



TESTIMONY

REQUIRE CERTAIN CONSTRUCTION INDUSTRY EMPLOYERS TO USE E-VERIFY

House Bill 246

May 14, 2025

TESTIMONY BEFORE

OHIO HOUSE OF REPRESENTATIVES
House Commerce and Labor Committee

TESTIMONY BY

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Chairman Johnson, Vice Chair Lear, Ranking Member McNally, and Members of the House Commerce and Labor Committee,

My name is Kristen Zicarelli, and I am a Senior Policy Analyst for Homeland Security and Immigration at the America First Policy Institute (AFPI). At AFPI, I lead efforts to advance immigration reforms that safeguard our nation's workers, borders, and future.

It is my privilege to testify in strong support of House Bill 246, a necessary measure to mandate E-Verify in Ohio's non-residential construction industry. This bill is consistent with the America First agenda by putting American workers first and upholding the rule of law to protect Ohio's communities. As I have stated in past [work](#) supporting E-Verify, the ability to obtain a job in the U.S. is one of the primary drivers of illegal immigration. Millions of illegal aliens currently work in the U.S. unlawfully because the existing paper-based Form I-9 verification process is easy to exploit, and human resources personnel are not experts in forged documents. As a result, the wages and job opportunities for many Americans are harmed. Additionally, states are deprived of revenue from the undeclared income paid to illegal aliens. The construction industry is notorious for having a higher percentage of workers without legal working status – [reportedly](#) about 23%. This commonsense policy solution is to mandate the use of E-Verify, a free web-based system that allows hirers to confirm the eligibility of their employees to work in the U.S. States.

H.B. 246 would incorporate this solution into Ohio's nonresidential construction industry—a backbone of our state's infrastructure. AFPI wholeheartedly supports H.B. 246 for the following reasons:

1. **It Prioritizes American Workers:** Every job taken by an illegal alien is a job taken from a hardworking Ohioan. The employment of illegal aliens' siphons resources from Ohio's economy, which drains tax revenues and weakens local communities. Millions of illegal aliens currently work in the U.S. because the existing paper-based Form I-9 verification process is easy to exploit, and human resources personnel are not experts in detecting forged documents. By mandating E-Verify for the construction industry, H.B. 246 ensures that American citizens and legal residents are the only ones with access to well-paying jobs. DHS [data](#) indicates that E-Verify is 99% accurate, and employers who use E-Verify are not punished if the system fails to identify an unauthorized worker. For honest businesses, this should be nothing short of a desirable program to implement. Additionally, fewer illegal aliens in the labor market will present Americans with new employment opportunities, and wages in certain job categories will likely rise.
2. **It Upholds the Rule of Law:** In the U.S., no employer should be above the law. The Federal Immigration Reform and Control Act of 1986 prohibits hiring unauthorized aliens, yet lax enforcement has allowed this problem to persist. H.B. 246 fines violators up to \$25,000 *per violation*, potentially also costing them license revocations and two-year bans from state contracts. Without consequences and deterrence



for violating the law, American citizens will continue to be put last by employers who chose to exploit unauthorized labor.

3. **It Deters Illegal Migration:** As stated in previous AFPI work, the largest pull factor for illegal aliens is the ability to make money in the U.S. Mandatory use of E-Verify significantly reduces the ability of illegal aliens to work legally, and over time, this action will help reduce the pull factor of employment for those who enter the country unlawfully.
4. **Smart and Targeted Policy:** H.B. 246 focuses on nonresidential construction, a critical industry where unauthorized labor has been a persistent issue, while exempting residential and agricultural sectors to avoid overburdening small businesses. Exemptions for previously verified employees and technical errors ensure fairness, making this bill a practical, America First solution that balances enforcement with efficiency. It also aligns with the winning America First Agenda that states must drive the reforms to protect their citizens. Knowing that American citizens want their elected leaders to ensure authorized employment, businesses should focus on publicizing their high standards of authorization and make their honesty known to the American public.

H.B. 246 is a pro-American, pro-worker bill, ensuring that we keep a legal workforce and upholding the rule of law. This is an easy and common-sense policy solution that Ohio can lead the nation on in putting American workers first.

On behalf of the America First Policy Institute, I urge the committee to support H.B. 246. Thank you for your leadership and consideration.

