



May 10, 2007

The Honorable [NAME]
United States Senate
Washington, DC 20510

Dear Senator [NAME],

The Human Resource Initiative for a Legal Workforce recognizes the daunting task before Congress in reforming our nation's immigration laws. We write today to express our support for addressing these challenges while creating a secure border and strengthening the employment verification system. The Human Resource Initiative for a Legal Workforce is a coalition of human resource professionals from thousands of small and large U.S. employers representing every sector of the American economy from the private sector to academics and government.

It is our understanding that the Senate is poised to begin considering reforms to our nation's immigration laws next week. As part of this process, we urge you to consider our proposal to improve the current process of employment verification by creating a secure, efficient and reliable system that will ensure a legal workforce. Our recommendations will help provide certainty for employers, protect the identity and personal information of legal workers, and prevent national origin or other related discrimination in the verification process.

As human resource experts, we recognize the need for a system that does not require employers to guess whether an employee is eligible to work in this country, as is the case with the current employment verification system.

We have grave concerns, however, about the feasibility of the employment verification proposals that have been advanced thus far. These include:

Accuracy of System - Mandating all U.S. employers to use the current electronic system, the Basic Pilot, without first ensuring accuracy of the underlying government databases upon which the Basic Pilot relies would result in a debacle. Without some assurance that the system will work properly at the time of implementation, employers fear that the system may become prone to delays and errors, and the result would be counter productive to an effective employment verification system.

Reliability of System – Creating a reliable mandatory electronic employment verification system is a step in the right direction. However, it will not provide certainty to U.S. employers, large or small, who will not be able to detect cases of identity theft using only an electronic system.

Employer Responsibility - Some proposals would create a liability to employers for the actions of subcontractors or contractors even if the employer lacks actual knowledge of and has no control over the subcontractor's actions. Employers should only be responsible for their own hiring practices, not for third-party employers, including contractors or subcontractors, absent actual knowledge.

Reverification of Existing Employees – Several proposals would require all employers to re-verify the identity and employment eligibility of *all* previously hired employees. Over 149 million Americans are currently employed. American employers, especially the largest employers, already devote an enormous amount of resources to compliance with employment verification laws. If, in addition to having to verify each new employee, all employers must also re-verify every existing worker, the financial and human resources that the government and the private sector must invest into this process will be overwhelming. Verification should only apply to individuals hired after the enactment of a new electronic verification system. Enforcement of existing statutes should be used to identify ineligible individuals who are currently employed by organizations.

These are just some examples of problematic proposals that have been presented to Congress and which will not provide legitimate employers with the certainty they need to maintain a legal workforce and to manage their human resources effectively.

We strongly believe that any electronic employment verification system that becomes law must meet the following principles:

- **Shared Responsibility Amongst Government, Employers and Employees**—U.S. employers, employees and the federal government share responsibility for a reliable, efficient and accurate system to verify employment eligibility. Congress should create clear federal statutory language preempting states from imposing employment eligibility verification provisions.
- **Fair Enforcement**—U.S. employers should be liable for their own hiring decisions, not for those made outside of their control by other employers, including subcontractors. Employers who knowingly break the law should be penalized.
- **Accuracy and Reliability**—Employers should not be forced to participate until the government provides assurances that the system is accurate and reliable. Implementation schedules must be realistic and account for the fact that at least 7 million employers will have to enroll.
- **Ease of Use**—The new verification system should be easy to understand and to implement at all work sites. The entire employment eligibility verification process should be conducted electronically to eliminate duplication and paperwork. Employers must have clear directions about what to do with tentative nonconfirmations and a final determination in no more than 10 days.

- **Deployment of Latest Technologies**—A new verification system must make false documents and identity theft ineffective. One way to achieve effective and efficient work-site enforcement is to include biometric or other state-of-the-art identifiers.

The principles above provide a viable solution that would enhance the employment verification process and better serve all HR professionals, employees and employers across the nation. Through ease of use, reliability and equitable implementation, honest and diligent employers will be safe from any shortcomings that may befall the system. Again, we thank you for addressing the important issue of immigration reform, including worksite enforcement reform. We look forward to working with Congress to improve and strengthen the employment verification process.

Respectfully submitted,

American Council of International Personnel
College and University Professional Association for Human Resources
Food Marketing Institute
International Public Management Association for Human Resources
HR Policy Association
National Association of Manufactures
Retail Industry Leaders Association
Society for Human Resource Management