

Judiciary Subcommittee on Immigration Policy and Enforcement

Hearing

“Document Fraud in Employment Authorization: How an E-Verify Requirement Can Help”

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Mother of child victim of SSN identity theft by an illegal alien for the purpose of employment and other fraud

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The identity theft of a child is a devastating, nightmarish crime with terrible ramifications on the future of the child victim. Most identity thieves are illegal aliens who use fraudulent documents, such as SSNs, to obtain work, open bank accounts, apply for government aid, housing, credit and medical care. Currently, parents and children may never discover an identity theft until years later when the child has need of a license, employment, credit, bank accounts, scholarships or when the family needs to apply for government aid, or receives a notice from the IRS demanding that the child pays taxes on wages earned by another or are told they cannot claim their child as a dependent on their tax returns. For the victims of child identity theft, correction is very costly in money, resources, time and energy.

Illegal Alien driven identity theft is ignored, rationalized and supported and perpetrators are defended by some local, state and federal leaders, civic leaders, religious organizations, businesses, media, and law enforcement leaders. These people justify these crimes stating that the crime does not impose a burden, or the perpetrators are forced into this or are told that that is how it is done. The IRS and SSA seem to turn a blind eye as well.

How do I know these things? Because my family is living this nightmare. My story is a prime example of the lack of notification, the lack of action on the part of government entities and law enforcement, the blind eye that is turned, and how deep this crime against innocent children can go. Words cannot adequately express the hurt, anger, frustration and betrayal that we have felt in battling this.

In November 2009, my husband found himself unemployed in a falling economy. On Monday, November 16, 2009, I went to the Utah Department of Work Force Services (DWS) to apply for food stamps and Medicaid to help our family get by until my husband was able to gain new employment a month later. During our eligibility interview over the phone, the eligibility specialist informed me that wages were being reported to my then 3 year old son's SSN since 2007. I inquired as to where the wages were being reported and to whom, and was told that due to the privacy act I was not allowed to have that information, although they had it. I was told that a notice would be sent with instructions and not to contact them again concerning the matter. During the interview, our eligibility and application was declined as our income, which consisted of my husband's unemployment and my income exceeded the limit of our family size by a few hundred dollars. Later, it was brought to my attention that we could have been denied aid because my son was "earning too much money."

I was shocked, sick and lost. I had no idea how this could be happening to my 3 year old. We had not ever been in a situation where his identity could have been stolen. I felt very upset that the criminal was being protected rather than my son. How frustrating and disturbing to me this was. I had no idea that it would get even worse.

The next day, I went to the local SSA office and waited to speak to a representative who informed me there was no activity on the SSN. I returned again the next day to request a work history and was told not to waste my time and money, because there was none. I asked for a statement stating that and was denied one. I was also told that my son did not qualify for a new SSN. The reasoning was that there had to be 2 years of continual abuse that caused so much financial damage that the victim

would never be able to recover from. Upon more inquiries the person was able to access the wage reporting database from DWS and told me the wages were being reported from TJX, a division of TJ Maxx.

I went to the local police department to file a report. My statement was taken and I was advised to contact all 3 credit reporting agencies.

Over the next 2 weeks, I experienced increasing levels of frustration. This only increased my determination. I received nothing but the run around, passing of the buck and refusal to investigate the situation. I contacted SSA several more times and requested an investigation as to why my son was issued a SSN that was already in use. I spoke with several people about this and even asked to speak to some sort of supervisor. Each person I spoke with either said that they could not help me or that there would be no investigation. I know for a fact that we are not the only victim that has received this same response from the SSA. The IRS has also reported that no taxes have been paid on the SSN.

I contacted an ID Theft Resource Line at 1-888-400-5530 and was provided the email address for TransUnion. I sent an email inquiring of possible credit fraud and received a response that no report existed. I sent requests to all 3 credit reporting agencies and all responded stating there were no files found, which was a relief, or so I thought until 2 ½ years later. I also requested a freeze on my son's credit and was told that this was not possible until after fraudulent credit was established. I reported the theft with the FTC and on IRIS (reporting system with the Utah Attorney General's Office).

