



EMAIL BULLETIN

THE U.S. SENATE PASSES THE COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006 (S2611)

The Bill Includes Both Benefits and Harsh Enforcement Provisions, Including Tougher Employer Sanctions

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Last month the U.S. Senate passed the “Hagel/Martinez Compromise”, formally known as S2611, The Comprehensive Immigration Reform Act of 2006. Following closely on the heels of the previous Senate compromise bill that included only benefits provisions, the Senate has passed S2611 including both benefits provisions and harsh enforcement provisions. The move was in an apparent effort to make the Senate’s version of immigration reform more palatable to the U.S. House of Representatives, which had previously proposed HR 4437, a more draconian enforcement-only measure. Ultimately, the Senate and House must compromise and pass the same version of immigration reform legislation to send to the President for signature.

The Senate’s new compromise bill contains several benefits provisions similar to those introduced in the Senate’s previous bill. The following is a summary of the benefits provisions in S2611:

- Temporary Worker Program to be established, with labor protections and a path to permanent residency status.
- New provisions for reducing backlogs in immigrant visa availability.
- Increase in the H-1B Quota for each Fiscal Year, with new exemptions from the annual cap.
- Increase in the number of Employment-Based Immigrant Visas available each Fiscal Year.
- Work Authorization and Earned Legalization for certain undocumented workers.
- Reforms to the Agricultural Worker Program.

In addition to these benefits, S2611 also includes measures providing for additional border enforcement and interior enforcement, more judges, and the establishment of English as the national language of the United States.

Finally, S2611 would introduce new measures aimed at strengthening the Employment Eligibility Verification System, currently implemented using the Form I-9. This new system would be an electronic system and would replace the I-9 system. Employers would be required to utilize an Electronic Employment Verification System (EEVS) to verify the employment eligibility of an employee and would make it illegal to hire an employee whose work authorization cannot be verified. Some of these provisions are troubling in their apparent harshness, including the introduction of criminal penalties for repeat violations and the introduction of civil *and criminal* penalties against employees who provide false attestations of employment eligibility. In addition, employers would be required to terminate workers upon a final non-confirmation of eligibility notice issued by the DHS, and would be required by DHS to provide documentation the DHS requests in connection with enforcement of immigration laws.

While the benefits provisions of the S2611 are welcome, employers should consider whether it may be appropriate to contact Senators and Representatives to oppose the harsher provisions of the bill impacting most heavily in the area of employer sanctions.

Please visit the advocacy section of the American Immigration Lawyers' Association (AILA) web site at <http://capwiz.com/aila2/issues/bills/?bill=8298361> to utilize templates for voicing your opposition to H.R. 4437 (the enforcement-only House bill) and your support for the Senate Compromise bill. When expressing support for S2611, it is important to also note those provisions that your company opposes so that Senators and Representatives can have a record of opposing views when debating these important issues in the coming months.

To contact your Senators and Representatives regarding other immigration measures, visit the AILA web site at <http://capwiz.com/aila2/home/>. **Please note:** Due to security concerns and the lengthy process of screening paper mail for anthrax prior to delivery to members of Congress, both the Senate and House prefer facsimiles or electronic correspondence as made possible through the AILA site.

For assistance in preparing a letter to express your company's support of the Senate's compromise bill in advance of the coming committee meetings and debates, contact your Tindall & Foster immigration attorney. Your Tindall & Foster attorney will be happy to work with you to tailor an appropriate letter that expresses your company's position on issues of concern for the future of your business. As always, Tindall & Foster will continue to monitor the progress of legislative proposals and will make future updates available in Email Bulletins and on our web site.