Senate Backs Job Verification for Immigrants

By The Senate voted on RACHEL L. SWARNS

WASHINGTON, May 23 — Tuesday to require employers to use a vast new employment verification system that would allow businesses to distinguish between legal and illegal workers.

Employers would be required to enter the Social Security numbers or immigrant identification numbers of all job applicants, including citizens, into the computerized system, which would be created by the Department of Homeland Security. The system would notify businesses within three days whether the applicant was authorized to work in the United States.

Those job applicants determined to be illegal would have to be fired. The measure, approved 58 to 40, is included in a bill that would legalize the vast majority of the nation's illegal immigrants, which is expected to pass the Senate later this week.

The new requirements would result in a broad operational shift for employers who have relied almost entirely on a paper system — the collection of identity documents — to determine the legal status of their workers. The measure is considered a linchpin of the current immigration legislation because it is designed to deter illegal immigration by making it extremely difficult for undocumented immigrants to find work.

Without such a provision, senators say, American businesses would remain a powerful magnet for millions of illegal immigrants. The legislation calls for creating documents that would be resistant to counterfeiting for legal immigrants and stiff fines for violations by employers. It requires the verification system to be operational and in use by all businesses within 18 months once Congress appropriates the money for it.

"This is probably the single most important thing we can do in terms of reducing the inflow of undocumented workers," Senator Barack Obama, Democrat of Illinois, said of the measure, which was pushed ahead by Senator Charles E. Grassley, Republican of Iowa.

Mr. Grassley hailed the measure as an effort "to balance the needs of workers, employers and immigration enforcement."

But some administration officials, employers and other lawmakers raised sharp questions about the amendment, which was developed in consultation with the American Civil Liberties Union.

Officials at the United States Chamber of Commerce applauded the plan, but expressed doubts that homeland security officials could speedily create such a system.

"This is a massive undertaking on the part of the federal government," said Randy Johnson, vice president at the chamber. "Our conversations with the administration have indicated that 18 months is too short."

Officials at the Department of Homeland Security sent e-mail messages to senators saying they had concerns about the system's "workability and implementation."

White House officials declined to comment, but participants in negotiations on the amendment said officials were concerned with a provision that would require the federal government to reimburse workers who were fired because of a mistake involving the system.

Senator John Cornyn, Republican of Texas, said homeland security officials feared the system would allow many illegal workers to continue working when a definitive finding of legal status could not be made.

The vote in favor of employment verification came as the Senate rejected several amendments intended to help refugees and illegal immigrants affected by the legislation.

Lawmakers defeated a measure, sponsored by Senator Dianne Feinstein, Democrat of California, that would have legalized all illegal immigrants, regardless of how long they have lived here. They also voted down an amendment to toughen workplace and safety standards and another to help refugees whose resettlement here has been delayed because their indirect support for armed rebels opposed to their repressive governments has put them in technical violation of American antiterrorism laws.

Critics say the legislation would increase the burdens on asylum seekers, eliminate federal review of deportation orders and leave millions of illegal immigrants in the shadows. Human rights groups are particularly concerned about a measure that would allow asylum seekers to be deported even while their claims were under review by federal courts.

"The impact on asylum seekers would be devastating and potentially irreversible," said Eleanor Acer, director of the asylum program at Human Rights First, an advocacy group. "You would essentially be deporting refugees back to their countries of persecution."

Difficult negotiations lie ahead between the Senate and House, where many Republicans strongly oppose legalization of illegal immigrants.

Hoping to narrow the gap between Senate and House Republicans on this issue, the leader of the House conservative caucus announced a bill that would allow the illegal immigrants to participate in a guest worker plan, but would not grant them permanent residency or citizenship.

The measure, sponsored by Representative Mike Pence, Republican of Indiana, would require the nation's estimated 11 million illegal immigrants to leave the country to apply for a slot in the program, which would be administered by private employment agencies licensed by the American government.

House Republicans expressed lukewarm support for the bill, which was promptly attacked by conservative critics of guest worker programs. But the bill was praised by White House officials.

Under the employment verification provision, job applicants deemed illegal would have 10 days to challenge that determination with the Department of Homeland Security. If homeland security officials failed to confirm that determination within 30 days, the applicant would be considered legal to work.