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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

February 2, 2023

The Honorable Scott Louser, Chair
House Industry, Business, and Labor Committee
North Dakota House of Representatives
State Capitol, Room 327C
600 East Boulevard Ave.
Bismarck, ND 58505

Dear Chairman Louser and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to serve our nation’s interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including 1,330 in North Dakota. On behalf of our members and supporters, I am writing to express FAIR’s strong support for House Bill (HB) 1527 which would require employers, public and private, to use E-Verify to ensure a legal workforce.

FAIR has long supported requiring employers to use the federally-maintained free E-Verify program. Federal law already prohibits the employment of unauthorized workers; E-Verify simply provides a free, fast, and easy way to comply. Requiring employers to use E-Verify is smart public policy because it protects employers from violating the law and costs nothing.

FAIR supports HB 1527 for the following reasons:

E-Verify will benefit, not cost, North Dakota’s economy

Those opposing E-Verify claim it will cause an economic collapse. However, that is a false narrative since the economies have not collapsed in those states that have enacted E-Verify. On the contrary, FAIR’s research shows that in every state, except Tennessee, which enacted or expanded its use of E-Verify after the 2008 financial crises,



unemployment rates dropped even when the national unemployment rate increased. The bottom line is that E-Verify is an excellent way for North Dakota businesses to protect the labor market from artificial wage depression and ensure a level playing field among companies competing in the same markets.

E-Verify is completely free

E-Verify is operated and maintained by the federal government, in a partnership between the Department of Homeland Security and the Social Security Administration. It costs nothing for an employer or prospective employee to use. Likewise, it costs nothing to the states that require it.

E-Verify is highly effective, especially compared to the status quo

In the most recent audit of the E-Verify system by Verification Information System (VIS) Transaction Data (current through Quarter Four of Fiscal Year 2022), 98.34 percent of all employees entered into the E-Verify program were automatically confirmed as work authorized instantaneously (within three to five seconds) or within 24 hours, requiring no additional actions by either the employee or employer. Less than two percent of employees were identified as system mismatches. Of the initial system mismatches, only 0.12 percent were later confirmed as work authorized. Based on cost, convenience and reduction of potential liability, the only reason for an employer to prefer the paper I-9 employment verification process over the electronic E-Verify system would appear to be a willful desire to turn a blind eye to potentially fraudulent identity and work-authorization documents.

E-Verify helps protect everyone from identity theft

E-Verify is a shield against the widespread dangers of identity theft because a prospective employee's full name, Social Security Number, date of birth, gender and photo ID must all match. Almost all employment-related identity theft is SSN-only fraud: according to a Social Security official, "[n]inety-eight percent of Social Security-related ID theft cases involve people who use their own names but invent or steal their numbers."

E-Verify is well-liked by employers

In addition to its effectiveness in verifying work authorization, E-Verify is rated very highly and positively by employers who use it. In a 2021 survey of customer satisfaction by CFI Group, E-Verify

received an average score of 89 out of 100 from all existing users, and 87 from new enrollees.

E-Verify is strongly supported by the public

In an October 2021 nationwide poll by Rasmussen Reports, 66% of likely voters indicated they supported making E-Verify mandatory for all employers.

E-Verify is constitutional: it has been upheld by the courts

In 2011, the U.S. Supreme Court in *Chamber of Commerce v. Whiting*, 563 U.S. 582, upheld Arizona legislation that required all employers, public and private, to use E-Verify. In *Whiting*, the Court determined that the Legal Arizona Workers Act was valid and not federally preempted because it mirrored federal law. Not only does HB 1527 adopt and support federal law, it contains fewer requirements than the language that already survived constitutional challenge in *Whiting*.

E-Verify is already required by nearly half the states: it is not a risky experiment with dangerous or unknown results

Twenty-one states have enacted laws that require all or some employers to use E-Verify to confirm the work authorization of newly-hired employees and/or contractors: Alabama, Arizona, Colorado, Florida, Georgia, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia and West Virginia. North Dakota can rest assured that other states' experiences with E-Verify provide tested real-world proof that it works.

In short, E-Verify is beneficial, free, effective, liked, constitutional and proven. FAIR supports HB 1527 because E-Verify will protect North Dakota workers from unfair competition and illegal alien laborers from unscrupulous exploitation.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall