

EWIC

Essential Worker Immigration Coalition

April 26, 2007

The Honorable Zoe Lofgren, Chairwoman
The Honorable Steve King, Ranking Member
House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International
Law of the Committee on the Judiciary

Re: Hearing - April 26, 2007 - "Proposals for Improving the Electronic Employment Verification and Worksite Enforcement System"

Dear Chairwoman Lofgren and Ranking Member King:

We submit this letter today to provide input from the Essential Worker Immigration Coalition ("EWIC") on the important topic of a new Electronic Employment Verification System ("EEVS"). EWIC is a coalition of businesses, trade associations, and other organizations from across the industry spectrum that support reform of U.S. immigration policy to facilitate a sustainable workforce for the American economy while ensuring our national security and prosperity.

EWIC's co-chair, Randel Johnson, is presenting oral and written testimony on behalf of the U.S. Chamber of Commerce. We want to underscore and recognize his comments and reiterate our deep concern for establishing a workable, reliable and efficient EEVS system within the context of comprehensive immigration reform. Attempts to increase and augment the worksite enforcement system outside of comprehensive reform, either through federal legislation, state legislation or administrative rule-making would be harmful to the nation as a whole and put at risk our economic security. A new EEVS system will impact every business in the United States as well as every employee. It is imperative that this new system function properly and be administered in the proper environment.

EWIC believes that a new system must be adequately funded with resources available to implement the program with more than seven million employers. It can not be burdensome to employers from either a cost or an administrative perspective. We believe that the development of an employment eligibility verification system must focus on: who is to be verified; what documents will be accepted; how the system will be phased in; how the system will function and who will certify functionality; how the system will be enforced, and how the Department of Homeland Security will protect good faith actors. Specifically, we must ensure that the new system includes:

- A new verification system that only applies to new hires - no retroactive re-verification;
- A reasonable number of reliable documents to reduce fraud;

- A reasoned phase-in with independent certification as to accuracy and workability;
- A reasonable definition of “critical infrastructure” employers;
- A “knowing” intent standard for liability for both employers and contractors that have subcontractor relationships;
- A reasonable system response times—at the most 30 days;
- An option for employers to begin the verification process once an offer has been officially accepted;
- A telephonic option, as well as an internet option, should be made available for inquiries;
- Accountability for errors when employers and/or employees are given inaccurate information;
- An investigative and enforcement system that takes into consideration concerns of small business and is fair, with penalties commensurate to the offense including provisions to protect first-time good faith offenders caught in the web of ever-changing federal regulations;
- Recognition that automatic debarment of employers from federal government contracts is not an authority that should be given to DHS and must be handled through current law under the Federal Acquisition Regulations (“FAR”); and
- Clarification that federal jurisdiction preempts state and local laws.

EWIC and its members have studied this issue for many years and have valuable input to provide to legislators on workability. We are prepared to continue to work with all involved to establish a functional, reliable and efficient system.

Respectfully,

Essential Worker Immigration Coalition (EWIC)