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E-Verify system not ready for prime time

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In May, the U.S. Supreme Court upheld a controversial Arizona law that requires employers to check the immigration status of new hires on an Internet database and revokes their business licenses if they violate federal immigration law. Emboldened, supporters are trying to take the program national: This week, a congressional committee approved a bill introduced by Rep. Lamar Smith that would mandate that all U.S. employers use an online database to confirm workers are authorized to work in the United States.

It would be a terrible mistake to expose the nation to the hazards of this far-reaching and flawed database. It will create a nightmare for job applicants, new hires, current employees and law-abiding small businesses — and will fail to address illegal immigration and the needs of our struggling economy.

Here's the problem: The database is riddled with inaccuracies and out-of-date information, flaws widely acknowledged even by the federal government. Its error rate is either 2 percent, 4 percent or 12 percent, depending on which study you read. Even a 2-percent inaccuracy rate nationally would mean that up to 1.3 million employees annually would be wrongfully told that they are ineligible to work. To correct the mistake and save their jobs, these workers would have only a few days to go stand in line at a government office and clarify things, or be terminated.

Unfortunately, workers unfairly stuck in this limbo are at the mercy and whim of employers. According to the Government Accountability Office, many employers who receive preliminary notices questioning a new hire's work eligibility actually take steps to restrict work assignments, delay job training and reduce pay — in violation of the law — while the employee tries to correct the error. The GAO estimates almost 800,000 authorized workers wouldn't be able to correct database errors and would lose their jobs if the current system, called E-Verify, were national policy. These workers would be permanently unemployable, since all employers would find the same wrong data each time the worker applied for a job.

To be clear, a national E-Verify mandate would not be restricted to immigrants — every new hire in America would have to go through a fraught background check and pray that some data-entry glitch in the Homeland Security and Social Security databases doesn't derail his or her new job.

E-Verify would also subject America's workers to increased employment discrimination and other unlawful employment practices. Employees who are born in another country are up to 50 times more

likely than native-born employees to be wrongly identified as unauthorized to work. Some employers will simply refuse to hire or even interview workers who look or sound foreign.

The irony of E-Verify, after all this, is that the harsh sanctions do not even stop unauthorized work. In fact, bottom-feeder employers only become emboldened to hire workers off the books and abuse those workers and our payroll-tax and insurance systems.

Under E-Verify, the only thing a business needs to do to avoid sanctions for hiring unauthorized workers is to hire workers off the books. As an added bonus, no taxes need to be paid for workers who don't officially exist. In fact, the Congressional Budget Office estimates that nationwide implementation of E-Verify would decrease federal tax revenues by \$17.3 billion over 10 years, by shifting more workers off the books.

E-Verify is clearly not ready for prime time, and it's doubtful it will ever be.

It's no surprise that groups across the political spectrum — privacy, civil rights and civil-liberty groups, as well as business and labor — have lined up to oppose the program. E-Verify is a threat to both civil rights and jobs.

The real solutions to our immigration crisis involve comprehensively reforming our immigration system and strengthening core labor standards to protect all of our nation's workers. Mandating immigration database checks does nothing to resolve the status of our undocumented workforce. We can pull the wool over our own eyes and pretend it's a solution, but we do so at our own peril.

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