

# WebMemo



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## Time Is Ticking: Congress Must Re-Authorize E-Verify Now

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Unless Congress steps in, on November 30, E-Verify is set to expire. E-Verify is a system that allows employers to verify electronically whether their newly hired employees are legally authorized to work in the United States. E-Verify should be re-authorized.

**A Valuable Voluntary Program.** Through E-Verify, participating employers can check the work eligibility status of new personnel they are hiring through an online service that compares information from an employee's I-9 form against Social Security Administration (SSA) and Department of Homeland Security (DHS) databases. This service is provided free to employers (though the individual companies must bear the cost of providing the infrastructure and people to enter the data). So far this year, E-Verify has processed over 4 million eligibility checks. The system has proven to be quite effective, and SSA and DHS continue to work to improve service, reliability, and privacy protections.

An estimated 82,000 employers have enrolled in the program, and some states, such as Arizona, have passed laws requiring all employers to use E-Verify. Additionally, in June 2008 the President signed an executive order that directs all federal departments and agencies to require contractors (as a condition for obtaining future federal contracts) to agree to use an electronic workers' employment eligibility verification system. DHS designated E-Verify as the system of choice. According to DHS, the number of employers signing up to use the system is growing by about 1,000 companies per week.

In addition, DHS has established a new partner program called IMAGE, which builds on E-Verify. Companies registered in E-Verify are eligible to participate. IMAGE includes audits, internal training (on issues such as document fraud), and establishing protocols for responding to "no-match" letters from SSA. In return, they receive recognition from DHS as a company employing best practices in workplace verification. Industries that historically have a high percentage of unlawfully present persons (e.g., non-U.S. citizens who do not hold a legitimate work visa) in their workforce will find this program particularly helpful in complying with workplace and immigration laws. DHS already has 37 major private partners participating in the program. Without E-Verify, DHS will have to discontinue this valuable initiative as well.

Over the years, the program has gained wide support. This past July, the House of Representatives overwhelmingly passed the Employee Verification Amendment Act of 2008 (H.R. 6633), which simply re-authorized E-Verify for an additional five years. The vote was 407–2. Since then, the bill has sat idly in the Senate Judiciary Committee.

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/Immigration/wm2066.cfm](http://www.heritage.org/Research/Immigration/wm2066.cfm)

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The Senate has not voted on the Employee Verification Amendment Act of 2008 because of an addition in the Senate measure introduced by Senator Robert Menendez (D-NJ). The Menendez bill proposes unrelated reforms that would allow government to rollover unused work visa allocations into the next year so that employers do not lose the opportunity to hire the foreign workers they need.

America's visa system may need reform. There is, however, no consensus in the Congress of what those reforms should look like. Congress should debate visa reforms as a separate issue.

**Keeping Things Simple.** If Congress does not reauthorize E-Verify by November, the program will expire and will no longer be available to employers. There is no reason why re-authorization of E-Verify should be held up. The program, while not perfect, is a useful tool in helping combat unlawful employment. Congress should re-authorize E-Verify.

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