



May 24, 2010

Executive and County Council Members
Pierce County
County-City Building
930 Tacoma Avenue South, Room 1046
Tacoma, WA 98402

Re: Proposed County Resolution Regarding the Use of E-Verify

Dear Executive McCarthy and Members of the Pierce County Council:

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
705 2ND AVENUE, 3RD FL.
SEATTLE, WA 98104
T/206.624.2184
WWW.ACLU-WA.ORG

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

I write on behalf of the American Civil Liberties Union of Washington. We are a statewide, non-partisan, non-profit organization with over 20,000 members, dedicated to the preservation and defense of constitutional and civil liberties. We understand that the Pierce County Council is considering a resolution urging Washington State and its municipalities to include mandatory E-Verify checks in their hiring and contracting processes. The E-Verify system is seriously flawed, and broadening its use would harm Washington, its residents, and its businesses without meaningfully reducing employment of unauthorized workers. We therefore urge the Council not to encourage expanded use of E-Verify.

E-Verify denies employment opportunities to people who have the legal right to work in this country. The Social Security Administration, whose database contains most of the information relied upon by E-Verify, has estimated that its records contain nearly 18 million errors that would cause E-Verify to return incorrect results.¹ Even a small error such as a typo in a name or a birth date can cause E-Verify to fail, as can information that has become outdated due to a change in immigration status or even a simple name change after marriage. Identity-theft victims can be left suffering not only from the direct effects of crime but also from lost job opportunities. Because the E-Verify system cannot alter these records, changes to E-Verify itself cannot address these flaws. And though these failings affect all newly hired employees, they have a hugely disproportionate impact on naturalized citizens and authorized foreign-born workers.

When E-Verify fails, lawful workers must undertake a time-consuming and burdensome process in order to fix errors in the government databases. Employees who need to correct inaccurate Social Security information, for example, must go to a Social Security office in person to try to resolve the problem. These visits can take

¹ Social Security Administration, Office of the Inspector General, *Accuracy of the Social Security Administration's Numident File*, Congressional Response Report A-08-06-26100, <http://www.ssa.gov/oig/ADOBEPDF/A-08-06-26100.pdf>, page 5 (December 2006).

hours, and one visit may not be enough. People must miss work in order to go to government offices during business hours, which is just as bad for businesses as it is for employees.

Employers who want to help their workers correct database errors also face other substantial costs. For example, Intel, which has used E-Verify since 2008, described its efforts to correct government errors as a “sobering” experience. E-Verify incorrectly identified over 12% of Intel’s new hires as ineligible for work, even though *every single one* was later verified to be work-eligible. Correcting these errors sometimes required hours of effort by Intel representatives, even for employees who were U.S. citizens with valid passports and birth certificates. Intel noted that this process cost it a significant amount of time, money, and lost productivity. And the federal government has estimated that its direct costs to run a mandatory E-Verify system would exceed \$1 billion over just its first four years, not including the cost of the additional staff that the U.S. Citizenship and Immigration Service would have to hire to administer the program.² State and local governments should not adopt a program that imposes these new costs, especially in this struggling economy.

Finally, E-Verify does not even fulfill its basic purpose of preventing the employment of unauthorized workers. A 2009 report commissioned by the Department of Homeland Security estimated that E-Verify fails to identify 54% of ineligible workers. Federal law already requires employers not to hire unauthorized workers; E-Verify simply attempts to enforce this pre-existing obligation, but it does so through a severely flawed—and ultimately counterproductive—system. And even when E-Verify does properly identify employees who are ineligible to work, they will likely turn to off-the-books employment—a problem that E-Verify does not address at all, and one that imposes further costs on governments due to lost tax revenue. E-Verify does not serve Washington’s interests because it simply doesn’t work.

The Council’s concern for the plight of lawful workers is entirely appropriate, especially in these difficult economic times. But E-Verify is not the answer. We need comprehensive federal immigration reform, not piecemeal local efforts that are error-prone and ineffective. E-Verify burdens governments, private employers, and lawful workers without effectively deterring unlawful employment. We urge the Council not to encourage its expansion.

Sincerely,

Shankar Narayan
Legislative Director

² Andorra Bruno, *Electronic Employment Eligibility Verification*, Congressional Research Service Report R40446, page 12 (March 2009).