System to detect unauthorized workers glitchy

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June 17, 2018

Employers in the U.S. are asked to use a system called E-Verify to ensure everyone they hire is entitled to work here. But even the government admits the system can be tricked by identity fraud.

E-Verify, whose use is mandated in some states, often produces errors and is a "total sham," says a think-tank scholar who has studied the system. A government spokeswoman acknowledges that the system has errors but says it has improved in accuracy.

It's not clear whether Corso's Garden Center in Erie County, the subject of a government raid that resulted in 114 arrests, attempted to use E-Verify.

Some states such as Arizona and Alabama require employers to use E-Verify, but Ohio does not.

All federal contractors and their subcontractors are required to use it. President Donald Trump favors requiring all U.S. companies to use E-Verify, and legislation has been introduced in Congress to do so.

The federal government's search tool for looking up employers who use E-Verify does not return a search for Corso's.

Corso's attorney Richard Panza did not comment when asked whether his client used E-Verify.

"I do not comment on cases that are presently pending except to say all actions by Corso's in regards to all employees were and are in compliance with all federal and state laws," he wrote in response to an email from the Register.

If Corso's did use E-Verify, it would not provide a shield from prosecution, said Jane Cowley, a spokeswoman for U.S. Citizenship and Immigration Services.

"Using E-Verify creates a rebuttable presumption that a company has not knowingly hired an unauthorized alien. Employers may face civil and criminal liability, however, if based upon the totality of the circumstances it can be established that they knowingly hired or continued to employ unauthorized workers. Participation in E-Verify does not provide a safe harbor from worksite enforcement," Cowley wrote in an email to the Register.

Employers who register to use E-Verify are supposed to be able to quickly determine if they can legally hire someone.

"The employer usually receives a response within a few seconds either confirming the employee's employment eligibility or indicating that the employee needs to take further action to complete the case," says the U.S. government's website for the program.

A critic of the program, Alex Nowrasteh of the Cato Institute, a libertarian think tank in Washington, D.C., told the Register that E-Verify is a "total sham," because if often makes mistakes.

Nowrasteh authored a 24-page study of the program, "Checking E-Verify," which Cato published in 2015.

The study states that the program has been largely ineffective in preventing the employment of unauthorized immigrants and has generated a large market for fake identity papers. It notes that according to a 2009 study by the Westat Corp., "an estimated 54 percent of unauthorized workers submitted to E-Verify were incorrectly found to be work authorized because of rampant document fraud."

Cowley admits that identify fraud is a problem but says E-Verify is becoming more accurate.

"An independent evaluation of E-Verify evaluation found that identity fraud was the primary reason E-Verify could not detect all unauthorized workers. Individuals who use the borrowed, stolen or shared identities of authorized workers can be deemed authorized to work, since the data provided is legitimately issued and matches information in our databases," she wrote.

"(Our agency) continues to enact many improvements to the program to detect identity fraud, such as photo matching to detect fraudulent documents, verifying driver's license data in 10 states, and locking Social Security numbers that appeared to have been used fraudulently."

Some forms of identify fraud are very difficult to detect, Nowrasteh said, such as a phenomena known as identify loan. Someone who worked in the U.S. will retire and go back to Mexico, and give his identify to a cousin or nephew, Nowrasteh said.

"There's no way to catch that because there's no victim," he said.

Several bills and amendments have been introduced in Congress that would mandate the use of E-Verify by all employers.

President Trump called for mandatory use of E-Verify in his 2019 budget proposal. It may not be a top priority for the president; a search for "E-Verify" at the White House website returns no documents.

Nowrasteh said using E-Verify is a bigger burden and expense for small companies. Big companies have HR departments that can take it on as another task, he said.

He said if the U.S. government did impose a mandate, it would please Trump supporters who think the president is cracking down on immigration.

"It looks like they're being tough, but the program won't actually work, so they won't face a big backlash," he said.