PENNSYLVANIA IMMIGRATION AND CITIZENSHIP COALITION

Advocating for refugees, migrants, and immigrants in Pennsylvania

The Case Against the E-Verify Employee Verification System

Pennsylvania House Bills 379, 380 and 858, and Senate Bill 637 and 947 mandate the use of E-Verify to verify the employment eligibility of all public works contractors and construction industry employees. There are numerous problems with the federal electronic verification system (called "E-Verify") that frequently lead to problems for legal, authorized workers.

Mandatory participation in E-Verify would impose exorbitant costs on Pennsylvania
- In Arizona, where E-Verify became mandatory in 2008, workers and businesses are moving off the books into the cash economy and depriving the state of income-tax revenue.[1]

The E-Verify database has millions of errors that could result in workers being denied a job.
- Employers that use E-Verify report error rates of 10-15%. In 2008, Intel reported that 12% of new employees received tentative non-confirmation. All these employees were ultimately found to be work authorized.[2]
- The Social Security Administration estimates that if e-verify were to become mandatory without an improvement in the system, there would be 3.6 million workers per year mistakenly being unauthorized to work in the U.S.[3]

Potential for Discrimination
- The database errors have the greatest impact on naturalized U.S. citizens, with almost 10 percent initially being told that they are not authorized to work.[4]
- The creation of new criminal penalties against employers will result in uncertainty and fear in the business community. Employers may engage in "defensive hiring," denying many documented workers and people of color access to jobs and potentially exposing employers to liability under antidiscrimination laws.

E-Verify laws place new burdens on all businesses, but especially on small businesses.
- Small businesses employ approximately half of the entire U.S. workforce. These businesses, already struggling in the current economy, will face additional burdens and unanticipated problems if they are required to use E-Verify, potentially harming their ability to create new jobs and revenue.[5]

Burden on the Social Security system
- Making Basic Pilot/E-Verify mandatory will further distract the SSA from its core mission of administering critical programs. Since E-Verify relies on information in SSA databases, requiring all employers to use it will further burden the SSA systems and further increase delays.

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[1] Moran, Tyler. National Immigration Law Center. "Statement on House Committee on the Judiciary Hearing on 'E-Verify – Preserving Jobs for American Workers.'" February 10, 2011. < http://www.nilc.org/immsemplymnt/ircaempverif/e-verify-testimony-nilc-2011-02-10.pdf>

[2] Denisco, Sam. "Testimony on Behalf of the Pennsylvania Chamber of Business and Industry Before the House Labor Relations Committee." June 11, 2009. <www.legis.state.pa.us/cfdocs/legis/TR/.../2009_0149_0003_TSTMNY.pdf>

[3] Moran, Tyler. National Immigration Law Center. "Why the Federal Rule Requiring Government Contractors to Use E-Verify Is Bad Public Policy." July 15, 2009. <http://www.nilc.org/immsemplymnt/ircaempverif/FAR-TPs-2009-07-15.pdf>

[4] National Immigration Law Center. 2009. "Basic Pilot / E-Verify: Why Mandatory Employer Participation Will Hurt Workers, Businesses, and the Struggling U.S. Economy." February.

[5] Ibid.