

Amid employer objections, policing immigration targets the workplace

Crackdowns refuel debate about enforcement strategies and reliance on foreign-born labor

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If millions of illegal immigrants work in the United States, then there are vast numbers of illegal employers, too.

With that observation, immigrant advocates call attention to the obvious: The undocumented workers who harvest and cook food, build homes, mow lawns, bus tables and make hotel beds would not be here if somebody wasn't hiring them to perform these and many other unglamorous jobs.

Department of Homeland Security officials concede that the vast majority of the hundreds of thousands of illegal immigrants who enter the country every year are seeking work. An estimated 5 percent of the U.S. work force — 9 percent in Texas — is unauthorized, according to the Center for Immigration Studies, a research organization that advocates reduced immigration.

But until recently, the role of employers in the immigration picture has largely escaped public prominence. Although a 1986 federal law prohibits employers from knowingly hiring unauthorized workers, for nearly two decades Washington has focused on a massive buildup in enforcement at the border, not the workplace.

Judging by the now-routine headlines of high-profile raids across the country — one at a Houston rag and used clothing plant netted 166 arrests two weeks ago — job sites are not the safe harbor they once were.

Workplace arrests have soared 869 percent since 2002. With Congress unable to agree on immigration law changes, state governments are applying their own pressure. In 2007, Texas and 18 other states enacted a total of 33 laws relating to immigration and employment issues, including worker verification by employers and contractors.

Under the 1986 federal legislation, employers do not have to verify the authenticity of the documents that job applicants present. (Many illegal immigrants use fake or stolen Social

Security numbers.)

But the U.S. government is now asking employers to voluntarily check Social Security numbers of their new hires, using an Internet program known as E-Verify. One Department of Homeland Security proposal, currently in litigation, threatens businesses with prosecution if they do not fire workers whose names don't match Social Security records.

Ramped-up efforts to target the workplace have triggered the ire of some employers and business groups that say they must rely on immigrant workers to fill jobs and that the crackdowns are a threat to the economy. They say they are in the cross hairs for an illegal immigration problem they can't and shouldn't be expected to police.

And because of a thriving black market in fraudulent Social Security and identification documents that appear genuine, they say they can't trust tools like E-Verify to prevent fraud and stolen identities.

"The vast majority of employers do their damndest to be in compliance with the laws. But they can't verify the (workers') documents," said Bill Hammond, chief executive of the Texas Association of Business, which represents more than 3,000 Texas corporations and more than 200 chambers of commerce.

Keeping America fed

Researchers estimate that 12 million illegal immigrants live in the United States, including 1.5 million in Texas, and two-thirds of them work. They are especially prevalent in industries such as construction, food services and agriculture: An estimated three out of four laborers on Texas and U.S. farms are in the country illegally.

"An enforcement-only agenda will disproportionately decimate the sector of the American economy that is, oh by the way, putting food on our table," said Craig Regelbrugge, co-chairman of the Agriculture Coalition for Immigration Reform, which represents U.S. farm labor interests.

It would also have wider consequences, according to some employers and analysts.

"If you have roughly 150 million workers nationwide and if you suddenly take out 8 million and you don't have a mechanism to replace them — and we don't — it would have devastating effects on the economy," said Ray Perryman, an economist who heads the Waco-based economic analysis firm the Perryman Group.

In his report released in May on the impact of undocumented workers on the economy and businesses, Perryman said a number of industries would face substantial worker shortages if illegal workers disappeared, and Americans would have to be induced into the labor pool or given incentives to take jobs below their education and skill levels. Employers would have to pay substantially higher wages, hurting competitiveness in

global markets, according to Perryman.

Federal officials say they are trying to protect U.S. workers and businesses who play by the rules and hire people who are legally entitled to work here.

"Drying up the job market for illegal workers would be the single most effective thing we could do to push back the tide of illegal aliens coming into the country," Julie Myers, the assistant secretary of homeland security for U.S. Immigration and Customs Enforcement, said in Austin recently.

'A lot of Chicken Little'

As with virtually everything in the illegal immigration debate, reactions to the workplace crackdowns generally track how one feels about efforts to enforce current laws and proposals to pass new ones.

"It's just a lot of Chicken Little as far as I'm concerned," Mark Krikorian, a leading critic of illegal immigration, said of warnings that eliminating illegal workers will cripple the economy. He said Perryman's study was prepared for a group representing Houston business interests, Americans for Immigration Reform, and suggested it was tailored to suit their agenda.

Perryman said he sought to objectively present economic data, pointing out that although his research shows illegal immigrants cost state and local governments billions of dollars, the undocumented work force still has a net positive effect on the economy.

"This is a very emotional issue, and people sometimes lose sight of the economic reality," Perryman said.

