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Helicopter Association International (HAI) reports the Department of Homeland Security (DHS) is circulating new employment verification language as part of a comprehensive immigration bill that would require employers to verify the work eligibility of all employees within three years of the law's enactment. This is the second DHS proposal on employment verification, and it appears that lawmakers in Washington have come to an agreement on this aspect of the immigration bill. The good news is that the second proposal appears to be less stringent than the first DHS offering.

The proposal would set up a tiered timetable for worker verification, requiring businesses related to essential infrastructure, such as those associated with airports, to verify work eligibility within six months. All employers would be required to verify work eligibility of new hires after 18 months.

It is important for employers to be aware that the immigration bill will enhance and make mandatory the current voluntary basic pilot verification system. This program is an online verification system that allows employers to confirm the eligibility of new hires by checking against Federal databases the personal information provided by new hires. It is expected that the employer database will be fully implemented 18 to 36 months after an immigration reform bill has been passed by Congress and signed into law by the President.

The language does include provisions such as liability for certain subcontractor violations, and a "reckless disregard" standard for judging whether employers can be held accountable for hiring illegal workers. Even the best-intentioned employer can unknowingly get caught in the myriad of federal regulations, but this system might be set to catch even the most careful of employers and then get them out of business, according to some business groups.

HAI has learned the DHS proposal would involve biometric work authorization cards for foreign workers that could then be paired with other identification cards, such as driver's licenses. More information will be provided on the HAI Web site as soon as developments occur in Washington.