

THE POWER ACT

An Essential Component of Immigration Reform

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There is increasing momentum for reforming the nation's immigration system and protecting workers' rights within that process. The [Senate bipartisan reform framework](#) calls for labor protections to be strengthened,¹ while the leaked draft [White House immigration bill](#) includes important components of the Protect Our Workers from Exploitation and Retaliation (POWER) Act.² The [National Immigration Law Center believes](#) that any reform of the current immigration system must include the POWER Act's robust worker protections.³

The POWER Act would provide important labor protections for some of our country's most vulnerable workers—immigrants—as well as vital safeguards against employer retaliation for all workers. Too often unscrupulous employers have used workers' immigration status to retaliate against them for reporting work-related abuse and exploitation. Because it seeks to ensure that enforcement of federal immigration law does not undermine workers' basic workplace rights, the POWER Act would be a significant step towards guaranteeing a safe and humane working environment for all of America's workers. The POWER Act has support from key Senate and House champions, including Sen. Robert Menendez (D- NJ) and Reps. George Miller (D-CA) and Judy Chu (D-CA).

WHY THE POWER ACT MUST BE PART OF IMMIGRATION REFORM

- **The POWER Act supports workers' ability to exercise their labor rights and hold employers accountable without fear of retaliation.** Too often workers who complain about illegal working conditions face threats of retaliation based on their immigration status. This leaves many workers too afraid to confront their employers about illegal conditions. The result is workplaces where illegal employment practices flourish—depressing the working conditions for all workers. The POWER Act would protect victims of retaliation by making them eligible for a U visa if they had a work-related claim against

¹ See www.nilc.org/irsenatorframework.html.

² See www.nilc.org/immreform2013wh.html. The POWER Act was introduced as a standalone bill in the 112th Congress (H.R. 2360, S. 1258) but has not yet been introduced in the 113th Congress. More information about the act as originally introduced is available at www.nilc.org/power-act-2011-06-08.html.

³ See www.nilc.org/workerpriorities2013.html.

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their employer and had been subjected to force, physical restraint, serious harm, or other abuses.

- **The POWER Act would help put bad employers out of business.** By refusing to pay proper wages or to comply with basic workplace standards, bad employers gain a competitive advantage over good employers who pay legal wages and provide safe working conditions. The POWER Act would help stop this dynamic and prevent an employer race to the bottom in which all workers would lose.
- **The POWER Act would protect workers “waiting in line” to become U.S. citizens under a new immigration law.** The POWER Act would help ensure that employers would not be able to use workers’ immigration status as a way to gain an unfair advantage in labor disputes. And it would further ensure that workers, including those who are eligible for a new legalization program, could meaningfully assert their labor rights instead of being placed into the deportation pipeline.
- **The POWER Act would promote good government and due process for workers.** The POWER Act would require the U.S. Department of Homeland Security (DHS) and labor agencies to work together more effectively. Under the bill’s provisions, if DHS were to conduct a worksite enforcement action at a site where a labor dispute was in progress, or if the agency received information that was shared as a means of retaliating against workers, DHS would be required to ensure that workers arrested or detained would not be deported before the appropriate labor agency was notified and had a chance to interview the workers. Such a practice would promote good government by preventing bureaucratic tangles and reducing the potential for DHS to be used as a tool for employer retaliation.
- **The POWER Act is needed to guard against the retaliatory use of E-Verify.** Too often unscrupulous employers use E-Verify, the federal government’s Web-based employment eligibility verification system, as a means of retaliating against workers asserting their workplace rights. For example, an employer might either threaten to “reverify” workers it deems troublesome or actually use reverification via E-Verify as a means of getting rid of them. If, as part of immigration reform, all employers in the U.S. are required to use E-Verify, the mandate would undermine workers’ basic workplace rights, making them more vulnerable to employer retaliation if they attempt to vindicate their rights. Passage and enforcement of the POWER Act would make employers less likely to use E-Verify in this malicious way.

FOR MORE INFORMATION, CONTACT

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