

Congressman David Dreier
H.R. 98, the Illegal Immigration Enforcement and Social Security Protection Act

There are 102 different combinations of documents on the current I-9 form that can be used to establish identity and employment eligibility. The Social Security card is one such document. Because the employment verification process is so unwieldy and complicated, it plays right into the hands of illegal immigrants who can obtain or copy Social Security numbers and cards. In fact, easy employment powers the job-magnet that draws people to illegally enter our country. H.R. 98 would crack down on the hiring of illegal immigrants and ensure the integrity of the Social Security number and card.

“Smart” counterfeit-proof Social Security Card

- Improves the security of Social Security cards by including a digitized photo of the cardholder on the card, as well as an encrypted electronic signature strip which will be used by employers to instantaneously verify a prospective employee's work authorization status with the Department of Homeland Security's (DHS) Employment Eligibility Database, either through a toll-free number or electronic card-reader.
- Obtaining the “smart” Social Security card is only necessary when the person (citizen and work-eligible immigrant) is applying for a new job; current workers would not need to update their card until they intend to seek new employment, and would only need to update their card once.
- Under current law, prospective workers are already required to show documents that establish their identity and employment eligibility. Many, if not most, choose to show their employer the combination of a photo ID and their Social Security card.
- The “smart” card is prohibited from being used as a national ID card. In fact, it contains a disclaimer stating: “This card not to be used for the purpose of identification.”

Employment Eligibility Database

- Requires DHS to establish and maintain an Employment Eligibility Database with information on a person's proof of citizenship data, work and residency eligibility information (including expiration dates) for non-citizens. This database also includes information from the Social Security Administration that the Commissioner determines necessary and appropriate for the purpose of verifying an individual's work eligibility status.
- Provides that no officer or employee of DHS shall have access to any information contained in the Employment Eligibility Database for any purpose other than (1) the establishment of a system of records necessary for the effective administration of this Act; or (2) any other purpose the Secretary of Homeland Security deems in the national security interests of the United States.
- Establishes a five to seven year prison sentence for those who access the Employment Eligibility Database without authority to do so, or for authorized purposes.
- It should be noted that the government already has the information that would be contained in the Employment Eligibility Database. An individual's eligibility to work under the law is dependent on whether they are a U.S. citizen, and if not, their immigration status.

Enforcement

- Increases penalties for employers who hire illegal immigrants or fail to verify their employment eligibility by increasing fines to \$50,000, applying jail sentences of up to 5 years per occurrence, and requiring the employer to pay for the alien's deportation.
- Adds 10,000 new DHS personnel whose sole responsibility will be to enforce employer compliance and prosecute those who illegally employ illegal immigrants.