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## COMPANION ENFORCEMENT-ONLY IMMIGRATION BILLS ARE INTRODUCED IN THE U.S. HOUSE AND U.S. SENATE;

### The SAVE Act of 2007 (H.R. 4088; S. 2368) Would Mandate Employer Use of Basic Pilot/E-Verify, Codify the DHS Social Security “No-Match” Regulation, Increase Border Patrol, and Expand the Immigration Enforcement Role of Local Police

In November 2007, members of the U.S. Senate and U.S. House of Representatives introduced companion enforcement-only immigration bills (S. 2368 and H.R. 4088). The new bill, the Secure America with Verification and Enforcement Act (or, “SAVE” Act), offers no immigration benefits and fails to address the more than 12 million undocumented immigrants residing in the United States.

If passed and signed into law, the SAVE Act would increase the number of border patrol agents, concentrating the vast majority on the southern border of the United States, and would engage local police officers to play a more active role in immigration enforcement.

Additionally, and of critical importance to U.S. employers, the SAVE Act would codify the recent Department of Homeland Security (DHS) Regulation specifying certain steps employers must take after receipt of a Social Security “No Match” Letter. The DHS is presently enjoined by a U.S. Federal Court from implementing the regulation in its current form, in part due to serious concerns over the legality of the regulation and the potential impact on millions of U.S.-citizen workers who could face termination due to data discrepancies in the Social Security Administration’s database. Should the “No Match” Letter provisions become statutory law rather than mere agency regulation, judicial challenge of the legality of these provisions would be limited to review of their constitutionality under the U.S. Constitution.

Under the Save Act, employers would also be required to verify the employment eligibility of all employees through the Basic Pilot, or E-Verify electronic employment verification system. Only approximately .5% of employers participate in the E-Verify system, although it is presently available to all employers on a voluntary basis.

The marginal voluntary employer participation in the program is perhaps reflective of the serious problems with the E-Verify system, which relies on Social Security Administration records, of which approximately 17.8 million contain errors. An estimated 12.7 million of the erroneous records relate to U.S. citizens. Forced participation in E-verify,

such as would be required under the SAVE Act, could negatively impact the employment of millions of U.S.-citizen workers.

For more information on how to voice your company's opposition to an enforcement-only bill that places additional burdens on employers without adequate safeguards for U.S. citizens, visit the [advocacy page](#) of the Tindall & Foster web site, and contact your Tindall & Foster immigration attorney. Your Tindall & Foster attorney will be able to assist you in drafting opposition letters that accurately reflect your company's position on this critical legislative proposal.

As always, Tindall & Foster, P.C. will continue to monitor the progress of these and other immigration bills through the legislative process and will make future updates available via the [Tindall & Foster, P.C. web site](#), and, when appropriate, via future Email Bulletins.