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**Editorial**

## **E-Verify: 'E' is for error**

**Too many illegal immigrants are slipping through the government background check.**

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To think that for all these years, we were wrong about E-Verify, the government background check that tells employers whether their employees are authorized to work legally in the United States. We thought the reason to distrust the program was its tendency to get things wrong, ensnaring legal, permanent residents and citizens in red tape, halting their legitimate employment. Now it turns out that E-Verify is not misidentifying legitimate workers in troubling numbers but clearing undocumented immigrants.

According to a recent report by Westat, a research company that evaluated the program for the Department of Homeland Security, E-Verify fails to flag illegal workers 54% of the time. The problem is identity fraud. The online program checks a worker's information against Homeland Security and Social Security databases. And if a valid Social Security number is presented, even if it's already in use, the program often recognizes it as legitimate.

Homeland Security Secretary Janet Napolitano says that she doubts the error rate is that high and that improvements to root out identity fraud are being developed. They cannot come too soon. E-Verify is a cornerstone not just of the Obama administration's immigration policy but of any hoped-for comprehensive reform legislation. There can be no agreement between congressional Democrats and Republicans without a reliable enforcement mechanism.

We believe that fixing our broken immigration system requires legalizing the 11 million undocumented immigrants already living here, and also managing the future flow of illegal immigrants. That means creating ways for foreign workers to come to the U.S., such as temporary visas, while cracking down on illegal employment. E-Verify is, in theory at least, one of the best ways to do so, but the Westat report suggests that its rapid expansion is not yet justified. At the moment, Arizona and Mississippi require all employers to use it, and the calls for implementation have been growing louder. Currently, about 184,000 of the nation's 7 million to 8 million employers use it.

Eventually, when E-Verify is working well, we can talk about whether it should be mandated so that employers can be held accountable. But for now, the focus should be on reducing the error rate. The Westat report is encouraging in some respects: Although the program used to regularly mistake legal workers for illegal ones, it now correctly evaluates documented workers 99% of the time. Still, expansion is premature. Before employers can be held accountable, they need a tool that works.