COMMENTS IN OPPOSITION TO 17-H-5195
REALTING TO LABOR AND LABOR RELATIONS
March 9, 2017

The ACLU opposes the mandatory use of the flawed, error-ridden E-Verify program. Many of our concerns are echoed by the federal government in their last major evaluation of E- Verify, "Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain," released by the Government Accountability Office in December 2010. E-Verify was intended to be, and still largely is, a voluntary program. It should remain that way.

The records utilized for E-Verify checks are plagued with database errors. (The Social Security Administration once estimated that 17.8 million of its records contain discrepancies related to name, date of birth, or citizenship status.) As a result of these errors, foreign-born lawful workers, including those who have become citizens, are 30 times more likely than native- born citizens to be incorrectly identified as not authorized for employment. The GAO report found that nearly 10 percent of foreign-born citizens were incorrectly identified by E-Verify as being ineligible to work, and 76 percent of name mismatches affected U.S. citizens. The errors in the system can lead to suspicion and race-based discrimination of applicants who are perceived to look and sound foreign.

Further, the process of rectifying errors, which falls on the hapless applicant, can be time-consuming and far from simple. Whether because of transportation issues, child care issues, a second job, or myriad other reasons, new hires may not be able to visit a local SSA office within the short time period allotted to resolve an error. For those who can, resolving these mistakes involves taking time off from their new job to fix the database error.

Just as troubling, while the use of E-Verify to pre-screen applicants is prohibited, it is important to note that a 2007 evaluation of E-Verify found that 47% of employers pre-screened job applicants anyway.

In short, in light of the burdens E-Verify imposes on employers and hirees, the very real possibility of mistakes, and the potential of discriminatory use of the program, we believe adoption of this law would send a troubling symbolic message to people of certain races and ethnicities that Rhode Island is not a welcoming community. We urge rejection of this bill.