

TITLE III – WORKSITE ENFORCEMENT
“Secure Borders, Economic Opportunity and Immigration Reform Act of 2007”

“Our current underground economy hurts America’s workers while employers take advantage of hard working immigrants. We must crack down on those who abuse the system and put in place an effective system of enforcement at the worksite.”

Making Employment of Unauthorized Aliens Unlawful: It is unlawful for an employer to hire, recruit, refer for a fee, or continue to employ someone knowing or in reckless disregard that the individual is not authorized to work in the U.S.

Document Verification Requirements: Employers must verify employees’ identity and work authorization by examining relevant documents and using an electronic eligibility verification system (EEVS).

Implementation Timetable: Within 18 months of enactment, employers must use the EEVS for newly hired employees and current employees whose work authorization is expiring. Within 3 years of enactment, employers must use the EEVS for all employees. At the discretion of DHS, employers that are part of the critical infrastructure, a federal contractor, or working in areas relating to national security may be required to use the EEVS for new and existing hires as of the date of enactment.

Electronic Eligibility Verification System: Once an employer submits an employee’s information, the EEVS will return a confirmation, a further action notice, or a non-confirmation. An employee who receives a confirmation is authorized to work. An employee who receives a further action notice has 10 days to contest it. As long as employees take steps required by the further action notice to verify their eligibility to work, DHS must extend its investigation, and the employee can continue to work. If a final non-confirmation is issued, the employee can file petitions for administrative and, later, judicial review. The employee can continue to work during administrative and judicial review unless the relevant agency or court considers the appeal to be frivolous, unlikely to succeed on the merits, or filed for purposes of delay.

Employee Protections: Employers may not use the EEVS to verify employment authorization before issuing an offer of employment and cannot change an employee’s terms of employment based on a further action notice. Employers must also use the EEVS without regard to an employee’s national origin or citizenship status.

Employer compliance: Employers may be fined up to \$5,000 for each worker hired illegally for a first offense and as much as \$75,000 per worker for repeated offenses. (Under current law, the maximum is \$10,000 per worker.) Employers may file a petition for remission or mitigation and, later, judicial review.

Disclosure of Taxpayer Information to Assist in Immigration Enforcement: Subject to confidentiality safeguards, the Social Security Administration may provide certain taxpayer data to DHS for purposes of immigration enforcement.

Increasing Security and Integrity of Social Security Cards: Within two years of enactment, the Social Security Administration must issue fraud-resistant social security cards.

