

## Immigration

June 1, 2007

### Comprehensive Immigration Reform Act of 2007 Update

The Senate will resume debate this week on the Comprehensive Immigration Reform Act of 2007 (S. 1348) which is the latest attempt by Congress to create stronger and stricter immigration policies. The Act was first introduced to the Senate on May 9, 2007 and is currently in the middle of strong debate along with numerous proposed amendments. The Act establishes many reforms, which include not only a stipulation of various ways to enforce greater border security and a discussion of new types of visas that immigrant workers will be able to obtain, but it also establishes stricter guidelines for the employment of aliens<sup>1</sup>.

Title III of the Act addresses immigration reform through stronger enforcement in the workplace. This enforcement is strengthened by creating a more in-depth hiring inquiry through a mandatory federal system of electronic employment verification (EEV) and increasing penalties for employing undocumented workers. Under the Act, employers would be required to obtain information about the worker's identity and work eligibility through specified legal documents and then transmit this information to the EEV system. Both employers and employees will be required to attest, under penalty of perjury, to the validity and legality of these documents. The EEV system, which is created with the cooperation of the Social Security Office, will then send the employer either a confirmation notice, which authorizes the employee to begin work, or a temporary nonconfirmation, which the employee can contest. However, once the temporary nonconfirmation becomes final the employer must terminate the employment. Penalties for failing to adhere to the standards set forth in the Act could result in a fine ranging from \$200 to \$20,000. If the employer chooses to consistently submit false information to the EEV system or consistently fails to terminate employment of ineligible workers he could face up to three years in prison<sup>1</sup>.

The Act also limits the amount of visas that are granted to immigrant workers and creates a point system for future visas. This system will base future migration levels on a merit point system that would select people based on education and skill level<sup>2</sup>. According to Senator Kennedy, a co-sponsor of the Act, the merit-based system will "be added to the family based immigration

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<sup>1</sup> Text of the Comprehensive Immigration Reform Act of 2007 (S. 1348), found at the Library of Congress Website: <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:s.01348>:

<sup>2</sup> Press Release on the Comprehensive Immigration Reform Act from Senator Kennedy's Office – A Cosponsor of the Act. [http://kenedy.senate.gov/newsroom/press\\_release.cfm?id=600B2F13-D0DD-4053-8FC1-A95EE721AB9B](http://kenedy.senate.gov/newsroom/press_release.cfm?id=600B2F13-D0DD-4053-8FC1-A95EE721AB9B)



## Client Advisory

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system [and will account] for about a third of all future immigration. It will factor in preferences for both high-skilled and low-skilled workers, as well as extended family ties.”<sup>2</sup> The merit system is based on a 100-point scale with points given to each immigrant based on various categories: education level has a maximum of 47 points, employment (occupation and experience) has a maximum of 28 points, level of English proficiency has a maximum of 15 points, and extended family members who reside in the U.S. has a maximum of 10 points<sup>2</sup>. Under the Act, the 380,000 immigrants with the top number of points will receive visas and entrance into the U.S.<sup>1</sup>.

There are currently several amendments to the Act being debated in the Senate. These amendments include reducing the cap on the guest worker program by 200,000 potential visas and establishing a five year bar on government contracts to any company found to be a repeat violator of the laws set up by the immigration bill<sup>3</sup>.

This legislation does not only affect immigrant workers and their families. The Act, if it is passed, will also have great impact on all employers throughout the nation and it has the potential to change the hiring standards of many companies. For further information, please contact a member of our [Immigration Practice Group](#).

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<sup>3</sup> Text of Amendments to S. 1348 proposed in the Senate: <http://thomas.loc.gov/cgi-bin/query/R?r110:FLD001:S06409> and <http://thomas.loc.gov/cgi-bin/query/R?r110:FLD001:S06486>