



Comprehensive Immigration Reform for Employers

Comprehensive Immigration Reform (CIR) refers to pending legislation in the U.S. Congress, which addresses a number of immigration issues such as a legalization process for the millions of undocumented immigrants, a temporary worker program, and improved verification processes for employers.

What are the possible implications of CIR for employers?

- Increased staff and costs
New regulations and processes may require additional staff
- Increased risk/sanctions
Increased penalties relating to non-compliance along with reputation risk
- Labor force disruption
Reduction in current workforce if they do not meet eligibility
- New labor force opportunity
Temporary worker provisions provide a potential solution for low-skilled positions

CIR Legislative Update (as of 10/29/10)

Separate legislation has been introduced in both the House and the Senate including new legal channels for future workers and a process to achieve legal status for current undocumented workers. Similar key provisions in both proposals are contingent on set requirements, including a new electronic employment verification system and other security measures.

Comprehensive Immigration Reform Act of 2010

Senators Robert Menendez (D-NJ) and Patrick Leahy (D-VT) introduced S.B. 3932, the Comprehensive Immigration Reform Act of 2010 (CIR 2010) at the end of September 2010.

Key bill provisions of CIR 2010 include:

- A legalization program for qualified undocumented immigrants (and their spouses and children), including undocumented individuals who came to the U.S. before the age of 16 (DREAM Act) and unauthorized farm workers (AgJOBS Act)
- Enhanced border security and interior enforcement measures
- Creation of a standing commission on immigration to regulate employment-based visas
- Requirement of an employment verification system
- Emphasis on keeping families together
- Improvement of the integration of new Americans

CIR Overview - continued

Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009

Rep. Solomon Ortiz (D-TX) and Rep. Luis Gutierrez (D-IL) introduced H.R. 4321, Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009 (CIR ASAP), at the end of 2009.

Key bill provisions of CIR ASAP include:

- A legalization program for qualified undocumented immigrants (and their spouses and children), including undocumented individuals who came to the U.S. before the age of 16 (DREAM Act) and unauthorized farm workers (AgJOBS Act)
- Enhanced border security
- Requirement of an employment verification system
- Legal system reform and proactive management of future legal immigration flows
- Reformation of enforcement activities (but repeal of the 287(g) program)
- Improvement of detention conditions
- Emphasis on keeping U.S. families together
- Improvement of the naturalization process and integration of new Americans

While two bills have been introduced in Congress, CIR is currently at a standstill and no legislation has been passed into law. However, potentially affected employees should monitor legislative happenings and begin preparing now for the implications.

Employer Preparation & Protection

Any law that is passed will result in urgent, substantial needs for employers. Changes will require a review and revision of internal HR hiring and screening processes. It is imperative to do your homework ahead of time and prepare in advance for the implications of CIR.

Key success factors to be prepared for CIR:

- **Scalability**
The needs under the law will be substantial and your service provider will need to do a large amount of work in a short period of time.
- **Technology**
Advanced technology will be necessary to facilitate scalability for employers and service providers and allow companies to reduce time commitment through better oversight and management.
- **Responsiveness**
Companies will need a provider that prioritizes responsiveness of answering legal questions and application turnaround.
- **Expertise**
Regulations are still in development and companies will need to be continually informed of the current status and future implications of CIR and the best practices for compliance.