

Enforcement First Immigration Reform Act of 2005

Description of Major Provisions

Promotes Vigorous, Coordinated Interior Enforcement

- Increases the number of investigators and attorneys in the Department of Homeland Security's Immigration and Customs Enforcement agency; also increases Department of Justice immigration judges and attorneys; creates a new Assistant Attorney General for Immigration Enforcement at DOJ.
- Authorizes state and local law enforcement to enforce immigration law in the course of their duties---similar to narcotics and vice operations. This could add as many as 700,000 law enforcement officials to the battle against illegal immigration.
- Adds to the National Crime Information Center database the names of 400,000 illegal aliens in the U.S. with standing deportation orders, including 85,000 murderers, rapists, and other violent criminals; gives local police officers immediate access to the data base.
- State and local law enforcement agencies that choose to use this authority will have access to \$1 billion in State Criminal Alien Assistance Program (SCAAP) reimbursement funds per year.
- Increases federal detention bed space by 10,000 beds and promotes alternatives to detention.
- Department of Homeland Security (DHS) will report to Congress each year on the progress made in enforcing immigration laws in the interior of the country.

Cracks Down on Illegal Employment

- Directs SSA to automatically furnish names of employers that submit false SS#s to immigration law enforcement officials at DHS.
- Increases IRS fine for employers that submit false W-2 data (from \$50 to \$500 per incident, and cap from \$250,000 to \$2,500,000).
- IRS and SSA will report the top employers with non-matching employee records to Congress annually.
- Allows safe harbor from IRS fine for submission of false W-2 data (SSN) only in cases of quickly corrected clerical errors, or if employer used SSA system to verify employee's SSN.
- No credit toward Social Security benefits for illegal work.

Strengthens Workplace Enforcement

- Adds 10,000 new DHS personnel whose sole responsibility will be to enforce employer compliance and authorizes a minimum of \$100 million per year to prosecute those who hire illegal aliens.
- Increases the fine for employing illegal aliens from \$10,000 total to \$50,000 per illegal alien hired.
- Increases the jail term for hiring illegal aliens to 1 year per illegal alien hired (up to a 5 year maximum sentence), and requires the employer to pay for the illegal alien's deportation.
- Requires employers to verify the work authorization documents and eligibility of all new hires via the Employment Verification System (previously referred to as the Basic Pilot Program) beginning 30 days after enactment.
- Requires employers who receive a no-match letter for an employee hired before the date of enactment to use the employment eligibility verification database.

Reduces Identification Fraud

- Creates a tamper resistant Social Security card with a digitized photograph of the cardholder, which will allow employers to instantaneously verify citizenship for new hires via a new electronic database.
- Requires the Internal Revenue Service (IRS) to change the format of the Individual Taxpayer Identification Numbers to make it distinguishable from a SSN.
- Requires the IRS to share ITIN information with the Department of Homeland Security for immigration enforcement purposes.
- Prohibits the federal government from accepting any foreign-issued document other than a passport for the purposes of identification.
- Prohibits the federal government or any state or local agency charged with administering federal benefits from accepting foreign-issued documents.
- Prohibits financial institutions from accepting any form of foreign identification except a passport for the purposes of opening an account.
- Establishes minimum security standards for federal recognition of state-issued birth certificates. Requires SSA to independently verify birth records submitted in support of applications for Social Security cards.

Improves Border Security

- Enhances Border Patrol by authorizing U.S. military forces to aid in border security in the protection of our homeland.
- Authorizes 10,000 Border Patrol agents (same as Intelligence Reform bill) and 1,250 new Customs and Border Protection Officers at ports of entry.
- Authorizes \$2.5 billion for Border Patrol to rapidly acquire force-multiplying technology, including unmanned aerial vehicles, cameras, radar, and sensors.
- Expands expedited removal for aliens who are ineligible to enter the U.S.

- Provides assistance to tribal communities to reduce illegal immigration across tribal lands.

Ensures American Immigration Priorities Are Met

- Increases Employment-based immigration visa categories by 120,000 visas a year. Encourages immigration based on skills of immigrants and U.S. economic needs.
- Eliminates the Visa Lottery Program (55,000 visas).
- Eliminates the Sibling Visa Category (65,000 visas).
- Department of Labor will report to Congress on the projected demand for foreign laborers, both immigrant and non-immigrant, for the next fiscal year.
- State Department consular officers may require aliens seeking temporary visa to obtain a bond to ensure compliance with the visa terms.
- Aliens subject to removal proceedings may be released on bond of at least \$10,000 so long as a judge expressly finds that the alien is not a flight risk and threat to the U.S.

Defends Citizenship

- Makes voting in a foreign election, serving in a foreign government, running for an elective office in a foreign state, or serving in a foreign army a felony punishable by a \$10,000 fine and 1 year in jail unless the Secretary of State approves an exemption on a case by case basis.
- Ends the practice of granting citizenship to any child born in the United States unless at least one parent is in the U.S. legally.

Encourages Mexico to be a Good Neighbor

- 3-year moratorium on approving family-based or employment-based immigrant visas for Mexican citizens.
- Limits family-based immigration visas for Mexico to 50,000 per year after the 3-year moratorium.