

S. 744 - TITLE III: INTERIOR ENFORCEMENT

increases domestic surveillance programs; border enforcement follows immigrants into the workplace and pushes people further into exploitative labor markets. Historically, "employer sanctions" have disadvantaged the workers and have NOT resulted in sanctions for large employers. This section criminalizes attempted use of false Social Security cards for employment purposes.

SUBTITLE A - DHS must implement a mandatory national E-Verify system

Summary:

- (c) required documents: new Social security cards with photo and "security features", new "secure" drivers licenses. Information must be kept by employer for one 1-3 years after employment
- (d) the system will be implemented over 5 years; all Indian tribe employers must use the system as well
- people will have to be reverified periodically. DHS may make changes to the system as necessary
- Outcomes when checking a person in E-Verify: confirmation, non confirmation or a notice for further action -- *the employee may be required to appear in person in front of DHS for a secondary identification procedure.*
- DHS may certify third party vendors to use E-Verify. These vendors may retain data
- \$250 million in grants given to states to establish drivers licenses that comply with DHS requirements and can be used as a photo tool for E-Verify
- (e) compliance – there will be penalties against employers. But discretionary factors can reduce penalties: how cooperative the employer is and the size of the employer, etc. *No similar mitigation exists for workers*

3103 : New "Secure" Social Security Cards

- (a) \$1 billion to add security features to social security cards (digital, photo etc)
- (c) introduces a criminal penalty for SS card fraud : fines + up to 5years in prison.
- (Lee Amendment #16 and #17) - makes attempting to use a false passport a crime

this criminalizes actions taken simply for the purposes of seeking employment, actions which are currently NOT considered criminal.

3103 - in one year DHS will develop a proposal for how to include biometric information on Social Security cards or other employment authorization document in addition to photographs

SUBTITLE B - protecting US workers

3201 - expand eligibility for U visa - if applicant was helpful in a criminal investigations. this is considered a whistleblower protection

SUBTITLE C Other provisions

3303-3304: Mandatory exit system

- a new DHS database that integrates ICE, CBO, USCIS, DOJ and Department of State databases and reads passports/visa information at all departing airplanes and vessels for foreign nationals

3305 prohibits racial profiling *unless DHS has credible information linking persons of certain races or ethnicities to certain incidents*

Subtitle E: Shortage of Immigration Court Personnel for Removal Proceedings

Analysis:

*increased (unspecified) funding for a fundamentally unjust court system that views immigrants inherently as criminals, and doesn't guarantee them due process or legal rights.
establishes further ties/contracts with NGOs to get on their good side - NGO's funding becomes dependent on the expansion of an unjust system*

Summary:

- Increases the number of immigration judges by 225, also includes 2 staff for each judge
- Clarifies that the government is not required to provide legal counsel to 'aliens,' unless they are minors, disabled, or particularly vulnerable.
- Establishes the requirement for people in removal proceedings and detention to have full access to their court documents (with the exception of sensitive info, of course). If they do not get these, their removal can be stopped.
- Establishes Legal Access Programs and Legal Orientation Programs to orient people to the administrative process of immigration hearings before they apply, and when they are put in detention (within 5 days). *There is \$\$\$ for NGOs provided though government contracts.*

Subtitle G: Interior Enforcement

Analysis:

increasingly intensive penalties for immigration "crimes," pushing more people into the prison industrial complex longer and longer, the more they try to resist a verdict that declares them inadmissible. There does not seem to be any reflection on the reality that many people who repeatedly re-enter are doing so because their families and lives are here, regardless of their criminal background. This section also increases incentives for incarcerating people without convicting them, increases funding for SCAAP and standardizes collaboration between local and federal law enforcement agencies.

Summary:

Increases the categories of people who are deportable as "criminal alien" to:

- anyone knowingly associated with a gang (even if they do not commit a crime) UNLESS they are under 18, renounce their association, and are deemed to not be a threat to the US
- pedophiles
- people with 3 or more DIU offenses

Increases penalty for entering without permission ("Illegal Entry")

- 1st offense: 1-15 years in prison;
- Re-entry after removal: up to 20 years incarcerated

Other amendments related to Interior Enforcement

Graham #2: DHS is required to increase efforts to find and remove people who overstay their visas

Grassley #44: three DUIs are an aggravated felony and ground for removal

Feinstein #10: requires local/federal law enforcement to collaborate on southern AND northern border