

## E-Verify Errors: A Women's Issue

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**A**s Congress continues to discuss the merits of immigration reform, E-Verify, the federal government's Web-based employment eligibility verification system, is being sold as a quick fix to curb the hiring and employment of unauthorized workers. But the unfortunate reality is that any federal mandate for employers to use E-Verify will adversely affect authorized workers, U.S. citizen and immigrant alike, and will particularly impact female workers.<sup>1</sup>

Making use of E-Verify mandatory will negatively impact men *and* women, but it will disproportionately burden female workers, particularly low-income workers.

### **Working women are more vulnerable to experiencing an E-Verify error.**

E-Verify errors can result from "name inconsistencies" on various authorizing documents. These name inconsistencies can result from name changes, most commonly because of marriage or divorce. Additionally, name inconsistencies can result from the use of surnames or other culturally defined name-use practices. This can result in E-Verify's errors potentially having a disparate impact on cultural groups<sup>2</sup> and pose problems for women from these cultures.

### **Poor working women will be particularly burdened by an E-Verify error.**

Nearly 25 million U.S. women of working age live in poverty.<sup>3</sup> Almost 16 million households in the U.S. are headed by female single parents, and almost 5 million of those live below the poverty line.<sup>4</sup> Given these economic realities, the consequences of E-Verify errors and the job loss that often result will bear on women and children especially hard.

For example, consider a common E-Verify database error experienced by a female worker and the difficulty she faced in correcting her records and maintaining her employment.

*A worker in California was fired after her longtime employer, a large HMO, ran the worker's information through E-Verify and received an erroneous tentative determination from the Social Security Administration (SSA) that she lacked work*

<sup>1</sup> NILC's overall concerns about E-Verify are detailed in resources available from our "Electronic Employment Eligibility Verification Systems" webpage, [www.nilc.org/employmentverification.html](http://www.nilc.org/employmentverification.html).

<sup>2</sup> *Report to the Subcommittee on Social Security, Committee on Ways and Means, U.S. House of Representatives: Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain* (Government Accountability Office, Dec. 2010, GAO-11-146), [www.gao.gov/new.items/d11146.pdf](http://www.gao.gov/new.items/d11146.pdf), p.20.

<sup>3</sup> Carmen DeNavas-Walt, Bernadette D. Proctor, and Jessica C. Smith, *Income, Poverty, and Health Insurance Coverage in the United States: 2011* (U.S. Census Bureau, Sept. 2012), [www.census.gov/prod/2012pubs/p60-243.pdf](http://www.census.gov/prod/2012pubs/p60-243.pdf), pp. 14-15.

<sup>4</sup> *Id.*, p. 17.

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*authorization. The worker went to the SSA office to update her married name on her Social Security card, but SSA mistakenly neglected to flag her case in the E-Verify system as “pending.” As a result, SSA issued an erroneous final determination that the worker lacked work authorization, and her employer fired her.<sup>5</sup>*

## RECOMMENDATIONS FOR REFORM

**W**hile NILC continues to oppose E-Verify, if an immigration reform bill contains a mandate that employers use E-Verify, it must be reasonably implemented and contain strong worker protections, including protections for working women, to ensure that no worker loses her job as a result of a system error or employer misuse. At a minimum, any E-Verify mandate within immigration reform should:

1. Protect workers’ labor and employment rights.
2. Ensure that the program is not used to undermine workers’ rights under labor and employment law, including the law’s gender-based anti-discrimination protections.
3. Create a review process that would allow citizens and work-authorized individuals to correct errors in their records and maintain their jobs.
4. Prohibit employer misuse of E-Verify.
5. Ensure that the program meets specified requirements regarding database accuracy, low error rates, privacy, and measurable employer compliance.

In this fragile economy, no worker should lose her job because of a government database error and the lack of a fair and effective process by which to correct it. For female workers, though, the risk of error and the economic stakes of the E-Verify debate are even higher.

### FOR MORE INFORMATION, CONTACT

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<sup>5</sup> *E-Verify Hotline Interventions* (Office of Special Counsel for Immigration-Related Unfair Employment Practices, Civil Rights Division, U.S. Dept. of Justice, Sept. 20, 2010), [www.justice.gov/crt/about/osc/htm/telephone\\_interventions/ti\\_e-verify.php](http://www.justice.gov/crt/about/osc/htm/telephone_interventions/ti_e-verify.php).