



MEDIA AVAILABILITY
June 20, 2011

CONTACT
Valerie Woodall – 202 506-4541
vwoodall@immigrationworksusa.org

A FIRST STEP TOWARD RESTORING THE RULE OF LAW IN THE WORKPLACE

WASHINGTON – Last week, House Judiciary Committee chairman Lamar Smith introduced the Legal Workforce Act. ImmigrationWorks USA president Tamar Jacoby made the following statement.

ImmigrationWorks USA commends Rep. Lamar Smith on the introduction of the Legal Workforce Act, mandating that all U.S. employers enroll in an improved E-Verify system and confirm that their new hires are authorized to work legally in the United States. We believe this is an important first step toward restoring the rule of law in the workplace and creating a climate in which American businesses can create jobs and contribute to the nation's economic recovery.

No one has more of a stake than employers in restoring the rule of law in the workplace. The overwhelming majority of U.S. business owners want to be on the right side of the law. They want a level playing field – when lawlessness reigns, decent employers are all too easily undercut by unscrupulous competitors. And those in industries that rely on an immigrant labor force need access to a reliable supply of legal workers.

Recent improvements to E-Verify – ever better accuracy rates, improved reliability and ease of use – make the program an effective tool to restore legality in the workplace. And the improved system mandated by the Legal Workforce Act is designed to be workable for employers.

- **It punishes bad employers and protects good ones.** Employers who use E-Verify in good faith would not be held liable under any state or federal civil or criminal law for any employment-related action taken on the basis of information provided by the verification system. And good-faith users would not be penalized for minor technical violations.
- **It takes account of the realities of the workplace.** A streamlined all-electronic system would make verification easier for large companies. A toll-free telephonic option would facilitate use by small firms with limited access to the internet. Business owners would be given the opportunity to correct technical or procedural errors. Employers are held responsible for verifying only their own employees – they would not be responsible for the hiring practices of their subcontractors and other companies. And in contrast to current E-Verify requirements, employers would be able to run job applicants through the system after they had been offered work but before they were hired – a significant improvement from businesses' point of view.
- **It looks beyond existing methods of employment verification and moves toward creating a better system for the future.** For all the recent improvements in E-Verify, the program still cannot detect identity theft, leaving even employers who use the system in good faith exposed to fraud and the liabilities that come with it. The Legal Workforce Act would begin to address this issue with a biometric pilot program designed to detect and prevent identity fraud.

- **Finally and most important to many employers, it preempts state employer sanctions laws.** The measure would nullify state E-Verify measures currently on the books, eliminating the patchwork of overlapping and often conflicting federal, state and local immigration enforcement that currently makes it so difficult for companies to do business across state lines. And the bill would sharply limit the states' power to enforce worksite immigration law arbitrarily and inconsistently in the future. States would retain the authority to impose their own stiff penalties, suspending and revoking the business licenses of employers who did not comply with federal E-Verify requirements. But states could not impose additional or different requirements and could not mandate E-Verify on a different timeline. This clarification of which lawmakers, Congress or the states, have the power to make immigration law is particularly welcome in light of the Supreme Court's recent ruling on Arizona's 2007 employer sanctions law – a decision likely to encourage more states to take immigration matters into their own hands.

Not everything about the Legal Workforce Act is workable. Some provisions remain unclear. Others will be burdensome for small businesses and agricultural employers. Most important, ImmigrationWorks believes the timeline for expanding E-Verify is unrealistic: we do not believe it is possible to go from 250,000 employers to more than six million in just two years. And we hope Congress will reconsider this deadline as the legislation moves forward.

The next step – worker visas

An accurate and reliable employment verification system is a cornerstone of the fix that's needed to make immigration work for U.S. businesses and the U.S. economy. But it is only a first step. Eventually, worksite enforcement must be combined with programs that provide more worker visas, both temporary and permanent, giving employers who rely on immigrant workers access to a stable and reliable, legal workforce. Even with today's high unemployment, employers in many sectors – agriculture, high-tech, the seasonal economy – need immigrant workers to keep their operations running. And as the economy improves, that need will only grow. Eventually, worksite enforcement must be accompanied by programs that allow the foreign workers we need to enter the U.S. legally, keeping U.S. businesses open and sustaining jobs for Americans. Worksite enforcement and worker visas are two sides of the same coin – neither can work alone. And unless and until Congress can mandate both, we cannot hope to restore the rule of law in the workplace.

ImmigrationWorks applauds Chairman Smith for this important first step. We look forward to working with him and others in Congress to advance the Legal Workforce Act and also take the second essential step, fixing the legal immigration system so that it works for the U.S. economy.

**IW USA president Tamar Jacoby can be reached for comment at
202 506-4541.**

ImmigrationWorks USA is a national federation of small business owners advocating immigration reform. The organization links 25 state-based, pro-immigration business coalitions: employers and trade associations from Florida to Oregon and from every sector of the economy that relies on immigrant workers. IW assists these groups with strategic coordination, messaging and grassroots recruitment as they fight for better immigration law in their states and in Washington. The organization works closely with the U.S. Chamber of Commerce, the National Restaurant Association, the National Association of Home Builders, the U.S. Travel Association, the American Farm Bureau Federation and other leading trade groups. Members of the IW board of directors include Marriott Chairman and CEO Bill Marriott, former AZ Rep. Jim Kolbe and syndicated columnist Linda Chavez.

#