I also contacted the Utah Driver's License division and it was reported that no license or state ID had been issued to my son's SSN. I contacted the Utah State Tax Commission local office. The individual I spoke with was also able to access the wage information and informed me that the record included a name and address other than my son's and that the wages dated back to 2001, my son being born in 2006. The tax commission employee stated that she would give the information to their fraud investigator, which I heard nothing from until 2 ½ year later. I took this new information to the police department but the office person seemed to take the position that since this incident occurred before my son's birth, it was not fraud and it was not theft which showed that he didn't understand Utah's identity fraud law. As of today I have heard nothing from the police department or their investigator.

I telephoned and left messages with and spoke with Bill Gephardt, a local investigative news man, who did not help at all. I also contacted Senators Orrin Hatch and Bob Bennett and heard nothing back from either, ever. I also contacted my local Representative Gage Froerer and Senator Scott Jenkins. As requested by Representative Froerer, I sent him an email about the situation because he said he would talk with US Representative Rob Bishop. I never heard from either of them. I did eventually get a contact name and number from Utah State Senator Scott Jenkins for Kirk Torgenson, head deputy of the Utah Attorney General's Office and told me to mention his name when calling. Sen. Jenkins also told me to keep him posted and to tell him if I did not get any help. I left a message with Kirk who returned my call a few days later. He gave my information to Richard Hamp with the Utah Attorney General's Office who called me within 45 minutes of my conversation with Kirk. Since then, the investigation was

completed, charges were filed and a warrant was issued. When attempting to apprehend the suspect, it was found that she had moved. It was not until March of 2012 that she was booked into jail.

I telephoned the jail, Summit County jail in Utah, on March 20, 2012. Deputy Pace told me that Lidia Aguirre had been booked into jail on 2 counts of forgery, and 3 counts of identity fraud (3rd degree felonies) on 3/14/2012 at 12:05 PM with an ICE hold. She had the ICE hold cleared and made \$5,000 bail at 7:02 PM that same day. I was so upset by this. How could she get out on bail? It took them 2 ½ years to find her the first time. What are the chances that she will stay and appear in court? That she will be found again? Slim to none. I was so upset that I called a reporter and informed him. Our first court date was Monday, March 26 in Park City and the Summit County court house. Lidia Aguirre was there with her husband. They requested a tax payer funded interpreter as well as a public defender claiming that they are both unemployed and do not have the financial resources to get their own. It was pointed out to the judge that they were able to post bail and then might subsequently be found to have the funds to reimburse the publicly funded services. Aguirre has been employed on my son's SSN at TJMaxx in Park City, Utah and at Zurmatt Resort in Midway, Utah.

Following the hearing, I googled Ms. Aguirre's name and found another booking for ICE on March 21, 2012 by the Salt Lake City Sherriff's Office. Obviously, she was released again as she was not in custody for the hearing.

In December of 2011, Rich Hamp had telephoned me to inform me of a new partnership between his office and TransUnion credit reporting agency where a child could be proactively protected from credit fraud. This is the first of this kind of partnership in the nation. He asked if we would like to be a part of a press conference announcing this ground breaking program. I gladly accepted and participated in the press conference on Tuesday, January 31, 2012. The program is called Child Identity Protection, or CIP. I immediately enrolled my son in it. This program puts the child's SSN in a high alert database which flags merchants or credit issuers of a possible compromise and also provides notification to the parents of any suspicious activity. Fortunately and unfortunately, the program works.

On March 29, 2012, I received an email from a fraud specialist with TransUnion stating that corresponding files were found and to contact them about the alert. I did so and was told that there were 9 files, the first dating back to 1999. How is this possible? I asked in 2009 and was told by all 3 agencies there was nothing. 7 of the files were medical bills that had now gone to collections. This perpetrator has been receiving medical care on my 3 year old son's SSN. I cannot tell express how ridiculous it is that my son's SSN has been used for care at an OB/GYN's office or how frightening it is to know that my son's medical history has been blatantly corrupted which could have serious, life threatening impact on my son's life and medical care. How grateful I am for the CIP program between the state of Utah and TransUnion, otherwise this would not have been brought to my attention before a serious situation occurred.

How grateful I am that my husband found himself unemployed so that we could find out about this theft. Currently, notification is not provided unless you are receiving or applying for government aid/benefits or the IRS comes calling.

