

Government Set for a Crackdown on Illegal Hiring

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In a new effort to crack down on illegal immigrants, federal authorities are expected to announce tough rules this week that would require employers to fire workers who use false Social Security numbers.

Officials said the rules would be backed up by stepped-up raids on workplaces across the country that employ illegal immigrants.

After first proposing the rules last year, Department of Homeland Security officials said they held off finishing them to await the outcome of the debate in Congress over a sweeping immigration bill. That measure, which was supported by President Bush, died in the Senate in June.

Now administration officials are signaling that they intend to clamp down on employers of illegal immigrants even without a new immigration law to offer legal status to millions of illegal immigrants already in the workforce.

The approach is expected to play well with conservatives who have long demanded that the administration do more to enforce existing immigration laws, but it could also lead to renewed pressure from businesses on Congress to provide legal status for an estimated six million unauthorized immigrant workers.

“We are tough and we are going to be even tougher,” Russ Knocke, the spokesman for the Department of Homeland Security, said yesterday. “There are not going to be any more excuses for employers, and there will be serious consequences for those that choose to blatantly disregard the law.”

Experts said the new rules represented a major tightening of the immigration enforcement system, in which employers for decades have paid little attention to notices, known as no-match letters, from the Social Security Administration advising that workers’ names and numbers did not match the agency’s records.

Illegal workers often provide employers with false Social Security numbers to qualify for a job.

Employers, especially in agriculture and low-wage industries, said they were deeply worried about the new rules, which could force them to lay off thousands of immigrant workers. More than 70 percent of farmworkers in the fields of the United States are illegal immigrants, according to estimates by growers’ associations.

“Across the employer community people are scared, confused, holding their breath,” said Craig Regelbrugge, co-chairman of the Agriculture Coalition for Immigration Reform, a

trade organization. “Given what we know about the demographics of our labor force, since we are approaching peak season, people are particularly on edge.”

The expected regulations would give employers a fixed period, perhaps up to 90 days, to resolve any discrepancies between identity information provided by their workers and the records of the Social Security Administration. If workers’ documents cannot be verified, employers would be required to fire them or risk up to \$10,000 in fines for knowingly hiring illegal immigrants.

Immigrant rights groups and labor unions, including the A.F.L.-C.I.O., predicted the rules would unleash discrimination against Hispanic workers. They said they were preparing legal challenges to try to stop them from taking effect.

Some Republican lawmakers welcomed the administration’s stance. “If they shut off the jobs magnet in the workplace in a way that shows they are serious about restoring the rule of law, then I’m encouraged,” said Representative Steve King of Iowa.

The new rules codify an uneasy partnership between the Department of Homeland Security, which enforces the immigration laws, and the Social Security Administration, which collects identity information from W-2 tax forms of about 250 million workers each year, so it can credit the earnings in its system.

Mark Hinkle, a spokesman for Social Security, said the agency expected to send out about 140,000 no-match letters to employers this year, covering more than eight million workers. After the rules are announced, the agency is anticipating a surge in requests from employers seeking to clarify workers’ information, Mr. Hinkle said.

Social Security issues letters only to employers who have more than 10 workers whose numbers do not match, when those workers represent at least one-half of 1 percent of the company’s workforce, Mr. Hinkle said.

The agency cannot verify which mismatches came from immigrants who presented false Social Security numbers when they applied for jobs, he said. Mismatches also occur because of clerical errors, or when workers marry and forget to inform Social Security that they changed their names. Several federal studies in recent years have found significant error rates in the Social Security database.

“We don’t know and we don’t speculate” about the reasons for mismatches, Mr. Hinkle said.

The new rules will clarify steps employers can take to avoid being accused of knowingly hiring illegal immigrants, officials said. According to the draft, employers would be given 14 days after receiving a no-match letter to check for clerical errors and consult with the employee to correct mistakes. If the discrepancies are eliminated and new, valid work papers are filed within the fixed period, employers would enjoy a “safe harbor” from penalties.

The rules proposed last year brought a storm of criticism from both employers and workers groups. In a formal comment, the A.F.L.-C.I.O. said the rules would “harm all workers regardless of immigration status.”

“The enforcement is only on the immigration side,” Ana Avendaño, associate general counsel for the A.F.L.-C.I.O, said yesterday. “They don’t do any labor inspection. So they are just giving employers another tool to repress workers’ rights.”

Even large companies that do not hire many low-skilled immigrants would be affected by the rules, lawyers said.

“It’s going to be a big change for almost every company,” said Cynthia J. Lange, an immigration lawyer in California.

Muzaffar A. Chishti, a director of the Migration Policy Institute, a nonpartisan research group, said, “If this is strictly enforced there could be massive layoffs of workers.” But Mr. Chishti said that illegal immigrant workers might not leave the labor force but would apply for jobs at other businesses using the same invalid documents. He predicted the market for forged documents would grow.

“A lot of employers are saying, ‘We just can’t handle this,’ ” said Laura Reiff, co-chairwoman of the Essential Worker Immigration Coalition, which represents employers in low-skilled industries. She said the rules might lead to new pressure from business on Congress to reconsider measures granting legal status to illegal immigrants.