

Employment verification days are numbered

System to check work eligibility needs to be renewed as Capitol Hill lawmakers continue to tread water on immigration fixes.

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WASHINGTON With the clock ticking on the life of a voluntary online system that helps employers make sure they are hiring legal workers, a House panel today heard from lawmakers, business owners and experts on what to do next.

Few expect Congress to act this year on any comprehensive immigration proposal or on the enforcement-only measures that have been introduced on Capitol Hill. But unless lawmakers do something, the current E-Verify workplace verification system will expire in November.

Rep. Ken Calvert, who authored the first program to check on the legal status of workers, the Basic Pilot Program, told the House subcommittee on Social Security that the current program should be made mandatory.

"There is no perfect system," said Calvert, R-Corona, reacting to those who say the four percent error rate is unacceptable and has led to workers who should have been hired losing job opportunities. "We should remember not to make the perfect the enemy of the good."

But after he testified before his colleagues, Calvert said that he doesn't expect any significant immigration bill to pass this year. What is likely, he said, is that Congress will pass a temporary extension of the current system.

Today's hearing before a Ways and Means subcommittee and another session before the Education and Labor Committee are viewed by immigration-watchers as part of an effort by Democratic leaders to show they are taking steps to address immigration. More hearings are expected before the Memorial Day recess on different aspects of the immigration issue.

"Legislating in an election year, especially on immigration-related matters, is more like Kabuki theater than serious policy deliberation," said Doug Rivlin, spokesman for the National Immigration Forum, a pro-immigrant group. Rivlin's group still welcomes the hearings.

The Social Security panel heard from witnesses who were especially concerned that any effort to expand E-Verify from a voluntary program now used by about 63,000 employers to one where all six million U.S. businesses would be included would strain the Social Security Administration beyond its limits.

"Verification does not belong in Social Security,' said former Rep. Barbara Kennelly, now president of the National Committee to Preserve Social Security and Medicare.

Kennelly and other Social Security experts pointed to the 750,000-case backlog in the processing of disability claims as evidence that the agency could not handle the workload involved in such a mandate.

Subcommittee Chairman Rep. Michael McNulty, D-N.Y., made it clear that he would oppose any measure that impacted that backlog. And he came armed with data showing how long disability applicants have to wait in the congressional districts of those colleagues seeking an expansion of the E-Verify program.

In Calvert's 44th District, for example, which includes parts of south Orange County, someone filing a disability claim has to wait 408 days for it to be processed. The worst backlog in the country is in Atlanta where the wait time averages 849 days.

E-Verify has long been plagued with problems, mostly as a result of errors in the data bases the system relies on to match someone's Social Security number with their identity.

When an employer uses the system, a prospective employee's information is checked with Social Security if they are a U.S. citizen. If they are a green card holder their data is run through a Department of Homeland Security database. About 93 percent of numbers placed into the system immediately come back verified. The remaining need further adjudication by either DHS or SSA.

If the system were made nationwide and mandatory, the Social Security Administration would need at least 700 more people to handle the increased workload, Richard Stana, director of homeland security issues for the Government Accountability Office, told the committee. And hundreds more workers would be needed at DHS.

Mitchell Laird, an owner of Burger King restaurants in Phoenix, said Arizona's law requiring that all employers use E-Verify includes stiff penalties. Laird said such sanctions might lead employers to give hiring "preference to applicants who look like they.... are U.S. citizens."

Rep. Sam Johnson, R-Texas, the senior Republican on the subcommittee, has authored a bill that would use a combination of sources to check workers' eligibility, including using outside contractors to verify people's status. Johnson's bill requires that Congress pay for such as program upfront and also removes DHS from any part in worker verification.