

Border Security And Immigration Reform Agreement Overcomes 1986 Mistakes

Bipartisan Proposal Requires Tough Border Security And Worksite Enforcement Measures

The Bipartisan Border Security And Immigration Reform Agreement Addresses And Overcomes Failures Of The 1986 Immigration Reform And Control Act. The 1986 Act failed because it gave a complete pardon (amnesty) to 3 million illegal immigrants as part of an automatic path to citizenship, did not provide the resources necessary to secure the borders adequately, relied on an employer verification system with only limited capability to detect ID fraud, provided inadequate penalties for employers who knowingly hire illegal immigrants, and made no provisions to meet future labor needs of U.S. employers in a growing economy.

In Contrast, The Bipartisan Border Security And Immigration Reform Agreement:

1. Does not offer amnesty to illegal immigrants already here;
2. Contains much tougher border security triggers that must be in place and operational before the Z visa and temporary worker programs take effect;
3. Requires that a sophisticated Employment Eligibility Verification System (EEVS) capable of rooting out fraud be ready to process all new hires before the Z visa and temporary worker programs take effect;
4. Substantially increases penalties on employers for knowingly hiring illegal immigrants; and
5. Creates a temporary worker program to relieve pressure on the border and provide a lawful way to meet our economic needs.

1. No Amnesty

Illegal Immigrants Already Here Must Acknowledge That They Broke The Law And Pay A Fine. In order to obtain a Z visa granting temporary legal status, workers in the country before January 1, 2007, must acknowledge that they broke the law, pay a \$1,000 fine, pass criminal background checks, remain employed, and maintain a clean record.

- **Z Visa Workers Must Pay An Additional Fine, Learn English, And Meet Other Requirements To Apply For A Green Card, And Cannot Receive One Until Years In The Future.** Z visa workers must apply at the back of the line and wait until the current backlog is cleared, pay an additional \$4,000 fine, complete accelerated English requirements, maintain employment, leave the U.S. and file their application in their home country, and demonstrate merit based on the skills and attributes they will bring to the United States.
- **The 1986 Act Created An Automatic Path To Citizenship That Provided Green Cards After Just 18 Months, But Satisfying The Requirements In This Proposal Will Take Most Green Card Applicants More Than A Decade.**

2. Strengthening Border Security

Tough Border Security Benchmarks Must Be Met Before The Z Visa And Temporary Worker Programs Go Into Effect. These triggers include constructing 370 miles of fencing and 200 miles of vehicle barriers at the border and finishing doubling the size of the Border Patrol since the President took office – a goal previously set by the President and already well on its way to achievement.

- **The Department Of Homeland Security Is On Track To Build 150 Miles Of Fence By The End Of September 2007 And To Build 370 Miles By The End Of Calendar Year 2008.** Currently, about 86 miles of fence have been built along the border, with 64 additional miles planned by the end of September 2007.
- **We Have Expanded The Border Patrol From About 9,000 Agents In 2001 To More Than 13,000 Agents Today, And By The End Of 2008, We Will Have More Than 18,000 Agents On The Job.**
- **With Enhanced Enforcement, We Have Already Seen A Tremendous Change At The Border.** The number of people apprehended for illegally crossing our Southern border is down by nearly 27 percent in 2007 from this point in 2006.

- **The 1986 Act Provided Only About 4,000 Agents For The Border Patrol.** By contrast, we will have more than four times that number of Border Patrol agents in place before the Z visa and temporary worker programs go into effect. In addition, improvements in infrastructure and technology at the border make border enforcement more achievable now than it was 20 years ago. For example, today, we have in place:
- 5,290 sensors on the southern border
 - 687 night time cameras on the southern border
 - 449 day time cameras on the southern border
 - 1 Unmanned Aerial System (UAS) in Southern AZ

3. Putting A Workable Employer Verification System In Place

An Employment Eligibility Verification System (EEVS) Must Be Ready To Process New Hires Before The Z Visa And Temporary Worker Programs Go Into Effect. Employers will be required to verify the work eligibility of all employees using the EEVS, and all workers will be required to present stronger and more readily verifiable identification documents.

- **The EEVS Will Require Presentation Of A Limited Range Of Highly Secure Government IDs, Which Will Be Checked Electronically Against Federal And State Databases.** When a worker presents an identification document to obtain employment, the EEVS will perform an electronic check against Federal and State databases. The Social Security Administration will be asked to confirm whether the name and Social Security number presented by the worker are a "match" in its files. Furthermore, the EEVS will use links to the U.S. State Department and individual State Departments of Motor Vehicles to provide employers with the digital photograph associated in government databases with the ID presented. Once employers have direct access to the original photograph associated with an ID, it will be much harder for illegal immigrants to fool them with fake documents.
- **The 1986 Act Relied On A Verification System That Did Not Have The Capacity To Detect ID Fraud.** More than two dozen documents are acceptable under the 1986 system, and employers are not legally required to verify the documents' authenticity.

4. Increasing Penalties For Employers Who Knowingly Hire Illegal Immigrants

Employers Who Hire Illegal Workers Will Face Stiff New Criminal And Civil Penalties. The maximum civil fine for hiring illegal workers will rise from the 1986 level of \$2,000 to \$5,000 for first offenders and from the 1986 level of \$10,000 to \$25,000 for three-time offenders. The maximum criminal penalty for a pattern or practice of hiring illegal workers will increase 25-fold, from \$3,000 per alien to \$75,000 per alien.

5. Creating A Temporary Worker Program

By Creating A Lawful And Orderly Channel For Foreign Workers To Come To America On A Temporary Basis, The Temporary Worker Program (TWP) Will Help Reduce The Number Of People Trying To Sneak Across The Border. The TWP will help meet our economic needs by allowing workers to enter the country legally on a temporary basis to fill jobs that Americans are not doing.

- **TWP Workers Can Come To The U.S. Only On A Temporary Basis.** To ensure that "temporary" means "temporary," workers are limited to three two-year terms, with at least one year spent outside the United States between each term.
- **The TWP Will Allow U.S. Law Enforcement To Focus More Of Its Resources On Apprehending Violent Criminals And Terrorists Who Pose A Threat To Our Security**
- **The 1986 Act Failed To Address Our Economy's Need For Immigrant Labor.** Further illegal immigration was encouraged by this lack of a legal avenue to meet the labor needs of U.S. employers.