How do workers without legal status get around E-Verify

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For an immigrant who journeys to the Deep South to toil in the chicken factories, it does not take long to figure out how to land a job — even without legal status to work in the United States.

Arriving in Mississippi last year, Beatriz, a 22-year-old Guatemalan, quickly learned all she had to do was purchase fraudulent documents and apply at one of the many plants where cursory reviews and few questions are the norm.

So she paid a man $1,500 for a fake Social Security card, a matching identification card with her photo and a new name: Brandy.

Within days, she had a job cutting and weighing chicken at Pearl River Foods in the town of Carthage.

"It's not a secret. Almost everyone works with another name," she said. "All they do is verify your Social Security number and your ID with another name and you're good."

One of 680 workers rounded up this month by Immigration and Customs Enforcement in massive raids at poultry plants across Mississippi, Beatriz spoke on condition that she be identified only by her middle name because she was admitting to a crime and did not want to hurt her immigration case.

The operation exposed the poultry industry's widespread use of unauthorized workers despite the federal system known as E-Verify, which was unveiled more than a decade ago to ensure potential hires could work legally in the United States.

Mississippi requires all private employers to use E-Verify, but the law is not followed uniformly. A recent study by the Pew Charitable Trusts found that fewer than half the people hired in the state in recent years were screened.

And even when employers utilize the system, it has a major weakness well known to those who work in the chicken factories: It does not detect when a job applicant is using somebody else's identity.

"It would be hard to design a more ineffective system than E-Verify," said Alex Nowrasteh, a director of immigration studies at the Cato Institute, a libertarian think tank based in Washington.

"The system only checks the documents that you give it. It doesn't check the worker. That's the fatal flaw."

Some workers without legal status borrow the identities of friends. Others pay for the stolen identification of unknowing or dead citizens. Meanwhile, some companies use E-Verify improperly, and unscrupulous ones can accept shady documents while maintaining that they use the system.

No executives or managers at the companies targeted in the Mississippi raids — Koch Foods, Peco Foods, PH Food, A&B and Pearl River Foods — have been charged.

But in affidavits, federal immigration officials said they had probable cause to believe that for years all five had knowingly hired immigrants in the country illegally. They said that since 2002 they had arrested or encountered more than 360 immigrants without legal status who said they worked at the Peco Foods or Koch Foods chicken processing plants.

PH Food outsourced payroll to a company that "failed to comply" with the E-Verify memorandum of understanding, investigators said in the affidavits.

One woman was hired twice by Peco Foods using two different identities, and one of the company's human resources employees said in a videotaped conversation that "management does not care" about employing workers with fraudulent documents.

A Guatemalan woman, Ana Santizo-Tapia, told immigration officials in May that when she initially applied for a job at Koch Foods, an HR employee said her papers were not "good" and rejected her application. So she became Maria Gomez, paying a total of $950 for a fake birth certificate, Social Security card and photo identification.

Three weeks later, the affidavit says, the same Koch human resources employee gave her the job.

Santizo-Tapia told authorities that a supervisor at the Koch plant asked her whether she wore an electronic-monitoring ankle bracelet, as is common among immigrants who have been caught without papers and are awaiting court proceedings.

When she said she did, the supervisor told her she needed to keep it charged. He added that "he knew 'they' were poor and came to the United States to work."

Jim Gilliland, a spokesman for Koch Foods, said the company had vigilantly complied with E-Verify, using it to disqualify about 400 people for work since 2016.

The problem, he said, is not just that the system fails to detect fraud, but that there's also a tension between immigration laws on verifying employment eligibility and federal laws on national origin discrimination.

"If we request more documents than we're supposed to or refuse to hire a worker on the basis that the worker comes from another country, we're at liability of the over-documentation clause that is part of federal discrimination law," Gilliland said. "We can't do that. We have to make a judgment call, and the judgment call is the E-Verify system."

An ankle monitor device on a prospective employee, he said, was not a reason to deny employment.

For decades, federal law did not bar the hiring of people in the country without legal status.

The first penalties for employers were established in 1986 as part of a sweeping amnesty and immigration reform law signed by President Reagan. As a concession to powerful business lobbies, fines were low and it was difficult to prosecute employers because the law required the government to show that they had "knowingly employed" people in the country illegally.

E-Verify was formally launched in 2007 following a decade-long pilot program.

It takes the names, Social Security numbers and other identifying information that prospective hires submit to employers and checks that information against records from the Social Security Administration and the Department of Homeland Security. An answer comes back within 24 hours.

But the system has not lived up to its promise.

Though all federal contractors are required to use E-Verify, only nine states require it for most or all private employers. And a 2012 audit commissioned by U.S. Citizenship and Immigration Services found that people in the country illegally routinely evaded it.

Mark Reed, a former top boss for Immigration and Naturalization Service, ICE's predecessor, says the federal government has long been aware that the system is vulnerable to identity fraud. In 2003, nearly 1,300 workers who were arrested in raids at Swift & Co. meatpacking plants in the Midwest had passed an E-Verify check.

About a decade ago, Reed said, he was invited to Koch Foods to explain what his Tucson-based consulting firm, which advises companies on how to avoid hiring people unauthorized to work, could do for it.

After recommending Koch establish a program that blocked further employment of unauthorized workers and trained employees on how to detect document fraud and conduct frequent audits, he said he never got a response.

"We weren't invited back," Reed said. "Employers knew that if they engaged us they were going to lose access to a large labor pool."

Not every company was so reluctant. Tyson Foods, which was charged in 2001 with conspiring to smuggle people from Mexico to work in its plants in a case that the federal government ultimately lost, has worked with Reed over the last 15 years to strengthen its employment eligibility process.

Today in Mississippi, it is common knowledge among people in the country illegally that they shouldn't bother applying to Tyson.

In addition to using E-Verify, the company conducts regular audits to make sure their workforce is clear of unauthorized workers and requires hiring managers to complete a four-hour training session on how to spot fraudulent documents with magnifying glasses and backlighting.

The federal government has tried to improve the system by adding a program known as RIDE, which links driver's license photo identification to federal databases accessed by E-Verify.

Experts said the system could be improved by including more biometric information, such as facial photographs and fingerprints. But that would probably require the creation of a national registry like those long used in much of Europe.

Every U.S. citizen and legal resident in the United States would have to sign up and be issued a national identity card — a move that would be costly and almost certainly face fierce opposition from a range of groups concerned with privacy and civil liberties.

Nowrasteh suggested the system was faulty by design.

"The oddest thing is that E-Verify proponents have said it's a silver bullet," he said. "The hard-line immigration restrictionists support it, I think, because it makes them look tough on immigration and it's not going to hurt the economy because it doesn't work. So they get all the benefits with none of the downsides."

A few weeks after Beatriz was released from detention with an electronic monitoring device on her ankle, she was struggling to provide for two young sons she's raising on her own.

A lot of plants were not accepting workers with ankle monitors, she said, but she hoped that would change soon. "Right now, I'm just waiting for everything to calm down," she said. "If things go back to normal, maybe a company will take me on?"