



February 21, 2008

Dear Representative:

I write to express strong opposition to the Secure America through Verification and Enforcement Act (SAVE Act), H.R. 4088 (S. 2366 and S. 2368). The Service Employees International Union (SEIU) recognizes that our immigration system is broken and something has to be done to fix it. We have long been a strong supporter of comprehensive immigration reform including increased border security and worker verification. However, the SAVE Act is the wrong approach and will have many unintended negative consequences for hard working U.S. citizens and legal workers in your district. This flawed legislation would inevitably subject thousands of workers to improper firings and unlawful discrimination through pre-employment screening and significantly damage many employers and the U.S. economy. We strongly urge you to give careful consideration to the practical consequences of the application of the SAVE Act.

We particularly object to the provision in the bill that would make E-verify (formerly named Basic Pilot) mandatory for all employers. The fundamental problem with this requirement is that it relies on flawed databases. E-verify uses the Social Security Administration (SSA) and Department of Homeland Security (DHS) databases to check authorization of workers. A GAO report has determined that the SSA database alone has over a 4% error rate. This means that at least 2.5 million workers will be misidentified as unauthorized to work through mandatory application of E-verify to all U.S. employers. **In other words, approximately 6,000 lawful workers in each congressional district will face the threat of losing their job as a result of SAVE because of database errors.**

SSA will be overwhelmed and unable to cope with the increased workload. There is no provision in SAVE to deal with the onslaught of inquiries that SSA will receive when 2.5 million workers are mistakenly determined to be ineligible to work and they seek to correct errors with SSA. This is likely to lead to tremendous backlogs at SSA. So far, E-verify which is currently voluntary, is used by less than 1% of the 7 million U.S. employers. Under SAVE, that workload will be increased more than 100 times. We all know from the passport debacle at the State Department what happens when a government agency faces an immediate, huge increase in its workload.

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Many American workers will suffer financial hardship. Workers who are misidentified will not be able to work until SSA corrects their records and, as a result, many will suffer extreme financial hardship. Misidentified workers will not be the only persons who will be inadvertently hurt under SAVE. When SSA becomes overwhelmed by inquiries from workers who have been mistakenly identified by E-verify, it will also be unable to perform services for the seniors and disabled who rely on social security for their livelihood and who have problems with their social security checks or are applying for benefits.

SAVE will feed the underground economy. SAVE will also have very negative effects on citizens and workers who are legally authorized to work in the U.S. Workers who are subject to errors will have no alternative but to join the underground economy, granting unscrupulous employers a competitive advantage by avoiding payroll taxes, unemployment and workers compensation and other withholding requirements. Denying federal and state and local government tax revenue, and penalizing employers who make required payroll deductions will be a negative consequence should SAVE become law.

SAVE will lead to discrimination against U.S. workers. SAVE contains no provisions to safeguard employees from employer abuse of the system. We have already seen instances where employers who want to “play it safe” engage in racial profiling and fire any workers who look like immigrants regardless of their citizenship or work authorization. Unscrupulous employers will use verification as an excuse to fire employees that they do not want such as whistleblowers, workers who complain about unsafe working conditions, or engage in lawful union activities.

SAVE will cause economic damage to employers and communities. The economic damage to employers and communities that will be caused by SAVE cannot be overlooked. There are an estimated 8 million undocumented workers in the U.S. Businesses that employ undocumented workers usually also employ U.S. citizens and other authorized workers. A very recent study by the Commonwealth Institute for Fiscal Analysis found that undocumented workers in Virginia alone generated \$3 billion in income and paid between \$379 million and \$453 million a year in income, sales, property and other taxes. The loss of this revenue for the economy and the governmental entities caused by SAVE will have a rippling effect across the whole economy.

SAVE’s “enforcement only” approach will not work. The SAVE Act will not solve the immigration crisis solely through employment verification. It is an approach that is costly, unrealistic, impractical, and inevitably sure to fail. While the “enforcement only” approach seeks to create the impression that the administration is “doing something”, the real consequence

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is to cause serious disruption to communities, businesses and the lives of U.S. citizens and legal workers across the country. Employment verification will drive people further into the shadows, causing safety and security risks, and rewards the most unscrupulous employers with a more plentiful supply of workers to readily exploit. Rather than addressing the worsening crisis, the SAVE Act would contribute to the further decline in conditions for all workers.

SEIU supports efforts to enhance border security and a workable employment verification system, but we strongly oppose piecemeal reforms that are bound to fail because they don't address the reality of 12 million undocumented people living in this country. By ignoring reality, the SAVE Act will not only fail to accomplish its objectives, it will make matters worse. A real and lasting solution to our nation's broken immigration system should require undocumented workers to come out of the shadows, be granted legal work authorization, undergo background checks, learn English and get on a path to citizenship. Without a regularized path to legal status undocumented immigrants will continue to hide and be subject to exploitation by employers. Vigorous labor law enforcement at the worksite, and reform of employment based visas to ensure adequate workers are available to meet labor market needs without displacing U.S. workers, are also an important component of immigration reform. We need comprehensive thoughtful, workable and practical solutions – now more than ever.

Please oppose H.R. 4088 (S. 2366 and S. 2368) the SAVE Act. Votes on this legislation will be added to the SEIU scorecard found at www.seiu.org. If you have any questions, please contact Alison Reardon, Director of Legislation at 202-730-7706.

Sincerely,



Anna Burger
International Secretary-Treasurer

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