

Only Enforcing Our Ineffective Current Law Leaves The Nation Vulnerable

Bipartisan Immigration Reform Bill Necessary To Strengthen Enforcement Laws

The Bipartisan Immigration Reform Bill Puts Enforcement First

The Bill Includes Meaningful Border Security And Worksite Enforcement Triggers That Must Be Met Before Other Components Of Reform Are Put In Place. To show the government is serious about meeting these benchmarks, the bill provides \$4.4 billion in immediate additional funding for securing our borders and enforcing our laws at the worksite.

The Bipartisan Immigration Reform Bill Will Strengthen Our Ineffective And Insufficient Laws

Current Law	If Bipartisan Immigration Reform Bill Is Passed
The civil fine for employers who hire illegal workers is between \$275 and \$2,200 per alien for first-time offenders; between \$3,300 and \$11,000 per alien for four-time offenders.	The civil fine for employers who hire illegal workers will be raised to \$5,000 per alien for first-time offenders; to \$75,000 per alien for four-time offenders.
The maximum criminal fine for employers repeatedly engaged in hiring illegal workers is \$3,000 per alien.	The maximum criminal fine for employers repeatedly engaged in hiring illegal workers is \$75,000 per alien.
Immigrants caught crossing the border illegally may reenter the country legally as soon as 10 years after the offense. The crime of illegal entry is a misdemeanor for the first offense, subject to a maximum sentence of only six months, even for aliens with serious criminal records. There is no mandatory minimum for illegally reentering the United States after having already been removed.	Immigrants caught crossing the border illegally after the new law passes will be permanently barred from receiving work or tourist visas from the U.S. The crime of illegal entry will be punishable by sentences of up to 20 years, depending on the person's criminal history. There is a mandatory minimum of 60 days for illegal reentry, with higher mandatory minimums of a year or more for criminal aliens who illegally reenter the United States.
Dangerous criminal aliens who cannot be removed from the U.S. because no other country is willing to accept them must be released into society after just six months.	The government will be given authority to detain dangerous criminal aliens as long as it takes to deport them.
There is no legal basis for the Departments of Justice and Homeland Security to deny admission to aliens solely on the basis of their participation in a criminal gang.	The Departments of Justice and Homeland Security will be given new authority to deny admission to or remove aliens solely based on their participation in a criminal gang.
Employers have only a limited ability to determine whether the documentation provided by workers is authentic.	A reliable Employment Eligibility Verification System (EEVS) will provide employers with access to identification photographs available in government databases in order to verify the authenticity of documents presented by workers.
Workers are allowed to present more than two dozen documents to prove their identity and authorization to work.	Workers will present a limited range of secure government-issued or government-authorized IDs including: <ul style="list-style-type: none"> • U.S. Passport issued by the State Department (for U.S. citizens only). • Document issued by the State Department or DHS containing photo, along with other biometrics and additional 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.

The Social Security Administration currently has access to tax return information indicating which businesses are employing the largest numbers of illegal aliens, but is legally prohibited from sharing that information with DHS, severely hampering DHS's ability to investigate and prosecute the worst offenders.

Upon request, DHS will receive information from SSA about workers whose Social Security Numbers do not match their names and about Social Security Numbers that are used by more than one worker.

The current criminal provisions do not fully cover passport trafficking and immigration practitioner fraud. Offenders are not automatically inadmissible and removable.

The bill contains clear and broad criminal penalties for passport and visa trafficking, practitioner fraud, and other forms of fraud. In addition, many of these offenders are made inadmissible and removable.

DHS must prove that employers "knowingly" hired an unauthorized alien before the employer is liable for civil penalties.

Employers who hire unauthorized aliens with "reckless disregard that the alien is an unauthorized alien" are liable for civil sanctions. This tougher legal standard makes it easier to hold liable businesses that hire and continue to employ illegal aliens.

The Bipartisan Immigration Reform Bill Will Build On The Administration's Current Enforcement Efforts

In FY 2006, The Border Patrol Caught And Sent Back Nearly 1.2 Million Illegal Immigrants. So far in FY 2007, more than 600,000 illegal immigrants have been removed.

Since The President Took Office In 2001, The Administration Has More Than Doubled Funding For Border Security – From \$4.6 Billion In 2001 To \$10.4 Billion In 2007. As a result of this investment and other deterrence factors, the number of people apprehended illegally crossing our Southern border is down by more than 25 percent in 2007 from this point in 2006.

Immigration And Customs Enforcement (ICE) Has Replaced The Old Approach Of Administrative Hearings And Fines For Employers Who Knowingly Hire Illegal Aliens With A Much Tougher Combination Of Criminal Prosecutions And Asset Forfeitures.

- Arrests for criminal violations brought in worksite enforcement actions have increased from 49 in FY 2000 to a record 716 in FY 2006 – a nearly 15-fold increase.
- During the first half of FY 2007, ICE obtained criminal fines, restitutions, and civil judgments in worksite enforcement investigations against egregious violators in excess of \$29 million.
- The Administration requested funding for nearly 1,300 additional ICE personnel in FY 2007 and another 515 in FY 2008 to support enforcement, including investigations.

The Administration Has Expanded The Border Patrol From Approximately 9,000 Agents In 2001 To More Than 13,000 Agents Today. By the end of 2008, there will be a total of more than 18,000 agents, doubling the size of the Border Patrol under the President's leadership.

The Administration Has Effectively Ended The Practice Of "Catch And Release" At Our Borders.

- **Since 2001, The Administration Has Provided Funding For 7,798 New Beds To Accommodate Apprehended Illegal Immigrants – A 40 Percent Increase.**
- **The Administration Has Expanded The Use Of Expedited Removals.** The number of expedited removals has nearly doubled in the last two years, from 41,968 in 2004 to approximately 90,000 in 2006.

Enforcement Alone Will Not Work To Secure Our Borders And Meet The Needs Of Our Economy

The Bill Will Better Secure Our Nation By Providing A Mechanism For Illegal Immigrants With Clean Records And Steady Jobs To Come Out Of The Shadows And Be Accounted For In A Regulated System, On A Probationary Basis.

This will let law enforcement officials know who is in the country and allow immigration enforcement officers to focus their resources on apprehending violent criminals and terrorists.

- **This Proposal Is Not Amnesty Because Illegal Workers Must Acknowledge That They Broke The Law, Pay A \$1,000 Fine, And Undergo Criminal Background Checks To Obtain A Z Visa.** To apply for a green card at a date years into the future, Z visa workers must wait in line behind those who applied lawfully, pay an additional \$4,000 fine, complete accelerated English and civics requirements, and compete in the merit system based on the skills and attributes they will bring to the United States.

The Bill Also Provides A Temporary Worker Program To Help Reduce The Number Of People Trying To Sneak Across Our Borders. This program will provide a lawful and orderly channel for foreign workers to fill the jobs that Americans are not doing.