Legislation Details (With Text)

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Title: Resolution calling upon the United States Congress to defeat any bill that would require all employers to check prospective employees' work authorization status by using the federal electronic system, E-Verify, which is subject to error, costly to maintain, and bad for the United States economy.

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Date	Ver.	Action By	Action	Result
11/3/2011	*	City Council	Introduced by Council	
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Res. No. 1093

Resolution calling upon the United States Congress to defeat any bill that would require all employers to check prospective employees' work authorization status by using the federal electronic system, E-Verify, which is subject to error, costly to maintain, and bad for the United States economy.

By Council Members Dromm, Gonzalez, Jackson, James, Koppell, Lander, Mendez, Rose, Williams, Rodriguez and Mark-Viverito

Whereas, To prevent unauthorized workers from obtaining employment in the United States, Congress established the I-9 verification process, which requires prospective and current employees to submit documentation proving their work eligibility to their employers; and

Whereas, E-Verify was introduced as part of the Illegal Immigration Reform and Responsibility Act of 1996 as a pilot program that ostensibly seeks to aid employers in accurately determining the work eligibility of current and prospective employees; and

Whereas, E-Verify is a federal electronic system that determines an employee's work eligibility by

comparing the information on an employee's I-9 form to Social Security Administration (SSA) and Department of Homeland Security (DHS) records; and

Whereas, If the employee's I-9 information does not match SSA and DHS records, E-Verify will issue a tentative non-confirmation or a final non-confirmation result, which signifies that the employee is not currently authorized to work; and

Whereas, Except for federal agencies and their contractors and vendors, E-Verify is currently a voluntary program; and

Whereas, On June 14, 2011, Congressman Lamar Smith introduced the Legal Workforce Act (H.R. 2164), a bill that would require employers to use E-Verify to validate the work status of all employees and would allow employers to use the system before hire; and

Whereas, If E-Verify becomes mandatory it could negatively effect the three million immigrants residing in New York City; and

Whereas, According to the U.S. Government Accountability Office (GAO), since inception, the E-Verify system processed approximately 7.8 million inquiries from over 258,000 employers; and

Whereas, The GAO also reports that in 2010, an estimated 80,000 work eligible employees lost their position as a result of erroneous E-Verify non-confirmation results; and

Whereas, According to the National Immigration Law Center (NILC), the compulsory use of E-Verify may prevent approximately 770,000 work-authorized employees from working in the United States due to E-Verify errors; and

Whereas, An employee who receives a non-confirmation result is often not given the opportunity to contest the finding since employers do not always notify employees about non-confirmation results or about the necessary procedures to rectify potential errors; and

Whereas, Challenging a non-confirmation result is a time consuming process that can take several days; and

Whereas, Foreign-born United States nationals receive more erroneous non-confirmation results than native-born United States nationals; and

Whereas, E-Verify is a costly system to maintain that puts a strain on government resources; and

Whereas, The Congressional Budget Office (CBO) estimates that it will cost the federal government approximately three billion dollars over five years and six billion dollars over ten years to impose E-Verify on all employers nationwide; and

Whereas, According to the CBO, requiring all employers to use E-Verify will result in the loss of 22 billion dollars of tax revenue over a decade; and

Whereas, According to NILC, mandating the use of E-Verify will have a severe impact on the small business community, costing approximately 2.6 billion dollars per year to properly operate the E-Verify system; and

Whereas, Fifty to seventy-five percent of the agricultural industry's labor workforce is comprised of unauthorized workers, and mandating the use of E-Verify will cripple the agricultural industry, resulting in increased food prices in New York City and throughout the country; and

Whereas, The goal of preventing unauthorized workers from obtaining employment in the United States will not be achieved without broader immigration reform that does not solely focus on enforcement programs such as E-Verify; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to defeat any bill that would require all employers to check prospective employees' work authorization status by using the federal electronic system, E-Verify, which is subject to error, costly to maintain, and bad for the United States economy.

JSM
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