



Federal E-Verify system in spotlight after Mollie Tibbetts' death. Here's how it works

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The employers of an undocumented immigrant charged in the killing of 20-year-old Mollie Tibbetts in Iowa initially said they had run the worker through a federal system to verify his immigration status.

But the owners of Yarrabee Farms in Brooklyn, Iowa, later admitted that they had not used the E-Verify system to ensure that Cristhian Bahena Rivera, 24, was legally in the country and allowed to work. They had been using a different, outdated system and vowed to immediately start using E-Verify for all future employees.

The story in Iowa has put a spotlight on the E-Verify system and its use by business owners in checking the immigration status of job applicants. It's estimated that roughly half of the workforce on U.S. farms is undocumented, making the need to verify immigration status especially critical in that field.

Here's a look at the E-Verify system, how it operates and the debate over the future of the program.

What is E-Verify?

Created by Congress in 1996 and signed into law by former President Bill Clinton, E-Verify is an online tool that employers can use to verify the identity and immigration status of job applicants.

It was designed to give employers a quick and easy way to verify that applicants have legal status in the U.S. and are eligible to work. It is a federal crime to knowingly hire undocumented immigrants, making E-Verify a way that employers can shield themselves from breaking that law.

All job applicants are required to fill out an employment eligibility form, known as an I-9, and provide their name, date of birth, Social Security number and other information. Employers can

then input that data into the E-Verify website, which checks the information against databases maintained by the Social Security Administration and the Department of Homeland Security.

The system has been augmented recently to include a photo verification step intended to prevent job applicants from using stolen or forged IDs. But the system only requires that an employer compare whatever photograph the government has on file with the photograph on the identification provided by the employee.

If everything checks out, the employer sees a green check mark and the employee can begin working. If the system cannot verify the employee, the system returns a "tentative non-confirmation." The employee is then responsible for correcting his or her information with the government.

How many businesses use it?

E-Verify is not mandatory for most U.S. businesses, but the number of companies using it has exploded in the past decade.

The federal government requires that all agencies, and all private businesses working as contractors for the federal government, use E-Verify. In recent years, 24 states have passed laws requiring some businesses – including state agencies, contractors, university systems and large, private businesses – to use the system.

That has led to a dramatic increase in the number of employers who use the system and the number of applicants who are screened through it.

From 2006 to 2018, the number of employers enrolled in E-Verify grew from 5,272 to 803,915, according to U.S. Citizenship and Immigration Services, which administers the program. That increase led to nearly 35 million E-Verify checks run in 2017, more than half all the job hires in the U.S. that year, according to a report from the Congressional Research Service.

Is the system foolproof?

Put simply, no.

U.S. Citizenship and Immigration Services boasts that the system approves more than 99 percent of job applicants entered. But with more than 30 million E-Verify checks run each year, that remaining 1 percent can affect tens of thousands of people.

In some cases, the system incorrectly raises red flags on U.S. citizens and legal immigrants because their names aren't properly formatted in government databases. That forces people to spend weeks correcting their record and, in some cases, losing their job opportunities. A 2010 report from the Government Accountability Office found that if E-Verify were required for all U.S. businesses, about 164,000 legal workers would be flagged based on name-related discrepancies.

The system can also be gamed if undocumented immigrants use the identification of another person, including those belonging to dead people, stolen IDs, or borrowed IDs from friends or

relatives. A 2009 study conducted for the federal government found that a majority of undocumented immigrants run through E-Verify (54 percent) were approved by the system, due primarily to identity fraud.

"E-Verify is the Swiss cheese of government identity systems," said Alex Nowrasteh, senior immigration policy analyst at the libertarian Cato Institute. "It is fatally flawed and incapable of completing its basic mission of identifying illegal immigrants and preventing them from getting a job."

What is the future of the program?

Defenders of E-Verify say that despite its flaws, the program is highly effective and constantly improving.

Rep. Lamar Smith, R-Texas, has been sponsoring the Legal Workforce Act for years, which would make E-Verify mandatory for all U.S. businesses, require the government to improve its records and allow U.S. citizens to lock in their Social Security numbers so nobody else can use them.

In a statement, Smith said the Iowa slaying is yet another example of why E-Verify is so sorely needed nationwide. "Questions raised in this tragic case demonstrate the need for my legislation," he said.

But many, including fellow Republicans and the business community, say implementing E-Verify without expanding foreign guest worker programs would cripple the agricultural industry and other businesses that rely – knowingly or not – on undocumented immigrants.

In a letter sent to all senators in February, the U.S. Chamber of Commerce said it supported a national E-Verify system. But, "any proposal that includes a mandatory E-Verify system must, at the very least, be coupled with a workable agricultural guest worker program," wrote Suzanne Clark, senior executive vice president for the chamber.