



# Lutheran Immigration and Refugee Service

## House Judiciary Committee

### Markup of H.R. 1147: “The Legal Workforce Act”

March 3, 2015

By Lutheran Immigration and Refugee Service

Lutheran Immigration and Refugee Service (LIRS)[1] appreciates the opportunity to submit this statement for the record. LIRS is the national organization established by Lutheran churches in the United States to serve uprooted people. Through our extensive work with churches, network partners, refugees and migrants all across the country, LIRS sees the increasingly important role that migrants play in the U.S. economy, starting up new businesses, revitalizing communities, increasing tax revenues, and filling jobs that many Americans are unwilling to perform. The Legal Workforce Act will not accomplish what it promises, put many workers who are legally allowed to work at risk of being fired, and be burdensome to small businesses. Widespread use of E-verify will only be fair and meaningful for our country when it protects the rights of all workers and is accompanied with broader immigration reform.

#### **The Legal Workforce Act and E-Verify**

The Legal Workforce Act is a broad-reaching bill that would impact millions of individuals in the United States – both U.S. citizens and non-citizens. Within just three years, this would require all U.S. businesses to use E-Verify, an internet-based employer verification program, including small businesses with as few as one employee.

E-Verify was created in 1997 and is implemented by the Department of Homeland Security (DHS) in conjunction with the Social Security Administration. Use of E-Verify for new hires is required for federal agencies; and some states have also passed legislation that requires E-Verify for new hires. However, for all other U.S. employers, E-Verify is voluntary. While program participation continues to increase, very few of the approximately 7 million U.S. employers are currently enrolled.

#### **Impact of Mandatory Expansion of E-Verify**

If E-Verify were required for every U.S. business, it would have a tremendous impact on U.S. citizen and non-citizen workers alike. Due to errors in E-Verify, lawful workers were wrongfully fired from their jobs. Although these error rates have decreased since the program first began, the number of erroneous firings would be compounded if all businesses in the United States were required to use E-Verify.

## **E-Verify is Also Problematic for Refugees and Asylees**

E-Verify expansion would also create obstacles for lawful migrants including those who have been given protection in the United States, such as refugees and migrants granted asylum in the United States (asylees). Federal government data reveals a number of cases of refugees and asylees whose employment was terminated, suspended or was delayed because of problems with E-Verify. For example:[2]

- DHS issued a Somali refugee in Nebraska an employment authorization card that listed an incorrect birth date. When the refugee was hired by an employer who uses E-Verify, the system could not confirm the worker's eligibility. The refugee contested the notice. However, the employer did not provide the refugee with the proper way to resolve the issue. Because the refugee did not know how to contact the correct DHS office and, thus, did not contact DHS in a timely way, the refugee's job was terminated.
- When a Burmese refugee in Texas was hired, his employer incorrectly entered his date of birth. Therefore, when the employer tried to confirm the refugee's work eligibility, the E-Verify system issued a tentative non-confirmation. The employer then incorrectly suspended the employee until they could resolve the issue. To make matters worse, the employer did not provide the refugee with the proper letter and contact information to follow up with DHS.
- In Tennessee, an asylee from Guinea was hired by a trucking company. However, the company incorrectly listed his information and the system indicated that it could not confirm the asylee's work authorization. The employer then did not provide him with information about how to resolve the issue.

Although all three of these individuals were ultimately able to regain their jobs, they all faced undue harm, lost wages, and had to take additional steps to fix errors made by the federal government or their employers. These cases underscore the challenges that national expansion of E-Verify would likely create for thousands of U.S. citizens and work authorized non-citizens.

## **Mandatory Employer Verification Must be Accompanied by Other Reforms**

The United States needs a functional employment verification system to ensure U.S. employers hire legal workers, to identify unscrupulous employers and to protect all workers. However, while the government should continue to improve employer verification programs to reduce their impact on U.S. citizen and legal workers, policymakers must keep in mind that there are more than 11 million undocumented migrants in the country who are important members of our families, communities and congregations and who have important economic ties to the country.

The success of a mandatory employment verification program will depend on full participation by both U.S. employers and workers. However, this legislation would drive undocumented workers off the books and result in the likely growth of a large underground economy, not to mention force undocumented community members even further into a shadowed existence.

To ensure full participation in a national employer verification system, Congress must fix the broken U.S. immigration system by including a roadmap to earned legal status for undocumented workers, protecting families and workers, and ensuring the humane enforcement of immigration laws.

Congress and the Administration must pursue smart policies that protect and create jobs and identify new ways to leverage the contributions of all workers in the United States.

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[1] LIRS welcomes refugees and migrants on behalf of the Evangelical Lutheran Church in America, the Lutheran Church—Missouri Synod and the Latvian Evangelical Lutheran Church in America. LIRS is nationally recognized for its leadership advocating with and on behalf of refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations, and for providing services to migrants through over 60 grassroots legal and social service partners across the United States.

[2] [http://www.justice.gov/crt/about/osc/htm/telephone\\_interventions/ti\\_e-verify.php](http://www.justice.gov/crt/about/osc/htm/telephone_interventions/ti_e-verify.php)