

## **Talking Points**

### **Electronic Employment Verification System and Comprehensive Immigration Reform (CIR)**

**CIR is likely to include EEVS.** Though it is controversial, it is very likely that any CIR proposal will include an Electronic Employment Verification System (EEVS) which would allow employers to verify the employment authorization of their employees electronically with the federal government. EEVS would take the current employer sanctions/I-9 process a step further by mandating employers to verify the work authorization of their employees with the Social Security Administration (SSA) and Department of Homeland Security (DHS). Higher penalties would be put in place for employers who employ unauthorized workers. It is important to note that EEVS is not only an immigration enforcement mechanism – it would affect every single worker in the U.S. Some organizations will choose to oppose inclusion of EEVS provisions, and some will choose to work with Congress to ensure that EEVS is done right in an effort to avoid harsh consequences to the extent possible. Because the stakes are so high, it is critical that EEVS be designed smartly and implemented well.

**EEVS must be implemented only as part of a comprehensive immigration reform package.** It will take time and resources to implement EEVS effectively. Even if implemented smoothly, EEVS alone will not resolve the problem of unauthorized immigration. Like other enforcement only proposals, EEVS outside of CIR will be ineffective. Employer sanctions have been in effect since the Immigration Reform and Control Act of 1986 (IRCA) and they have not diminished the number of unauthorized workers. There are now approximately 8-10 million unauthorized workers in the U.S. – many using false documents -- and some sectors of the economy are dependent upon undocumented workers. Trying to enforce the law in the workplace one employer or one worker at a time is not effective, especially since EEVS cannot detect document fraud. A CIR proposal must give unauthorized workers the ability to earn their legal status, and allow new immigrant workers can enter the U.S. through legal channels and obtain legal work authorization documents. Once provisions are in place to have a legal workforce, we can think seriously about EEVS

**EEVS must be implemented well in order to work, and in order to avoid harm to immigrant and U.S. workers.** If it is not implemented well, EEVS could have a broad harmful impact affecting immigrant and U.S. workers alike. A poorly designed and implemented EEVS could prevent authorized workers from obtaining employment, cause delays in the hiring process, encourage discrimination, and lead to unnecessary privacy violations. As the legislative debate moves forward, it is important to ensure that we maximize safeguards for workers under EEVS:

- **The Basic Pilot program, upon which most EEVS proposals are based, has significant flaws that must be addressed before it can be expanded.** The Basic Pilot is a voluntary program that is used by approximately 14,000 employers nationwide. Significant time, money, and staff will be needed to expand the system and ensure accuracy of the data. At the moment, the government databases on which the system relies have unacceptably high error rates. In addition, there is evidence that the system is easily misused by employers in a way which can discriminate or retaliate against workers. It is not enough to simply expand the Basic Pilot and made it mandatory; it must be improved significantly in order to form a basis for EEVS.

- **Any new EEVS must be implemented incrementally and must meet benchmarks and performance standards before any planned expansion.** A mandatory EEVS would include approximately 8 million employers – far more than the current 14,000 in the Basic Pilot. In order to get it right the first time, design, implementation, and data standards must be met before EEVS is implemented or expanded. Vigorous performance evaluations must be conducted regularly after implementation.
- **EEVS must be designed to prevent misuse and abuse, and must not lead to increased discrimination against workers who look or sound foreign.** Discrimination has been an ongoing problem since employer sanctions were initiated. An independent 2002 evaluation of the Basic Pilot program found that unscrupulous employers misused the system to unlawfully pre-screen potential employees, retaliate against workers, and engage in other unlawful activities. It is therefore essential that the EEVS include anti-discrimination protections, penalties for misusing the system, and a vigorous monitoring system.
- **EEVS must have due process protections to allow workers to challenge erroneous findings by the EEVS.** Due to errors in existing databases, it is likely that employment authorized individuals will be mistakenly denied employment. It is therefore critical that workers have the right to view their own records, and to challenge erroneous information through an administrative and judicial appeal process.