

# **Worker status checks' errors called 'severe'**

**E-Verify often wrongly flags foreign-born hires as illegal, a report says, raising fears the system could lead to bias.**

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By Theo Milonopoulos,  
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WASHINGTON -- Possible discrimination against foreign-born employees remains a concern for an electronic verification system that ultimately catches a tiny fraction of workers in the United States illegally, immigration officials were told Tuesday.

During a meeting with employers, civil liberties advocates and industry association representatives, officials at the Department of Homeland Security said they were working to improve the scope and accuracy of E-Verify, a system that enables employers to match employee identification information, such as name and Social Security number, with federal databases to determine the legal status of newly hired workers.

Carolyn F. Shettle, who led an evaluation of the program by Westat Corp., a private research company, said the situation confronting naturalized citizens was "severe": Almost 10% of foreign-born U.S. citizens processed through E-Verify were initially told they were unauthorized to work even though they actually were legally eligible for employment.

The workers were cleared after contesting the initial findings, the Westat report said, but the manual review process for such cases "is time-consuming and can result in discrimination" against foreign-born employees.

Employers might delay a new worker's start date, withhold training, or scale back the worker's schedule during the review process, the report said.

"It deprives businesses of eligible, capable employees," said Timothy D. Sparapani, senior legislative counsel at the American Civil Liberties Union.

"Most jobs can't afford to wait while somebody clarifies their work status."

Critics said E-Verify (formerly known as Basic Pilot) relies on inaccurate data that can mistakenly prevent eligible workers from beginning new jobs and burdens the employers who hire them.

Some mismatches happen because few people update the Social Security Administration on changes to citizenship or immigration status unless they're updating other information, such as a marriage or divorce, the report found.

But the E-Verify database "is still not sufficiently up to date" to meet federal requirements for accurate verification if it becomes a mandated national program, the report said.

Between June 2004 and March 2007, E-Verify identified 7,636 workers as unauthorized, out of almost 3.5 million submissions, according to the report, which was completed in September.

Gerri Ratliff, an associate deputy director for U.S. Citizenship and Immigration Services, said that Homeland Security had added sources to its database to reduce the mismatch rate and that the agency hoped to be able to incorporate naturalization data by the end of the year.

Employers cannot use E-Verify to pre-screen applicants and cannot terminate new employees who are contesting an initial nonauthorization finding.

Randel K. Johnson, a vice president at the U.S. Chamber of Commerce, said E-Verify put strain on employers -- and might even discourage them from hiring people who appear foreign-born because of the potential hassle of the verification process.

In August, the Bush administration outlined a plan to require the more than 200,000 companies with federal contracts to use E-Verify.

More than 23,000 employers are registered for the program.

As of last month, Ratliff said, the Office of Management and Budget has required all federal agencies to use E-Verify for new workers.

"To see the program . . . continuing to grow all over the country, as well as in the high-immigration states, has been something that has challenged us but also given us feedback that we must be doing something right and meeting a need out there as we continue to improve," she said.