

Colorado Mandatory E-verify Act, HB12-1309 – Fact Sheet

"Let's put Coloradans back to work"

March 20, 2012

1. Colorado has over 200,000 workers, or 8% officially unemployed. An additional 200,000 have either given up looking for work or are working part time but desperately need full time work--15% total. (US Bureau of Labor Statistics)
2. Many Iraq/Afghanistan veterans returning home after serving their country cannot find work—their unemployment rate is double that of the civilian population. Youth and minorities have an even tougher time finding work.
3. There are an estimated 150,000 unauthorized illegal workers currently employed in Colorado. (Pew Hispanic Trust)
4. **House Bill 12-1309, the Colorado Mandatory E-Verify Act**, has been introduced this session in the Colorado House. The bill will require all employers in the state, by January 1, 2013, to participate in the federal electronic verification program to verify the legal work status of newly hired employees.
5. **E-Verify updates our current legislation:** The current Colorado law (C.R.S. 8-2-122) already mandates employers hire only legal workers showing compliance using a paper-based employment verification including the I-9 process. This paper process is outdated, susceptible to fraud, and difficult to audit.

Requiring the use of E-Verify is **merely an extension of the existing Colorado law by making use of the current technology and data available.** (The Colorado Department of Labor suggests the use of E-Verify to comply with the current law, but does not require it.)

6. E-Verify is a free on-line system that compares a newly hired employee's information with federal databases to determine if they are work authorized.
7. Colorado (along with many other states) already requires State agencies to use E-Verify as well as businesses wanting to do business with the state. (E-Verify is currently voluntary for private employers not doing business with the state.)
8. Over 20,000 Colorado business sites and 700,000 business sites across the nation are using the E-Verify system on a voluntary basis. Nine states require all employers to utilize E-verify.
9. E-verify is very easy to use, taking only seconds. (An independent audit found 95% of employers were satisfied.) E-verify helps ensure all employers hire only legal workers, leveling the playing field.
10. E-verify is accurate, per an independent audit:
 - a. Over 99.5% of legal US workers were verified to be authorized—legal workers are NOT turned away.
 - b. Of all the workers checked in E-Verify, 3% were estimated to be illegal workers and 3% of illegal workers may have slipped through due to identify fraud. Identity theft is very difficult to detect. (*Data is as of 2008, since then USCIS has taken steps to stop identity theft by using photos from work authorizations in E-Verify.*)
11. E-Verify is an effective deterrent to unauthorized workers. Many illegal workers don't even apply when they learn E-Verify is in use and those who are identified as work unauthorized don't return.

12. Widely accepted and demanded by the public—a 2011 Rasmussen Poll found 82% of likely US voters say that businesses should be required to use E-Verify—such support cuts across party lines.
13. No change in audits/fines: Under current law the Colorado Dept. of Labor may conduct random audits of employers; this plus the fine structure remains the same under the HB 12-1309. Fines collected will be deposited for administration and enforcement of E-Verify.
14. HB12-1309 (Colorado Mandatory E-verify Act) Summary
 - a. Requiring employers to utilize E-verify is merely an extension of current Colorado law (currently voluntary, but recommended)
 - b. Will greatly improve the reliability of the current system
 - c. Its use will help legal workers get jobs
 - d. It will begin to dry up the job magnet for illegal workers
 - e. Legal workers are not falsely turned away when they are legally able to work in the US
 - f. Only 3% (in 2008) of all workers getting through are unauthorized
 - g. E-Verify is a deterrent to those applying for jobs without the legal right to work in the US