

June 15, 2011

The Honorable Elton Gallegly
Chair, House Subcommittee on Immigration
Policy and Enforcement
U.S. House of Representatives
Washington, DC 20515

The Honorable Zoe Lofgren
Ranking Member, House Subcommittee on
Immigration Policy and Enforcement
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Gallegly and Ranking Member Lofgren:

As leaders of the Asian American and Pacific Islander (AAPI) community, we write to express our opposition to a mandatory E-Verify program. Unless our immigration system is reformed, expanding E-verify will weaken our already fragile economy. Expanding E-Verify will have a harmful impact on AAPI workers and business owners.

If E-Verify is made mandatory, a disproportionate number of AAPIs – including citizens and green card holders - will be misidentified and have their jobs jeopardized. A 2009 government-funded report found the error rate for foreign-born workers was *20 times higher* than that of U.S.-born workers.¹ Throughout the U.S., more than 8 million AAPIs are foreign born.² The E-Verify program is of particular concern for the Limited English Proficient members of our community. The already confusing program will be impossible to navigate for the nearly 50% of the AAPI community who speak English less than very well.³

E-Verify promotes discrimination against AAPIs, as under-trained employers may assume a worker is undocumented and fire or not hire the worker at all. Employer noncompliance with the E-Verify pilot program's rules was "substantial,"⁴ where: 1) employers engaged in prohibited practices such as pre-employment screening, 2) took adverse employment actions based on tentative non-confirmation notices, and 3) failed to inform employees of their rights. Furthermore, the U.S. General Accountability Office reports that USCIS is limited in its ability to identify and prevent its misuse, with little or no authority to impose penalties.⁵

E-Verify also increases regulatory burdens on employers, particularly small business owners. AAPIs own more than 1.5 million small businesses in the U.S., with receipts of \$507.6 billion.⁶ E-Verify requires compliance training and capable infrastructure for electronic submission and subsequent work verification, taking away time and resources from employers that may not have an infrastructure in place.

Resolving tentative and false non-confirmations remains especially challenging for employees and employers. Workers with errors in their records often have to take unpaid time off to follow up with the Social Security Administration (SSA) or the Department of Homeland Security, whose databases the program employs. Members of the American Council on International Personnel reported that corrections at SSA usually take in excess of 90 days, a wait of 4 or more hours per trip, and frequent trips to SSA to get their records corrected.⁷ This greatly decreases the productivity of the workers and employers alike.

Lastly, the U.S. cannot afford to divert scarce governmental and financial resources towards funding this deeply flawed program. According to the U.S. Congressional Budget Office, implementing a mandatory E-Verify program (without legalizing the current undocumented population) would force employers and workers to resort to the black market, outside of the tax system. This would decrease federal revenue by more than \$17.3 billion over ten years.⁸

Instead of layering E-Verify on top of a broken immigration system, we need to fix our system through broad reform that includes legalizing unauthorized immigrants. This would result in a large economic benefit—a cumulative \$1.5 trillion in added U.S. gross domestic product over 10 years.⁹ Therefore, for the reasons stated, we oppose an expansion of the E-Verify program.

Respectfully,

Asian American Action Fund

Asian American Institute, Member of the Asian American Center for Advancing Justice

Asian American Justice Center, Member of the Asian American Center for Advancing Justice
API Equality - LA

Asian Law Caucus, Member of the Asian American Center for Advancing Justice

Asian Pacific American Labor Alliance

Asian Pacific American Legal Center, Member of the Asian American Center for Advancing
Justice

Asian & Pacific Islander American Health Forum

Asian Pacific Islanders Community Action Network (APIsCAN)

Central American Resource Center (CARECEN)

California Immigrant Policy Center

Chinese for Affirmative Action

Desis Rising Up & Moving (DRUM)

Empowering Pacific Islander Communities (EPIC)

Family Bridges

Filipino Advocates for Justice (formerly Filipinos for Affirmative Action)

Kizuna

Korean American Coalition

Korean American Resource & Cultural Center

Koreatown Immigrant Workers Alliance (KIWA)

Korean Resource Center

K.W. Lee Center for Leadership

Life Bridge Journeys

Liwanag Kultural Center

National Korean American Service & Education Consortium

Nikkei for Civil Rights and Redress

OCA

Out4Immigration

South Asian Americans Leading Together

Southeast Asian Community Alliance - LA

South Asian Network

Southeast Asian Resource Action Center
Thai Community Development Center (Thai CDC)
Tongan Community Service Center
United Sikhs

¹ Westat, Findings of the E-Verify Program Evaluation (December 2009), 210 available at http://www.uscis.gov/USCIS/E-Verify/E-Verify/Final%20E-Verify%20Report%2012-16-09_2.pdf.

² U.S. Census Bureau, We the People: Asians in the United States: Census 2000 Special Reports, 20 available at <http://www.census.gov/prod/2004pubs/censr-17.pdf>.

³ U.S. Census Bureau, Language Use and English-Speaking Ability: 2000 (Issued October 2003), 4 available at <http://www.census.gov/prod/2003pubs/c2kbr-29.pdf>.

⁴ Westat, Findings of the Web Basic Pilot Evaluation (September 2007), xxii available at <http://www.uscis.gov/files/article/WebBasicPilotRprtSept2007.pdf>.

⁵ Richard M. Stana, U.S. Government Accountability Office, Testimony: Employment Verification: Federal Agencies Have Improved E-Verify, but Significant Challenges Remain, 6 available at <http://www.gao.gov/new.items/d11330t.pdf>.

⁶ U.S. Census Bureau, Facts for Features: Asian/Pacific American Heritage Month (May 2011), available at http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff06.html.

⁷ Tyler Moran, National Immigration Law Center, Written Statement to House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, Hearing on: “E-Verify: Preserving Jobs for American Workers” (February 11, 2011), available at <http://www.nilc.org/immsemplymnt/ircaempverif/e-verify-testimony-nilc-2011-02-10.pdf> (citing American Council on International Personnel, “Comments on Proposed Rule Published at 73 Fed. Reg. 33374 (June 12, 2008),” August 11, 2008).

⁸ Peter R. Orszag, Director, Congressional Budget Office, Letter to Rep. John Conyers (April 4, 2008), available at <http://www.cbo.gov/ftpdocs/91xx/doc9100/hr4088ltr.pdf>.

⁹ Raul Hinojosa-Ojeda, University of California Los Angeles, Raising the Floor for American Workers: The Economic Benefits of Comprehensive Immigration Reform (January 2010), 10 available at <http://www.immigrationpolicy.org/sites/default/files/docs/Hinojosa%20-%20Raising%20the%20Floor%20for%20American%20Workers%20010710.pdf>.