



1152 FIFTEENTH STREET NW, SUITE 430
WASHINGTON, DC 20005
PHONE: 202-296-2622

August 8, 2019

Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Trump,

The National Chicken Council (NCC) writes to you regarding the recent Immigration and Customs Enforcement (ICE) actions in Mississippi on August 7, 2019. As these recent events have shown, the U.S. chicken industry is heavily affected by our nation's immigration policy. We are not in a position to comment on any specific incident and do not presume to do so, but we do wish to express serious concern about the ability of employers to ensure that they do not inadvertently hire an individual who is not eligible for employment. The U.S. chicken industry uses every tool available to verify the identity and legal immigration status of all prospective employees. Unfortunately, the government does not provide employers with a reliable verification method to prevent identity fraud and document falsification and confirm with confidence that new hires are legally authorized to work in the United States.

Currently, the Department of Homeland Security's (DHS) Citizenship and Immigration Service (USCIS) maintains three different categories of documents that prospective employees must submit before being verified eligible for employment in the U.S., delineated as List A, B and C.

- List A documents prove both identity and employment authorization.
- List B documents prove just identity, such as a driver's license or school ID card.
- List C documents prove just employment authorization.

Current law provides applicants the choice of submitting one document from List A or one document each from Lists B and C. Many prospective employees choose to provide List B and C documents, which are easily falsifiable and lack biometric identification. Currently, multiple people can earn wages on the same Social Security Number (SSN) or use the SSN of a deceased individual. E-Verify alone does not flag if the SSN presented is a duplicate or belongs to a deceased individual. The Social Security Administration (SSA) provides little cooperation or resources to employers trying to combat identity fraud.

In a situation when an applicant submits documents on List B and C, NCC believes employers should be allowed to require the use of E-Verify Self Check before hiring the individual. E-Verify

Self Check is an online service that combines the use of E-Verify with an automated “Connect the Dots” program that pulls data from publicly available records and requires prospective employees to take a test on that data. Unfortunately, industry currently may not require the use of Self Check under any circumstance, before or after hiring an individual.

Of course, not all applicants will be able to successfully complete the Self Check, as they may have inadequate information in public databases. When this occurs, programs must be in place to ensure that eligible employees are able to appeal the results or address the issue with the appropriate government agency in a timely fashion. DHS should provide employers with an automatic and expeditious appeals process for these employees. Having this system in place will ensure that only applicants who are legally permitted to work in the country even apply.

The SSA must be required to verify that SSNs are not being used in duplicate locations or are not matched to deceased individuals. The Social Security Number Verification System (SSNVS) can verify via Internet that employee SSN information matches Social Security's records; however, they can currently only be used for tax and wage reporting (Form W-2) purposes. The system is also limited to matching information that is easily acquired by an individual committing identity fraud (Name, SSN, DOB, Gender). Providing employers with the additional information of duplicate SSNs or SSNs of deceased individuals can help stop identity fraud by unauthorized applicants while also alerting authorized employees that they may be the victim of identity theft. Employers who discover employees with duplicate SSNs or SSNs of deceased people should use the same DHS automatic referral process previously described.

A safe harbor should be provided for employers that voluntarily utilize the E-Verify Self Check and follow the automatic referral process. This safe harbor should insulate an employer from liability unless the government can show beyond a reasonable doubt that the employer knowingly failed to use these tools in good faith. This trade-off is only fair. An employer that does everything possible to avoid hiring unauthorized employees should not be exposed to further liability. It is the responsibility of employers to help ensure that the law is followed but it is the obligation of the government – not U.S. employers – to provide a secure worker verification system.

The U.S. chicken industry uses every tool available but as recent events have shown, these tools have significant flaws. As a businessman yourself you understand the difficulty in securing a legal workforce and the disruptions to commerce that arise when the tools provided are inadequate. We look forward to working with you immediately on this issue.

Thank you,

A handwritten signature in black ink, appearing to read 'Mike Brown', is centered below the text 'Thank you,'. The signature is fluid and cursive.

Mike Brown
President, National Chicken Council

cc: Matthew T. Albence, Acting Director, U.S. Immigration and Customs Enforcement
The Honorable Nancy Pelosi, Speaker, U.S. House of Representatives
The Honorable Kevin McCarthy, Republican Leader, U.S. House of Representatives
The Honorable Mitch McConnell, Majority Leader, U.S. Senate
The Honorable Chuck Schumer, Democratic Leader, U.S. House of Representatives