

Accountability Through Electronic Verification Act **Summary (118th Congress)**

This legislation permanently reauthorizes and expands the E-Verify program.

The bill requires: (1) federal agencies, contractors, and critical employers to participate in E-Verify; (2) all U.S. employers to participate in E-Verify within one year of enactment and; (3) employers using a contract, subcontract, or exchange to obtain labor to certify that they utilize E-Verify.

The Department of Homeland Security (DHS) can require E-Verify participation of an employer prior to one year after enactment if DHS has reasonable cause to believe that the employer is or has been engaged in the unlawful employment of unauthorized aliens.

An employer's failure to use E-Verify shall be treated as a violation of the Immigration and Nationality Act (INA) requirement to verify employment eligibility, and also creates a rebuttable presumption that the employer knowingly hired, recruited, or referred an illegal alien.

The bill also increases civil and criminal penalties for specified hiring-related violations, and establishes a good faith civil penalty exemption/reduction for certain hiring-related violations.

Employers who are convicted of specified hiring related crimes or who have repeatedly committed specified hiring-related violations shall be disbarred from federal contract, grant, or cooperative agreement participation.

State and local governments may not prohibit employers from using E-Verify to determine the employment eligibility of new hires or current employees.

The bill authorizes the verification of individuals before they are hired, recruited, or referred if the individual so consents.

Employers are required to: (1) use E-Verify to verify the identity and employment eligibility of any individual who has not been previously verified through E-Verify not later than one year after enactment; (2) re-verify the work authorization of individuals not later than three days after their employment authorization is due to expire, and (3) terminate an employee following receipt of a final E-Verify non-confirmation and submit information DHS determines would assist it in enforcing or administering U.S. immigration laws.

U.S. Citizenship and Immigration Services (USCIS) must submit a weekly report to Immigration and Customs Enforcement (ICE) regarding each person receiving a final E-Verify non-confirmation. USCIS is required to establish a demonstration program to assist small businesses in rural areas or areas without Internet capabilities in verifying employment eligibility through the use of publicly accessible Internet terminals.

The Social Security Administration, DHS, and the Department of the Treasury shall establish an information-sharing program to share information that could help lead to the identification of unauthorized aliens.

The federal criminal code is amended to: (1) provide that illegal aliens possessing or otherwise using false identification information not their own can be punished for identity fraud, and (2) subject a person who uses false identity information in furtherance of harboring or hiring illegal aliens to a fine and/or penalty of up to 20 years in prison.

The bill establishes the Employer Compliance Inspection Center (ECIC) within ICE Homeland Security Investigations to consolidate and streamline the process for conducting 1-9 audits, employment eligibility verification, and related worksite enforcement investigations.