Krikorian, who heads the Washington-based Center for Immigration Studies, said employers benefited for years by paying illegal workers low wages with few benefits. It is not surprising, he said, that they bemoan efforts to now hold them accountable.

"The goal here is to change people's expectations and their behavior," said Krikorian. "Up to now, enforcement initiatives were short-lived, and businesses and illegal immigrants could keep their heads down until the storm passed over."

Immigrant rights advocates say the raids highlight a broken immigration system that is ill-suited to deal with economic factors that drive illegal immigration and that allows exploitation of undocumented workers. Employers who say they can't find enough native-born workers say the country needs more legal avenues for immigrants to work in the United States.

"It may be tired (to say it), but if we allow enough legal immigration, a lot of these problems will go away," Hammond said.

"We need to make sure that we know what the consequences are going to be when we remove all these folks from these jobs. ... Where are we going to get the labor?" said Frank Fuentes, who owns a small commercial construction business in Austin and is president of the U.S. Hispanic Contractors Association.

Like other employers and spokespersons for business and trade groups interviewed for this story, Fuentes emphasized that his organization does not condone immigration-related fraud. (Fuentes said he employs about 10 workers and managers — "everything else, we subcontract out." As is typical in the construction business, he relies on subcontractors to verify worker documents.)

Administration-backed attempts to overhaul the nation's immigration laws collapsed in Congress last year over provisions to legalize undocumented immigrants already here, a sticking point for opponents who consider that amnesty. Myers said Congress' failure to pass new laws left the Homeland Security Department no choice but to vigorously use the enforcement tools it has.

Regelbrugge said federal officials are trying to create chaos to force Congress to act. He painted the strategy this way: "If we can't fix the law, we're going to enforce the bad laws we've got."

'Filling those voids'

Protests against workplace crackdowns rekindle one of the most contentious points of the illegal immigration debate, one raised by President Bush years ago when he advocated immigration law reforms to "match willing workers with willing employers."

The claim: Undocumented immigrants fill jobs Americans won't do.

Critics of illegal immigration frame the argument another way: Americans won't do the jobs at the low wages employers pay illegal immigrants.

Employers flood job markets with low-paid illegal workers, driving down wages for native-born Americans and cutting them off from those jobs even if they wanted them, Krikorian said. Some Central Texas small-business owners say their livelihoods are threatened by competitors who undercut them, with payrolls full of low-paid undocumented workers.

Experts say illegal immigrants in the U.S. work force are paid a wide range of wages, from less than the federal minimum \$5.85 per hour to \$10 an hour or more.

"In almost every category, the wages paid to undocumented workers are one or two rungs lower than the prevailing market rate for native-born workers," said Bill Beardall, a labor law expert who heads the Equal Justice Center, a worker legal center based in Austin.

Beardall said benefits, working and safety conditions are generally poorer for

undocumented immigrants, who fear speaking up for their rights.

Entry-level construction workers generally earn \$12 an hour — "a good salary for someone with no skills" — and operators of bulldozers and heavy machinery can make \$25 to \$30 an hour, said Fuentes, the Austin builder.

Workers who pick crops make the equivalent of about \$10 an hour, but the seasonal, physical labor puts off most Americans, said Regelbrugge. He doesn't agree with illegal immigration foes who declare that a native-born work force will materialize if only employers paid more.

"Americans who are interested in participating in the work force, these are the last jobs they're likely to fill because they have other opportunities," Regelbrugge said.

Perryman's report, citing research by the Center for Immigration Studies, said that 29 percent of adult immigrants do not have a high school diploma, compared to 8 percent of native-born Americans.

Other factors combine to put pressure on employers to fill jobs any way they can, Perryman said: Americans are getting older, growth in the domestic work force is modest and the unemployment rate is relatively low.

"The fundamental problem is the difference in levels of economic development in Mexico and the United States," said Robert H. Wilson, an expert in urban policy at the LBJ School at the University of Texas. "If the United States was not such an attractive market, we would not have the extent of this problem of illegal immigration from south of the border."

At his offices in North Austin, the 45-year-old Fuentes said building is in his blood. "I've been in this business all my life," said the native South Texan. So was his father.

But it is certainly not for everybody. Raising roofs and pouring concrete in the blistering Central Texas heat and humidity is grueling, sometimes dangerous, work, Fuentes said.

Fuentes said it shouldn't come as a surprise that some industries have to rely on foreign-born workers to fill hard jobs.

Americans want better for their children, he said.

"Who in this country wants their kid to be working in a meatpacking company where you're killing cows or pigs? These kinds of jobs are being filled by immigrants who see that as a way to be in this country. ... They're filling those voids."

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