enforcement
[6] https://www.e-verify.gov/e-verify-user-manual-20-initial-verification-22-create-a-case/222-e-verify-photo-matching

E-Verify is the first step in establishing a national ID card and intrudes on privacy rights.
Response: Nothing could be further than the truth. Use of E-Verify should be critical to those who do <u>not</u> want a national ID because it <u>eliminates</u> one of the primary arguments its proponents use – nothing but a national ID card would be effective in determining workplace eligibility. E-Verify <u>is</u> effective in determining workplace eligibility. Moreover, E-Verify does <u>not</u> intrude upon privacy because the employer, as an E-Verify user, does not have access to personal data. E-Verify simply answers whether the typed-in data is consistent with Social Security Administration records. Your private records remain locked away in the SSA.