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**SUBMITTED TO
COMMITTEE ON THE JUDICIARY
OF THE
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND
INTERNATIONAL LAW**

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Madam Chairwoman, Congressman King, Members of the Committee. I am pleased to submit the following statement on behalf of the Society for Human Resource Management and the HR Initiative for a Legal Workforce.

The Society for Human Resource Management (SHRM) is the world's largest association devoted to human resource management. Representing more than 217,000 individual members, the Society's mission is both to serve human resource management professionals and to advance the profession.

The Human Resource Initiative for a Legal Workforce represents human resource professionals in thousands of small and large U.S. employers representing every sector of the American economy. The HR Initiative and its members – which, in addition to SHRM, include American Council on International Personnel, College and University Professional Association for Human Resources, HR Policy Association and International Public Management Association for Human Resources – are seeking to improve the current process of employment verification by creating a secure, efficient and reliable system that will ensure a legal workforce and help prevent unauthorized employment, a root cause of illegal immigration.

On behalf of both organizations, we thank the Committee for its work thus far in the area of improving America's employment verification process. Our members represent the front lines on workforce verification, and offer a critical viewpoint. In the end, this is not just a debate about immigration reform, it is a debate about workplace management – which impacts all U.S. employers and all American workers, not just the foreign born. We do not believe there is a one-size-fits-all solution to employment verification. Rather we believe that private sector technologies can be effectively incorporated into the verification and hiring process.

The subject of today's hearing, "Improving the Electronic Employment Verification and Worksite Enforcement System" is central to deterring illegal immigration to the United

States. It is no secret that the wide availability of jobs in this country has become the magnet for unauthorized migration. The most critical element for true immigration reform, therefore, is establishing a foolproof system for certifying that an applicant is authorized to work in the United States. Unfortunately, the electronic verification system in place today is inadequate to meet the demand, and current proposals before Congress fall far short of what is needed.

Currently, employees are permitted to submit up to 29 different legally-acceptable documents as proof of eligibility to hold a job in the United States. This document-based system is prone to fraud, forgeries and identity theft, making it difficult, if not impossible, for an employer to differentiate between the legal and illegal worker. Adding to the problem, the federal government's voluntary electronic verification program, the "Basic Pilot," is inadequate to meet the needs of all U.S. employers because it cannot stop identity fraud.

U.S. employers, whether large or small, cannot be expected to consistently identify unauthorized workers using the existing system, but they are liable for severe sanctions if these workers find their way onto the payroll. At the same time, they are subject to claims of discrimination if they question the validity documents too much.

The proliferation of false or stolen documents can and does cause reputable employers to mistakenly hire individuals who are not eligible to work. At the same time, the lack of certainty and threat of government-imposed penalties may lead some employers to delay or forego hiring legal workers who are eligible. In either case, the costs are high for both U.S. employers and legal workers.

Employers need the right tools to verify a legal workforce. However, HR cannot – and should not – be America's surrogate border patrol agents. Rather, employers are entitled to an unambiguous answer to the query whether an employee is authorized to accept an offer of employment.

Congress must transform the current paper-based verification process into a state-of-the-art electronic system that is accurate, reliable, cost-efficient, easy-to-use, and shares responsibility among government, employers and employees. Specifically, we advocate a system that would verify identity through additional background checks and the potential use of biometric enrollment conducted by government certified private vendors. By eliminating subjective determinations of work authorization documents, this system will eliminate discrimination and simplify enforcement.

However, before any employment verification system is mandated, it must meet the following Principles:

Principle 1: Shared Responsibility Among Government, Employers and Employees – U.S. employers, employees and the federal government share responsibility for a reliable, efficient, accurate system to verify employment eligibility.

Principle 2: Fair Enforcement – U.S. employers should be liable for their own hiring decisions, not those made outside their control.

Principle 3: Accuracy and Reliability – Employers should not be forced to participate until the government provides assurances that the system is accurate and reliable.

Principle 4: Ease of Use – The new verification system should be easy to understand and to implement at all worksites.

Principle 5: Deployment of Latest Technologies – A new verification system must make false documents and identity theft ineffective. One way to achieve effective and efficient worksite enforcement is to include biometric identifiers or other state-of-the-art technology in the identity and work authorization process that is capable of automatically recognizing an individual's identity.

If adequately funded and fairly administered, SHRM and the HR Initiative believe this new system could eradicate virtually all unauthorized employment – thereby eliminating a huge incentive for illegal immigration. It will also eliminate discrimination by taking the subjectivity out of the verification process.

True employment verification is the only way to ensure fair and equitable treatment for those individuals who should have access to legitimate jobs. It is essential for a legal workforce and for America's national and economic security.

I would again like to thank the Committee. We look forward to working with you to implement the solutions advocated by SHRM and the HR Initiative for a Legal Workforce.

Attached are the following HR Initiative for a Legal Workforce documents:

1. Principles
2. Concepts for Secure Electronic Employment Verification System
3. Frequently Asked Questions