Report: Inconsistencies Found in State Enforcement of E-Verify Policies

by Rosa Ramirez

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More than a dozen states use E-Verify to check the immigration status of new hires or government contractors, but a study has found that state officials have not been implementing the policy uniformly.

Some states use the free, Internet-based system that allows employers to check the eligibility of new hires to work in the United States by running their Social Security number and date of birth through millions of government records to verify the status of all employees, while other states use it for government employees only, according to the new report by the Center for Immigration Studies, a group that supports reduced immigration.

Six states—Alabama, Arizona, Georgia, Mississippi, North Carolina, and South Carolina—require that all or nearly all employers use E-Verify, according to the CIS study, "An Overview of E-Verify Policies at the State Level."

Five states mandate that new government employees and contractors' information be run against the database, according to the CIS report. Several counties in Washington state use the system, even though it is not mandated by the state.

Pennsylvania, starting in January, is requiring employers in construction public works projects to use E-verify, said Jessica M. Vaughan, director of policy studies at CIS. Penalties for failing to provide verification can range from $250 to $1,000.

"I have been surprised that more states are not looking to expand it beyond the public employees and public contractors," Vaughan said. South Carolina is the only state that conducts audits to ensure businesses comply, she said.

Auditing, which is done by the state, ensures that employers have a level playing field, Vaughan said. Without it, some employers could be motivated to hire undocumented immigrants, presumably to reduce their labor costs, she said. "That's going to breed frustration with the law" among those who are using E-verify, she said.

More than 387,000 employers use the E-Verify system, according to U.S. Citizenship and Immigration Services data. Some 1,200 new businesses sign up each week.

Although the earliest version of E-Verify legislation was signed in 2007, according to the new CIS report, the bulk of the laws were passed in 2010 and 2011, making it too early to examine the overall effectiveness of E-Verify since the policies were implemented only a few years ago.

Last year, Rep. **Lamar Smith**, R-Texas, introduced a bill that would require nearly every employer in the country to use E-Verify. Nonetheless, the system has its share of critics. If made mandatory nationwide, it could cost thousands of dollars to train personnel how to use it, as well as lost tax revenue and other monetary burdens, according to the Center for American Progress, a left-leaning think tank.

A [2010 Government Accountability Office report](#) also found that persistent errors can surface from misspellings or slight mismatches of names on E-Verify documents and in its database, creating problems for thousands of workers. The accuracy rate during fiscal 2006, when the data were examined, was 97.4 percent, according to the GAO report.

The Center for American Progress estimates that 770,000 workers who are authorized to work in the United States could potentially lose their jobs. In addition, naturalized U.S. citizens are 30 times more likely than those born here to experience an E-Verify error.

CIS's Vaughan said the federal government has improved E-verify to reduce the chances of error for those who are naturalized citizens.

Washington state, which is not required to use E-Verify but has at least 11 counties that do, recently introduced a bill to stop cities and counties from requiring employers to use the database, according to a [story](#) in *The Columbian*. The reason: It's crippling the agriculture industry and hurting legal immigrants.

http://www.nationaljournal.com/thenextamerica/workforce/report-inconsistencies-found-in-state-enforcement-of-e-verify-policies-20120730