

**SECTION 305.
EMPLOYMENT SERVICES PROVIDED BY TAX-EXEMPT ORGANIZATIONS;
RESTRICTIONS.**

IRLI Comment: Restricts the operation of day labor hiring halls, immigrant worker education centers, and other euphemistic employment services for unauthorized alien workers operated with taxpayer-funded or tax-exempt funds. Does not restrict the operation of such charitable facilities for U.S. citizen or work-authorized aliens.

(A) It shall be unlawful for any nonprofit corporation or unincorporated nonprofit association registered with the Department of [#Employment and Industry#], [*optional*: or any other entity required by law to hold a valid #Charitable Solicitation License# issued by the #Office of the Attorney General#], to offer or provide employment services, including temporary contract labor, day labor, employment counseling, recruitment, or referral to or from a prospective employer, to persons other than protected individuals, as defined by United States Code Title 8, Section 1324b(a)(3).¹

(B) Exception.-- shall not be unlawful for a corporation or other entity described in subsection (A) to offer or provide employment services to persons other than protected individuals, provided:

(1) A fee of not less than ten dollars is charged to such person for employment services, to include the cost of verification described in paragraph (2), and

(2) Verification of eligibility for employment is confirmed through the SAVE program by the [#Department of Employment and Industry#], to the nonprofit corporation or association which has offered to provide employment services to such person.

(C) Penalty -- nonprofit corporation or association found to have failed to comply with the verification requirements of this section for two or more persons within any twelve month period

¹ “Definition of protected individual. As used in paragraph (1), the term "protected individual" means an individual who-- (A) is a citizen or national of the United States, or (B) is an alien who is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245A(a)(1) [8 USCS § 1160(a) or 1255a(a)(1)], is admitted as a refugee under section 207 [8 USCS § 1157], or is granted asylum under section 208 [8 USCS § 1158]; but does not include (i) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section and (ii) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.”

shall be prohibited from expending tax-exempt funds to provide employment services in this state for twelve months.