

Electronic immigration check promoted to catch illegal workers in Web

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If Florida enacts proposed "Arizona-like" immigration measures next year, all employers in the state will be required to use a federal government website to confirm the legal status of new hires.

Some local employers already are using the Homeland Security system, E-Verify, and say the program is generally reliable and problem-free.

Here's how it works:

Today, any person in the U.S. hired for a job is required to fill out an I-9 form from U.S. Citizenship and Immigration Services listing his or her legal status. In many cases, the form goes into a file and is forgotten.

But if a bill presented last month by Attorney General Bill McCollum and state Rep. William Snyder, R-Stuart, is passed by the Florida Legislature next spring, employers will be obligated to take another important step.

The employer will turn to a computer; bring up the federal government's E-Verify website; sign on; type in a name, date of birth, citizenship status, Social Security or alien registration number, and date of hire; and hit "enter."

Within five seconds, that employer will know whether the information is valid or a problem exists that may bar the applicant from working.

Some entries will come back as a "Tentative Nonconfirmation" because of glitches in Social Security records that can be easily cleared up, immigration officials say. But others will be cases of illegal immigrants applying for work with false Social Security numbers who do not qualify for employment.

Thousands of companies and government agencies in Florida have voluntarily used the free E-Verify system over the years. But under the new bill, all Florida employers would be obligated to use it by Oct. 1, 2011.

"It's a useful tool for employers who want to ensure that they have a legal workforce," said Sharon Scheidhauer, regional spokeswoman for Citizenship and Immigration Services at the Department of Homeland Security. "It's quick and it's accurate."

The E-Verify system, under different names, goes back to President Reagan and the 1986 amnesty that opened a path to legal residence for more than 2 million illegal immigrants.

That amnesty law required employers to confirm that new hires be legally in the country. A phone system was established to run checks, but that provision of the law was never enforced and employers continued to hire undocumented workers. Today at least 11 million people are in the country illegally, millions of them working.

As the immigration issue has heated up, Homeland Security has seen increasing use of E-Verify.

So far this fiscal year, which ends Sept. 30, 13.4 million queries have been made, more than double the 6.6 million of 2008.

In 2007, one in 19 hires was vetted with E-Verify, while today it is one in four, according to the Center for Immigration Studies, a conservative nonprofit research organization.

Homeland Security lists more than 200,000 businesses and agencies nationwide and more than 9,000 in Florida as users of E-Verify. But that list goes back years and some of the businesses no longer exist, so it is not clear how many are current users.

Attorney Lawrence Lataif, chief immigration counsel at the Shutts & Bowen law offices in West Palm Beach, says at least 13 states require state agencies and some contractors doing business with their states to use E-Verify, and many contractors doing business with the federal government also are required to use it.

According to the regulations for using E-Verify, the system cannot be employed as a pre-screening tool to eliminate applicants.

"It could be considered discrimination," Scheidhauer said.

The system can be used only to verify information once a person has been hired. The inquiry must begin within three business days of the hiring.

Nationwide, 96.9 percent of queries come back with the applicant's information "Authorized" immediately, which means there is no bar to employment, Homeland Security statistics show.

An additional 3.1 percent come back as a "Tentative Nonconfirmation," or TNC. An employee who receives a TNC notice has the right to contest that designation within eight business days and cannot be terminated or suffer any other adverse effect while the TNC notice is contested.

Of the 3.1 percent of all queries that come back as TNC, almost all - 2.8 percent - turn out to be cases where the person has a valid Social Security number and is employable, but needs to straighten out records.

Aimee Mangold, area human resources director for Marriott, uses E-Verify at the Palm Beach Gardens Marriott and the Renaissance hotel in Boca Raton and has seen such instances.

"You have a woman who got married or got divorced, changed her name but didn't update her records with Social Security," Mangold said.

Mangold said she also has seen cases where a person's legal immigration status changed - from green card holder to permanent resident, for example - and that also requires notifying Social Security officials. She said those cases are usually quickly fixed and the person is employed.

The other 0.3 percent are largely individuals who don't contest the TNC finding.

"We don't see them again," Mangold said.

Scheidhauer said it can be assumed that those individuals are in the country illegally. "They realize they are not authorized to work and they choose not to pursue it any farther," she said.

Mangold said she is pleased with E-Verify.

In Palm Beach, The Breakers and its employees also are pleased with the system, spokeswoman Ann Margo Peart said. The hotel has used E-Verify since 2003.

"It is a very efficient program," Peart said.

But the McCollum/Snyder bill also has critics.

West Palm Beach attorney and immigration activist Aileen Josephs supports the use of E-Verify, but only as part of a larger immigration reform that would allow the millions of undocumented people in the U.S. an opportunity to become legal.

"Every day I have employers calling me, wishing for their workers to be legal, and there is no way for me to help their employees because of our current broken immigration system," Josephs said.

If E-Verify is made obligatory in 2011 without other changes, Josephs said, undocumented workers will be affected and "their employers, who need them, will not be able to keep them in those needed jobs."

She said that might lead employers in industries where many undocumented workers are traditionally employed - "agriculture, poultry, hotel and restaurant businesses, among others" - to pressure Congress for legislation to fix the immigration crisis.

The Florida Immigrant Advocacy Center, which has represented many undocumented immigrants throughout South Florida, condemns McCollum for backing the bill. "What we need is more jobs and sensible immigration reform, not more threats for Florida's workers and economy," the center said in an e-mail.

But others, like Dee Donahue, office manager of Lifetime Roofs in Stuart, see a need for a system like E-Verify. She has used a private website - SSNvalidator.com - to check Social Security numbers over the years.

"I've checked numbers and the message comes back telling me that person died in 1962," she said. "Yes, some of them out there are phony."

Staff writer Christine Stapleton and staff researcher Niels Heimeriks contributed to this story.

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