

E-Verify triggers privacy, cost concerns

By [JESSICA MEYERS](#) | 5/9/13 5:06 AM EDT

Even technology in the Senate's immigration bill has sparked a fight.

Proposed changes to an abstruse electronic employment-verification system known as E-Verify have triggered dissent among an unusual cadre of privacy activists, human rights organizations and enforcement buffs.

The provisions would turn E-Verify into a mandatory tool, requiring employers to check legal status with both documents and photos stored in the system. The shifts have elicited a flurry of concerns about privacy, cost and blatant discrimination. But they've also angered groups who want even stiffer rules against identity fraud and potential abuses.

These tensions illuminate broader struggles faced by Gang of Eight members, whose success in passing a bill hinges on their ability to balance tighter security standards with personal rights.

"This is a national database on every authorized worker in the U.S.," said David Bier, an immigration policy analyst for the Competitive Enterprise Institute. "That is what it attempts to be."

Only about 7 percent of employers make use of the system, which checks an employee's Social Security or other identification number against Department of Homeland Security records. The bill would expand the tool to include photographs and provide grants to states that allow access to driver's license information. Employees without photos would undergo further identification procedures. Every employer would be required to use it.

Gang of Eight members — cognizant that Republican support is incumbent on strengthened security measures — have shown remarkable unity on the subject.

Sen. Lindsey Graham (R-S.C.) calls a mandatory employee-verification system the country's best "virtual fence." Rep. Marco Rubio (R-Fla.) repeatedly links the mandate with ending America's "job magnet" status for undocumented workers. And Sen. Chuck Schumer (D-N.Y.) emphasized in a recent tweet that negotiators had "cracked down on illegal immigration by securing the border & using E-Verify to stop companies from hiring illegal immigrants."

Many attest the system needs work.

Senate Judiciary Committee ranking member Chuck Grassley (R-Iowa) and former House Judiciary Committee Chairman Lamar Smith (R-Texas) have introduced bills this session targeting E-Verify reform. House Judiciary Committee Chairman Bob Goodlatte (R-Va.) announced last month that the committee's first immigration hearing would focus on the program. And President Barack Obama has endorsed a mandatory verification system as part of a broader deal.

Senators plan to address E-Verify on Thursday when the chamber's Judiciary Committee begins the markup of immigration legislation.

The U.S. Citizenship and Immigration Services "is continuing to develop initiatives that protect employee rights," Soraya Correa, associate director for the Enterprises Services Directorate, said at a House Judiciary Committee hearing this year. She highlighted new efforts to send notification emails when the system can't confirm employees and develop a multiagency partnership so those who fail matches can request a review. Authorities already are incorporating more use of photos. Senators dropped the idea of a biometric ID card after cost estimates ran high.

But the Gang of Eight provisions represent the most expansive shifts yet to the program — one that civil rights groups have framed as a glaring indicator of government intrusion.

"We worry that it will expand to all these other purposes the same way the Social Security number has expanded and been used 70-odd years," said Chris Calabrese, legislative counsel at the American Civil Liberties Union's Washington office. "This is the part of immigration reform that affects everybody."

Their fears extend beyond privacy. The system has a 98 percent accuracy rate, according to a 2010 Government Accountability Office report, but occasional errors tend to affect minority groups and naturalized foreign citizens. "Employers may not want to hire certain people because these types of folks were a problem in the system before," Calabrese said. "There's a real potential discrimination issue at play here."

More than 40 groups penned a letter in February asking Congress to vote against a mandatory system. The organizations — from the Center for Digital Democracy to the Hispanic Leadership Fund — said it would force employers to act as immigration agents, exacerbate identity theft, produce high costs and lead to a de facto national ID system.

Senate negotiators just can't win.

Even those who support a stronger verification system have attacked the new plan. "The Gang of Eight really missed an opportunity to improve enforcement and reduce the job magnet by submitting to all these demands for due process and appeasement of illegal worker and employers," said Jessica Vaughan, director of policy studies at the Center for Immigration Studies.

She criticized a failure to shorten the appeals process, grant access to law enforcement or crack down more heavily on identity fraud. The bill does ensure others don't use Social Security numbers in the system and calls for more monitoring of abuses, actions Vaughan said don't go far enough.

"The idea of universal mandatory E-Verify is great," she said, "but the execution of this bill is fatally flawed."

The legislation's heavy lift remains a citizenship path for 11 million undocumented workers. But E-Verify, long a controversial aspect, continues to pop up.

"I support using an electronic verification system to ensure new hires are legal," Senate Judiciary Committee member Al Franken (D-Minn.) told POLITICO in an email. "E-Verify has a record of identifying people who are legal as not legal. Big companies that have [human resources] departments can handle these errors. But small businesses aren't going to have the time or resources to deal with them."

Among several E-Verify amendments proposed Tuesday, Franken introduced changes that require regular accuracy reports and establish certain protections for small businesses.

Grassley unveiled a number of tweaks to the system that include requiring potential employee consent, enforcing a start date and demanding a detailed weekly report from the government on people who fail to show up in the system.

Sen. Orrin Hatch (R-Utah) has offered several amendments to tighten controls, including assurances that people who commit identity fraud are charged with a crime. Other technical amendments tweak language related to implementation.

This marks the beginning of a system bound for scrutiny.

Sen. Rand Paul (R-Ky.), who represents some of the greatest libertarian support for comprehensive immigration reform, has pinpointed its expansion. "I don't mind if there's E-Verify, maybe related to the Tax Code somehow," he said in a discussion of his immigration priorities. "But I don't like the idea of making every business owner a policeman."

<http://www.politico.com/story/2013/05/immigration-e-verify-triggers-privacy-cost-concerns-91092.html>