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Statement by Homeland Security Secretary Michael Chertoff on the E-Verify Lawsuit With Illinois

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For Immediate Release
Office of the Press Secretary
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In September, we filed a lawsuit in federal court to declare invalid an Illinois statute that effectively forbids Illinois employers from enrolling in the department's E-Verify system. The statute was to become effective on January 1, 2008, but in papers filed with the court yesterday, the state agreed not to enforce it until the department's lawsuit against the state is resolved. It also disclosed that the Illinois legislature is considering a bill to address the legal issues raised in the suit.

The department will communicate with each of the Illinois employers enrolled in E-Verify to let them know that they may continue using E-Verify without fear of a state enforcement action on January 1. The state's decision also allows employers planning to enroll in E-Verify to do so without the threat of state enforcement against them. Illinois employers will now have the ability to verify the legality of their workforce without interruption or fear of reprisal by the state.

In a motion filed with DHS, the state requested a sixty day stay of the lawsuit so that the Illinois legislature would have an opportunity to consider proposed changes in the Illinois statute. I remain hopeful that Illinois will amend its law so that Illinois employers can continue to utilize this valuable tool without the need for further litigation.

E-Verify is an online system that allows employers to check whether a worker's name and Social Security number are valid and the individual is authorized to work in our country. It gets consistently good reviews from the employers who use it, and we continue to work to improve the system's protections against fraud. We've upgraded E-Verify with a photo tool that allows employers to compare the photo on a person's driver's license or ID card against federal databases, thus making sure the documents are not fraudulent or stolen. This program is free of charge and has been used by more than 30,000 employers enrolled nationwide, and over 900 employers in Illinois alone. Last year, over 3 million new employees were checked nationwide using this system. Congress has repeatedly acknowledged that rampant document and identity fraud has significantly undermined the existing system for stopping illegal workers from getting jobs, and E-Verify is the best available way for employers to ensure their workforce is legally authorized to work.

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