



Statement before
House Subcommittee on Social Security of the Committee on Ways and
Means
Hearing on the Social Security Administration's Role in Verifying
Employment Eligibility

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The American Immigration Lawyers Association (AILA) is a voluntary bar association of more than 11,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality, and the facilitation of justice in the field. AILA appreciates the opportunity to offer a statement for the Subcommittee on Social Security of the Committee on Ways and Means' hearing addressing the "Social Security Administration's Role in Verifying Employment Eligibility". Our members' collective expertise and experience makes us particularly well-qualified to offer views that we believe will benefit the public and the government.

AILA members regularly advise and represent American companies, U.S. citizens, lawful permanent residents, and foreign nationals in seeking immigration benefits, including lawful admission to the United States, and in complying with U.S. immigration laws and regulations. Additionally, AILA members are very familiar with E-Verify, the internet-based employment eligibility verification system administered by the U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA). AILA members have worked closely with E-Verify employers and have advised them on evaluation of the system, implementation, management and oversight of accounts. AILA members also have experience with E-Verify employers that have been the subject of government investigations utilizing E-Verify data.

AILA supports governmental efforts to provide employers with effective means to verify that newly hired employees are authorized to work in the United States. AILA likewise concurs with DHS' overall policy goal that tools to verify employment authorization, such as E-Verify, should not be misused, abused, utilized to discriminate, breach privacy or facilitate fraudulent use of the USCIS' Verification Division information. However, any substantial expansion of E-Verify or any other employment verification system cannot take place without some form of legalizing the currently undocumented workforce.

Credible worksite enforcement is a logical component of any practical effort to fix our nation's broken immigration system. However, expansion of any employment verification system built on an inadequate platform and populated by flawed databases will create hardships for U.S. businesses, especially small businesses, in a time of economic challenge. It is misguided to think that any proposal, whether an expansion of E-verify or a new employment verification system, could work without providing a path to legal status for undocumented workers and their families who are already contributing to this economy, and suggests a failure to comprehend the scope and complexity of the situation.

AILA supports American workers and the integrity of our workforce. SSA has a clear, straightforward and vital mission that is to, "Deliver Social Security services that meet the changing needs of the public." Employment eligibility verification is not part of SSA's mission and only serves to divert resources away from its mission.

Enforcement-only policies will not fix our broken immigration system. What we need are solutions, not half measures that will only make the situation worse. Congress should consider a broad approach to immigration reform. Smart immigration policies that include a pathway to compliance for the millions of undocumented immigrants currently living and working in the U.S. would add billions of dollars to the economy and raise the wages of all American workers.