



IMMIGRATION POLICY CENTER

...providing factual information about immigration and immigrants in America

July 23, 2009

10 KEY COMPONENTS FOR A WORKABLE AND EFFECTIVE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM (EEVS)

A key part of comprehensive immigration reform will no doubt be the implementation of an electronic employment-verification system (EEVS). Since EEVS affects every single person working in the United States—immigrants and citizens alike—is it important to consider several key areas that must be addressed to make such a system workable and effective.

The U.S. government's current EEVS program, known as "E-Verify," is mostly voluntary and relatively small. Over the past several years, immigrant advocates, privacy experts, and government agencies have identified potential problems associated with EEVS that impact foreign-born workers as well as U.S. citizens. Before expansion of the EEVS program, policymakers must acknowledge the shortfalls of the current system and ensure a better-designed program that will protect all immigrant and American workers.

Any new or expanded electronic employment-verification system (EEVS) must address the following key areas:

1. **Comprehensive immigration reform:** A mandatory EEVS must not be implemented unless it is part of comprehensive immigration reform that also includes a legalization program for current undocumented immigrants, creates channels through which future immigrants may enter the United States legally, and reduces the incentives to hire undocumented workers. EEVS alone is not an effective solution to our nation's immigration problems.
2. **Apply to new hires only:** Employers must only be allowed to verify new employees. Re-verification of the entire workforce would place a tremendous burden on workers, businesses, and government agencies.
3. **Data accuracy:** Every effort must be made to ensure that the data accessed by employers is accurate, continuously updated, and subject to review. No U.S. citizens or legal immigrant workers should be denied employment because of errors in the database.
4. **Documentation:** The documents that workers are required to present must be documents that all U.S. citizens and legal workers will reasonably be able to obtain. Currently, more than 13 million American adults cannot easily produce documentation proving their citizenship. No one should be denied employment because they are not able to obtain the required documents.

THE IMMIGRATION POLICY CENTER

1331 G STREET • WASHINGTON, DC 20005 • TEL: (202) 507-7500 • FAX: (202) 742-5619

www.immigrationpolicy.org

5. **Worker protections:** There must be rigorous oversight of the program and significant penalties for employer misuse of the program—such as discrimination, pre-screening, retaliation, and adverse employment actions based on tentative nonconfirmations—and failure to inform workers of their rights under EEVS.
6. **Complaint and redress procedure:** If a worker is adversely affected by an employer's misuse of the program, or because of a database error, a clear complaint process must be available so the worker can report the incident and receive redress.
7. **Due process protections:** Individuals must be allowed to view their own records and contact the appropriate agency to correct any errors that exist. Administrative and judicial review must be available so that workers are able to seek compensation from the government if an error in a government database results in denial or termination of employment.
8. **Privacy protections:** The amount of data to be collected and stored must be minimized, and penalties must be created for collecting or maintaining data not authorized in the statute. Furthermore, there must be serious penalties for use of EEVS data to commit identity fraud, unlawfully obtain employment, or for any other unauthorized purpose.
9. **Resources:** Sufficient resources will be necessary to implement and maintain a new or expanded EEVS, including additional personnel to handle the enormous increase in queries associated with a mandatory system. Without resources to upgrade and maintain the databases, and to hire and train personnel, a well-functioning, mandatory, universal EEVS will be impossible. The cost of the program cannot fall disproportionately on immigrants, employers, or U.S. citizens.
10. **Outreach:** Significant community outreach and education must precede any expansion of EEVS in order to inform both employers and workers about how the system works, their rights and responsibilities under the new system, and avenues for redress in cases of error or unfair employment practices.