At the press conference announcing CIP, my husband spoke with Dr. Ronald Mortensen, Ph.D about child identity theft. Dr. Mortensen provided my husband with a publication of a study he had completed for the Center for Immigration Studies, titled "Illegal But Not Undocumented." Following the press conference, I read the study. I was appalled at the findings. I tracked down Dr. Mortensen and the result of our conversation was the organizing of Defending Our Children's Future, an organization which offers victim support, raises awareness and pushes for legislation that would provide notification of, prevention of, and prosecution of this rampant, growing crime of child identity theft, of which I am a co-founder. Government aid can be denied, scholarships lost, arrests made, life threatening situations encountered to the child victim all because someone has stolen the SSN of a child.

As I have spoken in front of many groups, I have been asked repeatedly by concerned parents and grandparents, "How can we find out if this is happening to our child/grandchild?" "How can we protect them from employment fraud, credit fraud, medical fraud?" My answer, sadly, has to be that unless you are receiving or applying for government aid, or the IRS comes calling or things are denied you, there is no way of finding out. I also sadly have to tell them that there is no way to prevent the employment or medical aspect of it. I refer them to CIP for the credit aspect of it. They are all very disturbed and disgusted by how things really are.

I would now like to share some other stories of child identity theft in Utah.

From the Roush Family:

They had gone to apply for medical coverage and were informed that wages (\$70,000) were being reported and that fraudulent credit was established. They were almost denied aid because of it. Their 11 year old daughter's SSN is being used by multiple people. The victim is also a co-founder of Defending Our Children's Future.

From Shawn Vockler:

In the year of 2009 I was laid off from my employer and at that time I got my family enrolled in state assistance programs. I was informed that my daughter's (Brookelyn being 1 at the time) social security number was being used to receive wages for multiple years prior to her even being born. I called the social security office and got no help from them. I then called the city's police department that I lived in at the time, I had a detective come to my house and got all of our information including my daughters ss#. With his investigation he found out who and where this person was. At that time he informed me that he would pass on the information to the current city this person lived in. After that last conversation with that detective I have heard nothing. Don't know if the person was found for what happened. To this day I don't know if her ss# is being used to receive wages.

From the Whaley family:

The family was receiving Medicaid. Upon time for renewal, their 9 year old son was denied as the family had not reported his wages. After contacting law enforcement and the Attorney General's office a few months ago, nothing has been heard.

From the Weed family:

Their 13 year old daughter's SSN is being used by 10 illegal aliens in Utah for employment purposes and for medical care. They are likewise receiving little to no help.

From the Ward/Eastman family:

Their daughter/granddaughter has wages being reported to her SSN and they were notified while receiving aid. They were told by the police department that it was the family's responsibility to investigate and clear it up, not the PD's and there was nothing they could do.

From a family in Davis County:

The IRS contacted them and informed them of a "false" tax return. Their 13 year old daughter's SSN, listed on their returns as a dependent, had wages on it. Therefore, she could not possibly be their daughter and they could not claim her on their return.

From a mother I met at an event:

My story was very disturbing to her. She had either applied for aid or was receiving aid and was informed that her young child had wages reported to their SSN. She contacted the SSA, like the rest of us, and, like the rest of us, was told that there was no record. Thus, she thought it was a mistake and dropped it. Now, she regrets doing so and will be revisiting it, not knowing what to do.

Where is the protection of our children? Where is the notification? Where is the cooperation? Where is the prevention? Where is the prosecution? Where is the restitution? Why do we, the victim's families have to jump through all these hoops and clear things up? Why with today's technology is this happening?

There are tools available to help including the E-Verify and Social Security Number Verification Systems. According to the staff of Senator Orrin Hatch, the IRS notifies businesses of name/SSN mismatches and asks businesses to either fix the error or terminate an employee who is committing SSN theft. This is not being done. The IRS is not following through. How can SSA continue to say to us "there is no record of this?"

All of the victim's families have experienced the same frustration, devastating nightmare that is child identity theft. Those who do not know if they are affected or not want to know if they have been and they want protection. We, known victims or not, are mortified that this is happening to our children and that there is nothing being done to stop it. We want protection, notification, prosecution, prevention and accountability of this rampant crime against our children. We also want the ability to sue employers who don't verify the information of those who they are hiring and who sacrifice our children for profits. Our children are innocent and there is nothing we could do to stop this, and we are hitting brick walls. We are speaking out. Please, help us.