



# Arizona Is Weighing Nonsensical New E-Verify Measures

Fiona Harrigan

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Republican lawmakers in Arizona are advancing a collection of bills targeting illegal immigrants and their activities in the state. One in particular, House Concurrent Resolution (HCR) 2060, has the potential to disrupt all manner of peaceful economic interactions.

Arizona law requires that all employers use the federal E-Verify program to ensure that hired employees are eligible to work in the United States. HCR 2060 would add to existing requirements by mandating that employers use E-Verify to check the legal status of subcontractors and independent contractors. Noncompliant employers could face felony charges and fines of \$10,000 per undocumented employee.

HCR 2060 has already passed the Arizona House. If it passes the Senate, it will appear on the ballot in November. And though its sponsor, House Speaker Ben Toma (R–Glendale), says the proposal would keep "Arizona from becoming like California" and stop illegal immigrants from "tak[ing] advantage of Americans," plenty of Arizonans are concerned about its economic consequences.

That includes over 100 Arizona business, faith, and community representatives, who charged in an open letter to state politicians that the "anti-immigrant proposals" being considered by the Legislature "will cause unnecessary disruption to the workforce." Given that "Arizona currently only has 71 available workers for every 100 open jobs," the letter calls for elected officials "to support legal work permits for long-term immigrant contributors" rather than participating in "political gamesmanship."

For all the support E-Verify receives from state and national politicians, the employment verification system has many downsides. It's costly (especially for small businesses), it negatively affects lower-skilled native-born workers, and it's easily gamed. Rather than just impacting undocumented immigrants who want to work, it punishes employers for consensual hiring practices and forces native-born workers to get yet another permission slip to do their jobs and live their lives.

"Nationwide, the surge of E-Verify queries has not coincided with any significant reduction in the number of illegal workers," wrote David J. Bier, associate director of immigration studies at the Cato Institute, in 2019. "From 2007 to 2016, the number of illegal workers hovered around 8 million, even as the number of E-Verify queries increased tenfold....The only independent audit of the E-Verify system in 2012 concluded that half of all illegal workers run through the system evaded detection, primarily by borrowing the identification of legal workers."

"The E-Verify program has made significant improvements over the years," says Sam Peak, senior policy analyst at Americans for Prosperity, a libertarian advocacy group. "Despite this, making it mandatory for more people likely exposes them to many uncertainties that could disrupt the hiring process."

HCR 2060's vague language might also leave the door open for Arizonans to face legal consequences, perhaps unknowingly, if the businesses they patronize don't comply with E-Verify mandates. According to the resolution text, any person who "commits obstruction of the legal duty to use E-Verify," including acts "in association with any person who has the intent to obstruct, impair or hinder any person from using the E-Verify program as required by law," is "guilty of a class 6 felony."

What exactly the phrase *in association with* means is not clear. "What happens if a household unknowingly hires a roofing company that does not use E-Verify?" asks Peak.\*

Mandating E-Verify for more Arizona workers will inevitably lead to headaches and increased compliance costs for employers and consumers. Voters would do well to remember those consequences if HCR 2060 appears on the ballot in November.