

## **Fact Sheet: Holding Employers Accountable for the Workers They Hire**

*Bipartisan Immigration Reform Bill Has Strong New Safeguards Against Hiring Illegal Workers*

### **Three Key Points On The Bipartisan Immigration Reform Bill's Worksite Enforcement Provisions**

1. To Meet Its Promise To Crack Down On The Hiring Of Illegal Workers, The Bipartisan Immigration Reform Bill Sets Up A Sophisticated Electronic Employment Eligibility Verification System (EEVS) To Help Employers Verify The Status Of Workers They Hire.
2. Employers Will Be Required To Verify The Work Eligibility Of All Employees Using EEVS, And All Workers Will Be Required To Present Stronger And More Readily Verifiable Identification Documents.
3. The Bill Imposes Stiff New Criminal And Civil Penalties On Employers Who Hire Illegal Workers.

### **EEVS Will Help Honest Employers Follow The Law And Hold Employers Who Hire Illegal Workers Accountable**

Under The Bipartisan Immigration Reform Bill, A Reliable Employment Eligibility Verification System (EEVS) Must Be Established And In Use Before Any Temporary Worker Or Z Visas Are Issued.

- **All U.S. Employers Will Be Required To Use EEVS To Verify Their Employees' Work Eligibility.**
- **EEVS Will Be Founded On Unprecedented Sharing Of Information Across Numerous Electronic Databases. These include:**
  - Social Security Administration records;
  - State Department passport and visa records (including photographs);
  - Birth and death records maintained by State vital statistics agencies; and
  - State driver's license information.
- **For The First Time, EEVS Will Allow Employers To Verify The Authenticity Of Documents By Providing Access To Identification Photographs In Government Databases.**

### **EEVS Will Build Upon The Current Basic Pilot Model**

**Under The Bipartisan Immigration Reform Bill, All U.S. Employers Will Be Required To Use EEVS To Verify Their Employees' Work Eligibility.** Under the current system, only a small percentage of U.S. employers participate in Basic Pilot, the voluntary program established to help employers determine the legal status of new hires. Under the bill, all U.S. employers will be required to check new hires using EEVS after an initial 18-month phase-in. Within three years, employers must use EEVS to verify the work eligibility of all employees not previously verified through the system.

**EEVS Will Require Workers To Present A Limited Range Of Secure Government-Issued Or Government-Authorized IDs, Which Will Be Checked Electronically Against Federal And State Databases.** EEVS allows for only a limited range of stronger and more readily verifiable identification documents including:

- U.S. Passport issued by the State Department (for U.S. citizens only).
- Document issued by DHS or the State Department containing photo, biometrics, other such personal identifying info needed to ensure identity (for non-citizens).
- State-issued, REAL ID Act-compliant license presented along with a Social Security card.

- For a limited period before implementation of the REAL ID Act, a State-issued license with a photograph that can be verified by DHS, presented along with a birth certificate and Social Security card.

**EEVS Will Allow Employers To Access Identification Photographs In Government Databases To Verify The Authenticity Of Workers' Documents.** In addition to the checks against Social Security Administration (SSA) and Department of Homeland Security (DHS) databases now performed under Basic Pilot, EEVS will link to the U.S. Department of State and Departments of Motor Vehicles in individuals States to confirm issuance of identity documents and provide employers with the digital photograph associated with these documents.

**EEVS Will Also Have Audit Features To Flag Multiple Uses Of The Same Names And Social Security Numbers As Well As Potential Misuse By Employers.**

### **The Bill Will Increase Penalties For Employers Who Hire Illegal Workers**

**Employers Who Hire Illegal Workers Will Face Stiff New Criminal And Civil Penalties.**

- The maximum criminal penalty for a pattern or practice of hiring illegal workers will increase 25-fold, from \$3,000 per alien to \$75,000 per alien.
- The maximum civil fine for first offenders will rise from \$2,000 to \$5,000.
- The maximum civil fine for three-time offenders will jump from \$10,000 to \$25,000.
- The bill imposes tougher legal standards on employers, making it easier to prosecute businesses that hire and continue to employ illegal aliens.

### **The Bill Will Help The Government And Business Community Work Together To Uphold The Law**

**The Bill Will Provide Employers With The Tools They Need To Verify The Status Of The Workers They Hire.** The bill does not put the sole responsibility for legal hiring practices on the private sector; rather, the bill facilitates cooperation between employers and government officials so honest employers can more easily follow the law and violators can be held accountable for hiring illegal workers.

**EEVS Will Function Quickly, Reliably, And Accurately. Under the current Basic Pilot system, over 92 percent of workers checked by employers are verified as eligible for employment within three seconds.** Almost all others are not eligible for work. DHS is working with SSA to increase the percentage of employees quickly verified as eligible for employment by incorporating additional data sources on immigrants and nonimmigrants into the program and implementing a new capability to query by DHS card number. This will reduce the number of DHS and SSA mismatches.

**DHS Is Upgrading Basic Pilot System Capacity To Handle Use By All Employers And Streamlining The Enrollment Process For Employers By Making It Completely Electronic.**

**For Employees Not Immediately Confirmed Through EEVS, The Bill Provides A Streamlined Process To Resolve The Situation.** Employees must contest the nonconfirmation within 10 business days, or it is considered final and the employee must be terminated. Employees who contest the nonconfirmation will work with the appropriate Federal or State agency to resolve the discrepancy in the records. The bill anticipates discrepancies should be resolved no more than 10 business days after the employee contests the nonconfirmation, but this time is extended by the Secretary of Homeland Security if the employee is taking all actions required to resolve the problem.

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