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E-Verify program staying in place -- for now

Immigration-rights advocates preparing to fight expansion in N.J.

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WASHINGTON -- The fate of a national employee verification program aimed at combating illegal immigration is safe for now, but it's unclear whether Congress will renew it beyond this fall.

As long as the program, called E-Verify, is on the books, a New Jersey assemblyman wants all businesses in the state to use it to check the legal status of prospective employees. But immigrant-rights advocates are prepared to fight any attempt to expand the use of E-Verify in New Jersey, arguing that the Internet-based system is riddled with errors.

The latest congressional action on E-Verify came this month, when the Senate rejected an effort by Sen. Jeff Sessions, R-Ala., to extend the program for six years. Sessions had tried to attach the extension to the $410 billion spending bill that President Barack Obama has signed into law.

New Jersey Sens. Frank Lautenberg and Robert Menendez joined fellow Democrats in rejecting the measure. Congress did extend E-Verify in its current form until Sept. 30. Employers are encouraged -- but not required -- to use it.

Assemblyman Richard Merkt, R-Morris, introduced legislation in January requiring all New Jersey employers to use E-Verify to check whether new hires may work legally in the U.S. The checks would have to be done within 90 days of the hiring date, and employers could be fined up to $30,000 for each illegal immigrant they hire.

Nearly 500,000 illegal immigrants are thought to be living in the Garden State, and many are working for unscrupulous employers at a time of rising unemployment, according to the legislation.

Merkt, who's running for governor, said his bill would curb illegal immigration by making it more difficult for unauthorized workers to find jobs. This year marks the first time he's introduced the legislation, which hasn't advanced in the General Assembly.

"It's a lot easier to hold the employers in New Jersey accountable than it is to hold hundreds of thousands of illegal immigrants in New Jersey accountable," he said in a telephone interview. "The far more cost-efficient way is to place a reasonable burden on our employers to verify that the individuals they hire are legally eligible to work in the United States. It's the most efficient policing I can think of."

E-Verify's critics say the program often rejects citizens and legal immigrants because of typos or clerical errors, and they say those whose names come back as "no match" have no easy way to find out why they were rejected and lack a clear appeals process.

"The database is so insufficient that it doesn't warrant use at this time," said Charles "Shai" Goldstein, executive director of the New Jersey Immigration Policy Network. "This is fact-based, not an ideological point. The program depends on a complete and accurate database that doesn't exist."

Neither Obama nor Congress is likely to bring up E-Verify soon. Nor is either likely to tackle the bigger issue of immigration reform, which stalled in the Senate during President George W. Bush's second term.

Congressional Democrats, who hold majorities in the House and Senate, have raised concerns over the reliability of E-Verify's databases.

Menendez blocked renewal of the program last year over a separate concern -- a huge backlog of unused visas for people abroad seeking to reunite with family members living legally in the U.S.

Menendez reiterated this month that he doesn't want E-Verify to die, saying he will continue to push to fix its technical flaws. But he also said reforming E-Verify should be part of a broader effort to improve the entire immigration system.

Obama plans to take small steps to strengthen border security, make modest changes to immigration as a whole and work with Congress to hammer out a broader reform plan. In a meeting with the Congressional Hispanic Caucus on Wednesday, he also said his administration is focused on reducing drug-related violence along the US-Mexico border. He hasn't addressed E-Verify specifically.

According to the Department of Homeland Security, more than 112,000 employers use E-Verify, a free online tool, and about 1,000 companies sign up each week.