

TESTIMONY OF CONGRESSMAN KEN CALVERT

June 10, 2008

Committee on the Judiciary
Subcommittee on Immigration, Citizenship, Refugees,
Border Security, and International Law

*Hearing on Electronic Employment Verification Systems: Needed Safeguards to
Protect Privacy and Prevent Misuse*

Chairwoman Lofgren, Ranking Member King, and Members of the Committee:

Good morning and thank you for inviting me here to testify today.

Several years ago, I was happy to work with Chairwoman Lofgren to help improve our legal immigration system with a bill that allowed legal permanent resident applicants to name a new sponsor if their original sponsor died during the process of becoming a U.S. citizen. Now I look forward to working with the Chairwoman on two bills that I've introduced regarding E-Verify: H.R. 19 would make the program mandatory and H.R. 5596 would provide a straight-forward ten year extension to the current program.

When I first wrote the bill that created E-Verify, I intentionally created it on a limited basis for the very reasons we are here today: to ensure that it would not be abused or be a source of misinformation. It is vital that participating employers who volunteer to use the program, and the new employees who are hired, are not disenfranchised. From its humble beginnings in just five states, E-Verify is now available nationwide with approximately 70,000 employers participating.

A recent Westat report shows that 94.2% of all checks to the system are automatically verified as authorized to work. The remaining 5.8% are employees that receive an initial mismatch and need to take further action to prove they are authorized to work in the U.S. For many people this means their Social Security records are in need of an update – perhaps they have a new marital status or have become naturalized citizens. For 90% of these individual cases, the process takes less than two days, of the eight business days allowed, to work with either DHS or SSA to correct the discrepancy.

It is important to point out that if an individual's personal information is out of date, or incorrectly recorded with SSA, this information must be rectified anyway to ensure their Social Security credits are being properly recorded. Just a few weeks ago, E-Verify introduced software changes that will automate the correction process which should reduce the number of visits to Social Security offices from five presently - to two or three per thousand – a fifty-percent improvement.

Of the 5.8% of queries that do not receive instant verification, **point five percent** resolve the mismatch and the remaining 5.3% walk away from the process entirely. Why do they walk away? Because E-Verify is denying jobs to illegal workers.

I would also like to point out the protections already in place that specifically protect workers from employers abusing of the system. First, employers must check **all new employees** – it is against the law to use it as a screening tool. When an employee is notified that there is a mismatch, they are provided with instructions on how to correct their information. That instruction sheet also provides a toll free number to the Office of Special Counsel for Immigration-Related Unfair Employment Practices. E-Verify has also launched an informational campaign aimed at informing and promoting employees of their rights within the program. Participating employers must also post a notice visible to prospective employees of their rights and a phone number to the Special Counsel. E-Verify also has an Office of Compliance and Monitoring Branch that has begun monitoring employer usage of the program.

After a recent hearing held by the Subcommittee on Social Security I met with the people who run E-Verify to ask them about some of the questions raised at the hearing about the program and problems employers in Arizona had encountered. E-Verify has never been notified of an incorrect final non-confirmation. This is good news for both employers and employees who are, in increasing numbers, being required to use the program. The state of Arizona and Mississippi require all employers to use E-Verify and Friday President Bush signed an Executive Order requiring all federal contractors to use the program.

E-Verify is not perfect – no system is – but it is a very good system that has safeguards to ensure that employers and employees rights are being protected in accordance with the law.

Thank you again for inviting me here to testify today and I apologize that I must leave now to testify at a Transportation and Infrastructure Committee hearing. I truly appreciate your time and look forward to working with all of you in the future.