



April 18, 2023

Dear Representative:

On behalf of the 2 million members of the Service Employees International Union (SEIU), I urge you to oppose the Border Security and Enforcement Act of 2023 which is scheduled to be considered in the Judiciary Committee on Wednesday morning, April 19th.

SEIU opposes each of this bill's Titles which together evince a cold-hearted fear of immigrants that is completely unwarranted and unwise. Our nation's immigration experience is one of profound economic and social benefits that we forgo at our peril. Immigrants today, like those of the past, are a source of tremendous pride, productivity, and promise, who make our nation stronger. The goal of our immigration laws should be to promote their orderly integration and thus to maximize those benefits.

The Border Security and Enforcement Act of 2023 takes the opposite approach.

- Titles I and II would largely close our doors to legitimate asylum seekers fleeing persecution, and subject those who remain eligible for asylum or other relief under our laws to undeserved harsh treatment during the adjudication process.
- Title III would facilitate the incarceration of immigrant families, despite evidence from physicians and experts that detaining children imposes long term harmful health consequences.
- Title IV, with the Orwellian title "Protection of Children" would actually eviscerate the rights and protections currently provided to unaccompanied immigrant children, including reducing the government's duty to help them find counsel, and imposing new barriers to their transfer from institutional settings to the care of family members.
- Title V would impose harsh criminal penalties on persons who overstay a visa by 10 days or more -- or fail to comply with visa conditions -- regardless of the reason for the overstay or how minor the noncompliance. This would quickly criminalize large numbers of nonimmigrant workers due to backlogs, missed deadlines regardless of the reason, or other innocent or relatively harmless circumstances.
- Title VI would eliminate use of parole except in very limited circumstances. Parole is one of the few tools that current presidents may use to respond to immigration exigencies in the public interest, such as the need for workers to help clean up weather disasters in the U.S. or to evacuate allies after military operations.
- Finally, Title VII would impose a version of E-Verify on all U.S. employers after a short and unhelpful phase in period.

I write in greater detail about the E-Verify Title lest it be overlooked due to the sweeping and cruel nature of the first 6 titles. Mandatory E-Verify is sold as a panacea to cure all of our immigration woes, but like most panaceas, it doesn't work and is in fact costly and bad for American workers and our economy. We now have a quarter of a century of experience with E-Verify and lessons learned from states that have attempted to make it mandatory. In that time, we've seen that making E-Verify mandatory doesn't eliminate the jobs magnet for undocumented immigration, as

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promised, but instead merely re-shuffles the economy in harmful ways. Paychecks are replaced by cash payments. Regular jobs are replaced by independent contractors and the gig economy.

The E-Verify error rate is low in absolute terms, but that's small consolation to the minority of U.S. citizens and lawful immigrants forced out of their jobs due solely to bureaucratic error. That number would increase substantially under a nationwide mandatory system such as the version of E-Verify imposed by Title VII. Non-compliance -- already a problem -- would also significantly increase leading to more discrimination and lost wages.

Last but not least, Title VII would also impose a significant and unwelcome burden on small businesses which often lack personnel departments. Losing an occasional qualified worker for months on end due to bureaucratic error is mostly a nuisance for large businesses, but it can be catastrophic for a struggling small business that must screen all new hires, even relatives and close friends. There's a reason that only a tiny fraction of small businesses participate voluntarily in the program. Small businesses are the backbone of our economy. Forcing them to enroll in this burdensome program would harm us all.

In sum, the Border Security and Enforcement Act is not the immigration reform that our nation desperately needs. It would impose great hardship on immigrants while solving no problems. SEIU may include votes on this bill in our congressional scorecard. Please contact Josh Bernstein at joshua.bernstein@seiu.org if you have any questions.

Sincerely,

John Gray
Legislative Director