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GOVERNMENT AGENCIES AND E-VERIFY: Erroneous Results and Misuse Cost Workers Their Jobs

Making E-Verify mandatory—even for government agencies and contractors—could threaten the jobs of U.S. citizens because there are errors in the system and because employers misuse it.

E-Verify is inaccurate.

- According to an [evaluation](#) by Westat commissioned by the Department of Homeland Security, approximately 0.8 percent of work-authorized U.S. citizens and legal immigrants received an erroneous “tentative nonconfirmation” from E-Verify.¹ Approximately 0.3 percent of those workers were able to successfully contest their findings and keep their jobs. The remaining 0.5 percent were not able to correct their records and received an erroneous “final nonconfirmation.”²

E-Verify does not detect unauthorized workers.

- The same [evaluation](#) found that 4.1 percent of initial responses were wrong—0.7 percent of the time, legally authorized workers were flagged as not work authorized, and 3.3 percent of all E-Verify cases involved unauthorized workers who got through the system.³ According to Westat, “many unauthorized workers obtain employment by committing identity fraud that cannot be detected by E-Verify.” The “inaccuracy rate for unauthorized workers” is about 54 percent.⁴
- E-Verify will not stop employers from hiring workers off the books, and may encourage them to do so.

Local government agencies that have used E-Verify have experienced high error rates.

- A [survey](#) by the Los Angeles County Human Resources Department found that they received even higher levels of erroneous results than those reported by Westat.
- In 2008, Los Angeles County reported that 2.7 percent of the county’s E-verify queries resulted in erroneous tentative nonconfirmations. Of the 254 tentative nonconfirmations from the Social Security Administration (SSA), 27 resulted in SSA final nonconfirmation. Of the 27 cases, 20 employees were actually work authorized.⁵
- In 2009, 2.0 percent of the county’s E-Verify queries resulted in erroneous tentative nonconfirmations. Seven employees received a final nonconfirmation. Of the seven cases, six employees were actually employment authorized.⁶
- Taking the average from 2008 and 2009 brings the error rate for legally authorized workers in L.A. County to 2.3 percent, which is much higher than the 0.8% figure reported by the federal government.⁷

Federal government agencies have misused E-Verify.

- The SSA is one of the key agencies administering the E-Verify program, yet it failed to use the program correctly for its own employees. According to a [report](#) by the SSA Inspector General, when SSA implemented E-Verify, the agency failed to use E-Verify on nearly 20 percent of their new hires.⁸
- The SSA not only failed to use the system in a large percentage of their own hires, but improperly ran checks on 169 volunteers and individuals who had not yet been hired, and violated program rules with respect to the timing of its verifications 49 percent of the time.⁹

The federal government needs to reform the immigration system.

- E-Verify is not a silver bullet that will solve our immigration dilemma. It is an ineffective and flawed program that the federal government must fix, in coordination with creating a national legal immigration system for the 21st century and creating a legal workforce.
- In the meantime, legislatures should not saddle the state workforce with a severely flawed program that cannot solve the problem of unauthorized immigration and could actually harm U.S. workers.

Endnotes

¹ Westat, [Findings of the Web-Based E-Verify Program Evaluation](#), December 2009, p. xxix.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ William T. Fujioka, Chief Executive Officer, "[Report on \[L.A.\] County's Use of E-Verify System](#)," March 10, 2010.

⁶ Ibid.

⁷ Marc Rosenblum, [E-Verify: Strengths, Weaknesses, and Proposals for Reform](#) (Washington, DC: Migration Policy Institute, February 2011), p. 6.

⁸ Social Security Administration Office of the Inspector General, [The Social Security Administration's Implementation of the E-Verify Program for New Hires](#), 2010.

⁹ Ibid.