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MICHAEL B. SHEEDY
EXECUTIVE DIRECTOR

February 18, 2020

The Honorable Senator Tom Lee
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: Opposition to SB 664 – Verification of Employment Eligibility

Dear Senator Lee:

At first blush, the goal of employment eligibility verification may be meritorious. However, we cannot support and must oppose the proposed verification mandate unless enacted as part of federal, comprehensive immigration reform that addresses its current inherent challenges. Consider the following challenges with the federal E-Verify program and concerns with state-mandated E-Verify use:

Challenges with federal E-Verify system negatively impact businesses and workers

Since its inception, the program has experienced challenges that negatively impact businesses and U.S. workers. System-generated errors, often tied to name mismatches and simple data-entry mistakes produce errors that are difficult and time-consuming to contest. David Bier, on behalf of the Cato Institute found that in 2018, an estimated 70,000 new hires received final non-confirmations (FNCs) in error.

Resolving a temporary non-confirmation (TNC) takes time and is costly. In 2018, 58,632 new hires who received TNCs challenged them successfully, but over one-third of those took more than eight working days to resolve. Furthermore, E-Verify remains a temporary program. Lapses in government funding such as occurred with the last shutdown caused E-Verify to become unavailable. This created a huge backlog for businesses, employees and agency staff.

Concerns with state-mandated E-Verify use

A range of concerns relate directly to utilization of E-Verify at the state level. These include:

- *Federal E-Verify use requires the employer to notify an employee of a TNC; your bill does not.*
  A USCIS-commissioned study found that 83% of erroneous FNCs came because the employer did not notify the worker of a TNC.

- *E-Verify laws decrease state revenue & fail to improve employment for authorized workers*
  A March 2017 report by the Institute for Taxation and Economic Policy determined that undocumented workers contributed $598M in state and local taxes. It is clear that as a group, they hold significant spending power and enhance Florida's economy.

- *Studies show E-Verify does little to improve employment for authorized workers.*
  In a study of Arizona's E-verify law, the employment rate for unskilled workers decreased between 2007 and 2009 by 4 %, suggesting there were not enough workers willing to take jobs previously held by the undocumented. A New American Economy study found in 2017 that immigrants' employment in the agricultural sector of the Great Lakes filled the gaps for employers unable to recruit sufficient authorized workers.

- *E-Verify is expensive for state, employers and workers and it diverts scarce resources*
  State enforcement would require diversion of scarce state revenues from critical priorities to implement a law that removes valuable participation in the Florida workforce. Given the seasonal nature of much

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of the work in Florida construction, tourism and agriculture, employers will be required to undertake screening multiple times a year, which is both time-consuming and costly.

- *E-Verify increases workers' vulnerability to exploitation*
  When employers cannot find sufficient authorized workers, they turn to unauthorized individuals – those who will work as day laborers, independent contractors and others to work "off the books." As a result, employers can take advantage of the status of undocumented workers by paying below the minimum wage, withholding benefits and avoiding applicable taxes. Those who work under these conditions are at higher risk of labor violations, including wage theft and forced labor.

Current employment visa system does not comport with economic demand for migrant labor
Over the past several decades, the demand by U.S. businesses for low-skilled workers has grown exponentially, while the supply of available workers for these jobs has diminished. Yet, for low-skilled workers to enter the United States lawfully to reside and work, there are only 5,000 green cards available annually; H-2B visas are capped at 66,000 annually; and H-2A visa requirements are onerous. At their current numbers, these are woefully insufficient to provide legal means for the foreign-born to enter the United States, and thereby meet our demand for migrant workers.

Required employment verification only appropriate within comprehensive, federal reform
Mandatory expansion of E-Verify only makes sense as part of a federal effort on immigration reform that also addresses: (1) complementary labor and employment protections to ensure that employment verification processes do not become a tool to undermine workplace rights or take advantage of workers' vulnerabilities; (2) expansion of legal avenues for low wage workers to enter the U.S. lawfully and work in humane conditions; (3) curbing employer efforts to misuse employment verification programs; and (4) improvement of the inaccuracies of the E-Verify system.

We oppose SB 664. We offer a resource from the Catholic Legal Immigration Network, Inc. that expands on the concerns offered here. We remain available to discuss them further at your request.

Sincerely,

Michael B. Sheedy

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Attachment: "Federal E-Verify: Why states should refrain from requiring its use" by Christy Williams and M. Koempel. Catholic Legal Immigration Network, Inc. Last updated May 2019. See www.catholiclegal.org.

cc: Members of the Senate Commerce and Tourism Committee
      Most Rev. Thomas G. Wenski, Archbishop of Miami & FCCB President
      Most Rev. Frank J. Dewane, Bishop of Venice & FCCB Justice and Peace Moderator