Feds want employers to voluntarily check Social Security numbers

Some employers say databases can't be trusted

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The last sweeping immigration measure passed by Congress — the Immigration Reform and Control Act of 1986 — ordered employers to maintain a record, called an I-9 form, demonstrating that they examined specific documents to check their workers' identity and work authorization.

But employers do not have to verify the authenticity of the documents themselves. That fact has led to criticism of the law's effectiveness because many illegal immigrants use fake or stolen Social Security numbers to get jobs.

Now, federal immigration enforcement officials are aggressively marketing E-Verify, a voluntary Internet program that allows employers to verify workers' Social Security numbers against millions of records inDepartment of Homeland Security and Social Security Administration databases.

Nationwide, more than 69,000 employers have signed on to use E-Verify — of late at a rate of about 1,000 new businesses a week, the government says. That is still a fraction of the estimated 7.4 million employers nationwide.

Homeland security touts E-Verify as the best means for determining eligibility of new hires and says 94 percent of queries are verified within a few seconds. More than 99 percent of all legal workers checked through E-Verify were verified without receiving a nonconfirmation, said Veronica Nur Valdes, a Homeland Security spokeswoman.

But the U.S. Government Accountability Office says that while E-Verify may help employers detect fraudulent documents, it cannot fully address the use of genuine documents by someone other than their rightful owner. E-Verify is also vulnerable to acts of employer fraud and misuse, the accountability office said in a June report.

"The system is not ready for prime time." said Craig Regelbrugge, a spokesman for U.S. farm labor interests who is based in Washington.

Some employers also worry that firing an employee based on an erroneous search result

could lead to a discrimination charge. The 1986 law prohibits discrimination in hiring and firing on the basis of citizenship status or national origin.

Homeland security is also pushing to require employers to fire workers who can't resolve discrepancies in their Social Security number after 93 days. Called the "no-match rule," it is blocked by a California federal judge's injunction.

For years, the Social Security Administration has sent employers letters when employees' names or numbers did not match government records. Some employers just threw the letters away, said Julie Myers, the assistant secretary of homeland security for U.S. Immigration and Customs Enforcement. Under the proposed rule, homeland security would also send "no-match" letters guiding employers on what to do in such cases and outlining penalties for hiring workers who do not resolve discrepancies.

In arguing against the plan, business and civil rights advocates say that it is not fraud-proof and that it could harm legitimate workers, like those who change their name in a divorce or marriage but forget to notify Social Security. Legal workers might end up getting fired before they can navigate federal red tape and prove that they are authorized to work, critics say.

The protests are overblown, government officials say. The majority of people who trigger E-Verify mismatches or "no-match" letters don't try to contest them, and most are presumed not to have legitimate documents, Valdes said.

But are illegal workers caught in the Social Security checks likely to give up and leave the country?

Probably not, said Regelbrugge, co-chairman of the Agriculture Coalition for Immigration Reform.

"What you'll probably get is simply a mass migration where the workers leave farmer Jones and go to work for farmer Smith and vice versa, and everybody tries to stay one step ahead of the thing," Regelbrugge said.

Richie Jackson, chief executive of the Texas Restaurant Association, said workers who take their false documents from one job to the next will create turnover in a growing industry that will be hard-pressed to fill jobs. The population of native-born workers between the ages of 18 and 24 — a prime demographic in the industry's work force — will decline by 7.5 percent during the next 10 years, Jackson said.

Ray Perryman, a Waco-based economist, estimates that 13 percent of the retail and restaurant work force in Texas is undocumented.

A bill in a U.S. House committee would require all employers to participate in E-Verify and to fire anyone who cannot prove his or her right to work.

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