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## **Statement of the American Immigration Lawyers Association**

### **Submitted to the Committee on the Judiciary of the U.S. House of Representatives Markup of "Legal Workforce Act"**

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The American Immigration Lawyers Association (AILA) opposes H.R. 1147, the Legal Workforce Act as it would impose new mandates on American employers and their newly hired workers without providing adequate protections for either businesses or workers. On its own, this bill would do enormous harm to our nation's economy.

AILA recognizes the value of an effective employment verification system, but such a system needs to be implemented in a way that ensures smooth operation for businesses and adequate protections for workers. H.R. 1147, however, does not establish the necessary safeguards and transition periods to avoid significant disruption to businesses. For example, the bill would require virtually all employers to use this type of program within two years of enactment or three years for an employer in the agricultural sector. The bill would disproportionately hurt small businesses which often do not have a dedicated human resource department but would still have to expend the resources to be trained to use a complicated new system. Even those who employ only a single employee will be required to use E-Verify. The costs business would bear in implementing such a mandate are extremely high. A 2011 Bloomberg report estimated that the cost of mandatory E-Verify on small businesses would be in the range of \$2.6 billion.

Additionally, H.R. 1147 calls for such rapid implementation of E-Verify that it would harm tens of thousands of authorized U.S. workers. Every year large numbers of people who are authorized to work are erroneously denied employment authorization by errors in the E-Verify system. Most wait for weeks to resolve the problems in the system frequently losing wages or even job offers during the delay. Based on the 2012 E-Verify error rate, about 150,000 authorized workers would be erroneously denied if the current E-Verify system were made mandatory as required under the bill.

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In 2013, the Congressional Budget Office estimated that mandatory implementation of E-Verify would have increased the federal budget deficit by a staggering \$30 billion.

Furthermore, employment verification cannot be done in isolation without addressing other urgently needed immigration reforms. Unless Congress finds a way to legalize the status of the millions of unauthorized workers, a mandatory employment authorization bill will disrupt major sectors of our economy including the agricultural industry. In a February 2015 Judiciary Committee hearing on mandatory E-Verify Charles Conner, President and Chief Executive Officer of the National Council of Farmer Cooperatives stated:

*[m]andatory E-Verify would have a devastating impact on our industry in the absence of a legislative solution for agriculture's labor needs. Immigration enforcement without a program flexible enough to address the labor needs of fruit, vegetable, dairy and nursery farms, and ranches, will result in many U.S. farmers and their farm employees losing their livelihoods and an overall decrease in U.S. agricultural production.*

Taken on its own, H.R. 1147 represents a flawed enforcement-only approach that will compel more workers to turn toward the underground economy and unscrupulous employers to exploit them. While intended to address problems with our broken immigration system, this measure will impact every employer and every worker in this country. The last thing the American people need is a new government mandate that ends up hurting U.S. citizens and other authorized workers and the businesses ready to hire them.