

NRCA Action Alert: Immigration legislation

Dec. 14, 2005

Proposed Immigration Legislation Targets Employers

Current situation: The U.S. House of Representatives will consider immigration legislation this week that focuses solely on interior enforcement and border security. HR 4437 would replace the current I-9 hiring process with a new, unproven government-run electronic verification program that requires employers to determine whether potential employees are authorized to work in the U.S. and would require a blanket re-examination of all existing employees, even those who already have gone through the I-9 process. HR 4437 also would impose massive increases in penalties on employers, even for paperwork violations.

How your business is affected: HR 4437 essentially forces employers to act as the "document police" or find themselves subject to onerous fines and potential jail time. To make matters worse, the legislation fails to provide legal channels for employers to access needed immigrant workers when U.S. workers are unavailable. Provisions of the legislation include:

1. Employers found to be in violation of the new mandates can be subject to fines as high as \$50,000 and one year in prison for each violation.
2. Paperwork violations, such as checking the wrong box on an I-9 form, can result in a \$25,000 fine. This is 25-fold increase, the current fine is \$1,000.
3. Employers are required to confirm the documentation of every employee, including some former employees.
4. The bill criminalizes the status of those here unlawfully, making all current undocumented workers "aggravated felons", this would force them to leave the U.S. and preclude them from ever returning.

Solution for the roofing industry: Any legislation in the House should provide for increased national security and control of our nation's borders; create an efficient temporary worker program that allows employers to recruit immigrant workers when there is a shortage of domestic workers; and provide a mechanism for qualified, screened undocumented migrants now in the U.S. to earn legal status. All three of these elements must be joined in one initiative. The law already penalizes employers who knowingly hire illegal aliens and imposes enough paperwork; the primary burden of enforcing our immigration laws should not fall on employers.

What to do: Call your U.S. representative and ask him or her to support comprehensive immigration reform that includes the three components of the solution for the roofing industry. Make it known that HR 4437 would be detrimental to your business and the U.S. economy. To contact your representative, you can call the U.S. Capitol Switchboard at (202) 224-3121 and provide the name of your representative to be connected.

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