

Why Business Is Concerned with the legislation H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. (December 13, 2005)

The business community is troubled to see that this legislation:

- does not address the need to find legal solutions for the undocumented workers in the U.S. and the future flows of workers necessary for economic growth;
- **imposes new mandates on employers** particularly:
 - **worksite enforcement** provisions that call for a **blanket review** of all employees hired in the past;
 - **expansion of the basic pilot program verification system** (without elimination of the current I-9 process) to all U.S. employers and employees without methods to deal with false negatives and the significant administrative burden required for implementation;
 - **increased penalties for substantive violations** of the employer verification requirements that are massive and uncapped. The bill would increase civil penalties for employers that hire undocumented workers to “not less than \$5,000” for each worker on a first offense with no upper limit on the fine. Under current law, the penalty can range from \$250 to \$2,000 per worker. For second offenses, this bill would impose penalties of at least \$10,000 per unauthorized worker with no upper limit. Under current law, second-time offenses are capped at \$5,500 per undocumented worker. Third offenses, which range from \$3,000 to \$10,000 per unauthorized worker under current law, would increase to at least \$25,000 per violation under the bill.
 - **increased penalties for paperwork violations** that are more than 25 times existing penalties. A 25-fold for paperwork violations, from \$1,000 to \$25,000 is not acceptable.
 - **unrealistic implementation period** of two years. The program should not be implemented until at least two years following publication of final regulations.
 - **Criminal penalties for pattern or practice violations** results in a fine of not more \$50,000 for each unauthorized alien and imprisonment for not less than one year. The bill eliminates the phrase in current law "for the entire pattern or practice," with respect to the term of imprisonment. This leaves the term of imprisonment open to not less than one year for EACH violation.
- **Criminalize the status of those that enter or are here unlawfully.** Arguably, this would compromise the workforce if they were prosecuted and/or removed and barred from the U.S.