

A Short and Unofficial Primer on E-Verify

#StopTheHate

3/2018

**Michael Hollander
(mhollander@clsphila.org)**



Agenda

- What is E-Verify?
- Who has to use E-Verify?
- Why do people want E-Verify?
- Arguments against E-Verify
- Current PA Bills (and a little history)



What is E-Verify

- Internet based system to verify employment eligibility
- Started in 1996, called “Basic Pilot Program/Employment Eligibility Verification Program”
- First used in 1997
- Currently voluntary for most employers



What is E-Verify

- *Supplements I9* verification
- Electronically sends basic info DHS to confirm work authorization (sometimes includes photo)
- Checks against databases of:
 - U.S. passport and visa information
 - Immigration and naturalization records
 - State -issued driver's licenses and identity document information
 - Social Security Administration records.



What is E-Verify

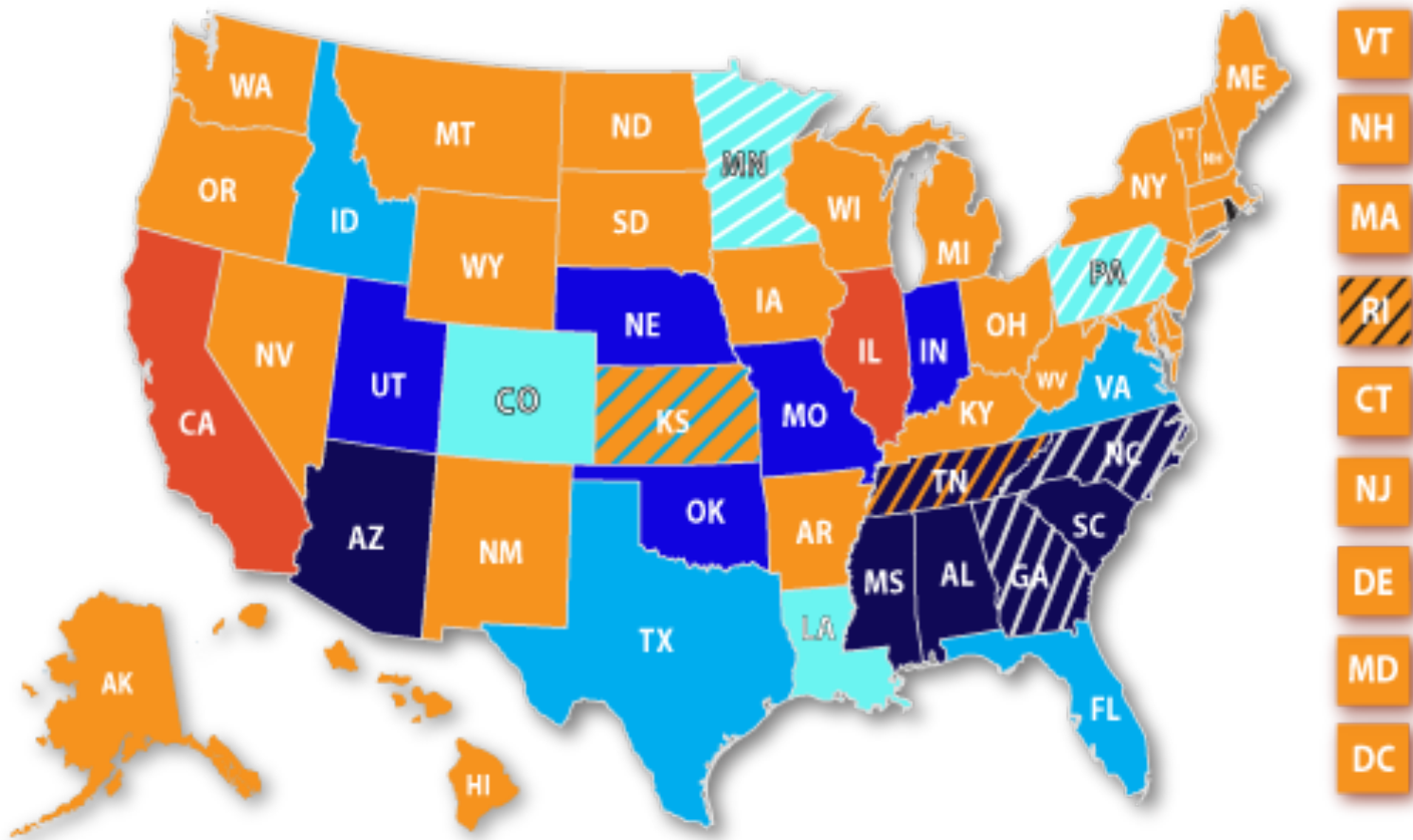
- Instantly receive verification or Tentative Non-Confirmation (TNC)
- Employee with TNC but otherwise good I9 paperwork must be allowed to continue working
- Twoish weeks to work with DHS and SSA to correct TNC



Who has to use E-Verify?

- >700,000 employers, >16mil verifications in 2017 (< 10% of all employers in the US)
- >15,000 employers in PA; 323,000 people in 2017
- Federal contractors
- PA public works contractors
 - “construction, reconstruction, demolition, alteration and/or repair work other than maintenance work, done **under contract** and **paid** for in **whole** or in **part** out of the funds of a **public body** where the estimated cost of the total project is in **excess of \$25,000.**”)





E-Verify Required for Employers



No E-Verify Requirement



Why E-Verify? (FAIR/CIS)

- **Belief that it protects jobs for US workers (a metaphorical border wall)**
- Improves accuracy of wage and tax reporting
- Photo-matching prevents fraud
- Using e-verify = rebuttable presumption that complying with I9 verification
- Free to use



Why Not E-Verify?

- Costly – takes significant person-hours to learn, administer, etc.... (\$200m nationwide private cost)
- TNCs = can't fire worker while unresolved
- Discrimination through pre-screening or not-hiring apparent immigrants
 - Illegal, but that hasn't ever stopped employers before



Why Not E-Verify?

- Accuracy issues (old data – 2012)
 - 54% of non-authorized workers could pass
 - High incorrect TNC for foreign-born workers
 - Errors caused by multiple last names, spaces, typos, marriage, etc...
 - .15% of all queries results in false FNC – almost 200,000 workers if applied to US



Why Not E-Verify?

- Failure to use by employers, even when mandated
- Pushes more employees into underground economy
- Privacy (huge new database of all workers' information = hello Russia!)



Messaging from 2011

- Expensive for business, the state, and individuals
- Error prone (even .8% error rate = >47,000 workers with erroneous TNC)
- Will lead to discrimination
- Doesn't address worker exploitation



Current Bills

- HB 856 (Metcalfe): E-Verify for all
 - Requires everyone to use e-verify
 - No anti-discrimination provisions
 - Allows for anonymous complaints to AG
 - AG must investigate
- HB 1340 (Galloway): E-Verify in Construction
 - Similar to 856, but has some anti-discrimination provisions



The end.

Michael Hollander
mhollander@clsphila.org

