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Official: E-Verify changes in the works

BY CHRIS STROHM, [CONGRESSDAILY](#) 09/14/2009

The newly minted director of U.S. Citizenship and Immigration Services sounded alarm bells today over the possible expiration of a program used to verify the legal status of workers in the country -- even as his agency works on plans to expand it as part of an overhaul the nation's immigration laws.

The E-Verify program, which checks a worker's immigration status against Homeland Security Department and Social Security Administration databases, will expire at the end of this month unless Congress reauthorizes it.

"E-Verify is a tool to ensure a legal workforce. It assists employers in abiding by the law and it also protects the workforce," USCIS Director Alejandro Mayorkas said after a news conference at department headquarters. "If E-Verify is not renewed, in my opinion we will need a different vehicle to accomplish those very fundamental objectives."

"I think it would raise some important questions," added Mayorkas, a Cuban immigrant whom the Senate confirmed to run the agency last month.

During the new conference, Mayorkas said his agency is already considering changes in E-Verify on the assumption Congress eventually will pass comprehensive immigration reform that would give legal status to millions of undocumented workers in the country.

The agency must ensure that E-Verify has the ability to handle a surge in the number of queries, Mayorkas said. Other changes to the program could include verifying how long a person has been in the country.

The agency is also evaluating a way to use biometrics, such as fingerprints, to verify a person's identity. Mayorkas noted that Senate Judiciary Immigration Subcommittee Chairman Charles Schumer, D-N.Y., has said that all U.S. workers should verify their identities using biometrics.

Congressional leaders have not provided a timeline for taking up an immigration bill, although advocates who favor reform want to see legislation enacted by the spring.

With regard to E-Verify, lawmakers have included language in the pending FY10 Homeland Security appropriations bills to keep the program running. The House bill includes a two-year reauthorization, while the Senate bill makes it permanent.

But it is not clear when an appropriations bill will be enacted, although one option for lawmakers would be to include language reauthorizing E-Verify in the continuing resolution expected later this month.

But business groups have also expressed concern about E-Verify's fate, especially since the Obama administration implemented a rule this month requiring contractors to verify the legal status of employees who work on federal projects.

When asked if E-Verify could cease to operate at the end of the month, a CIS spokesman said, "We expect that Congress will provide the necessary authority to continue the program."