



Legislation Text

File #: Res 0459-2023, **Version:** A

Res. No. 459-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.568/S.1802 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

By Council Member Farías, Louis, Menin, Hudson, Restler, Richardson Jordan, Riley, De La Rosa and Hanif

Whereas, The Immigration Reform and Control Act of 1986 established a prohibition on employers hiring unauthorized workers; and

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 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 individual'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 they are not currently authorized to work; and

Whereas, According to the U.S. Government Accountability Office, 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), E-Verify's errors disproportionately impact lawful permanent residents and other noncitizens working legally in the United States; 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 require a worker to travel several hours to visit an SSA office; and

Whereas, E-Verify is currently a voluntary program at the federal level except for federal agencies and their contractors and vendors; and

Whereas, Twenty-two states have laws requiring some or all employers to use E-Verify; and

Whereas, New York State does not require employers to use E-Verify, but employers can voluntarily use the program and municipal governments can opt to require employers to use the system; and

Whereas, According to DHS, over 34,000 employers in New York State participate in E-Verify; and

Whereas, Mandating that employers join the program would likely cause the error rate for all workers to increase, given the enormous expansion of E-Verify that such a mandate would require; and

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

Whereas California limits the use of E-Verify by prohibiting localities from requiring employers to use

the program; and

Whereas, A.568, introduced by Assembly Member Kenny Burgos and pending in the New York State Assembly, and companion bill S.1802, introduced by State Senator Jessica Ramos and pending in the New York State Senate, would prohibit municipalities from requiring employers to use E-Verify and prohibit employers from using E-Verify to check the employment authorization status of an existing employee or an applicant who has not been offered employment; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.568/S.1802 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

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