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The Center for Continuous Family Improvement

Chairs Brownlee and Jordan and Honorable Members of the Senate Commerce Committee,

Thank you for the opportunity to provide testimony on SB260. While it is my analysis that SB260 has identified the narrow window of statutory authority given to states in the area of employer sanctions for the hiring of unauthorized foreign-born workers, I wish to share some information about the Basic Pilot system on which the employer verification component of SB260 rests.

Currently, only 12,000 employers nationwide use Basic Pilot, which is a voluntary system still in development. Several audits have revealed concerns that Basic Pilot cannot handle the significant increase in traffic that would result from its evolution, at the present time, from a voluntary to a mandatory system (Government Accountability Office, 2003). While SB260 would only mandate Basic Pilot for those employers seeking state contracts, the core issues of its unreliability, dependence on outdated Department of Homeland Security and Social Security Administration databases, inability to detect certain types of fraud, and significant costs still may have bearing on the Committee's consideration of this legislation.

Reviews of Basic Pilot have found error rates ranging from 10% to 20% (GAO, U.S. Chamber of Commerce, and Temple University analyses). Almost 50% of work-authorized non-citizens' authorization cannot be automatically verified and requires additional inquiries. One in eight verification submissions are never resolved, leading to concerns about employer liability in the event of an unjust dismissal or the continued employment of an unauthorized immigrant (U.S. Chamber of Commerce study). As demonstrated by the recent raids on the Swift Company (voluntary participants in Basic Pilot who nonetheless had hundreds of unauthorized workers employed), Basic Pilot cannot determine when an individual has presented someone else's valid identity information. Under SB260, then, an employer could be held responsible for employing an undocumented immigrant even if that employer was participating fully in Basic Pilot.

SB260 rightly includes prohibitions on pre-employment screening, but audits of the use of Basic Pilot have found other discriminatory practices, including failure to notify individuals of problems with their authorization, premature dismissals resulting from inaccurate information, and inadequate privacy protection. Finally, there are significant costs to participating employers which may have the result of increasing their bids for state projects. They must purchase dedicated computer lines for secure Internet connections, buy required hardware, and train staff to properly submit information and handle disputed findings.

Thank you again for the opportunity to share this information about Basic Pilot, another example of the inadequacies of the tools provided by the federal government to deal comprehensively, effectively, and humanely with issues of immigration. I hope that the Committee's discussion of SB260 and related concerns will incorporate these considerations. I would be happy to answer any questions.

Most sincerely,

Melinda Lewis
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