

# **Hiring crackdown means tough calls for employers Undocumented workers on payroll could bring fines of up to \$10,000**

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WASHINGTON — Many employers across Texas and the United States soon will face a wrenching decision: Whether to fire workers whose names and Social Security numbers don't match government records or risk getting fined in a new federal crackdown on illegal immigration.

The choice stems from rules that the Bush administration will issue soon to place new responsibilities on employers to make sure their workers are legal.

The regulations would give employers a set amount of time to work with each employee and the government to resolve the discrepancy after being notified by the Social Security Administration of a possible identity problem.

Employers who keep unauthorized workers on the payroll after the deadline could face fines of up to \$10,000 per illegal worker. Currently there is no penalty for ignoring any of the hundreds of thousands of "no-match" letters that the government pumps out to employers every year.

A significant portion of illegal immigrants and other workers has used false Social Security numbers or names to get jobs.

With more than 7 million illegal immigrants in the U.S. work force — 5 percent of all civilian labor — employers and immigrant-rights advocates warn that the rules would trigger economic dislocation in sectors such as agriculture, construction, and the hotel and restaurant industry.

"Companies around the country are going to be forced into a Hobson's choice: Do they lay off significant numbers of immigrant workers because of the issues surrounding these no-match letters ... or are they going to drive some of their operations underground?" said Marshall Fitz, director of advocacy for the American Immigration Lawyers Association.

Impact on economy

Cecilia Muñoz, vice president of the National Council of La Raza, said, "The amount of disruption that it will cause across the economy and in the (immigrant) community is going to be extraordinary."

But Mark Krikorian of the Center for Immigration Studies, which favors reduced immigration rates and increased enforcement, dismissed the concerns as overblown.

"Once enough businesses start accommodating themselves to the new arrangement and start rebuilding their recruitment system ... we are going to see what the immigrant advocates have always feared: That enforcement won't be the end of the world, the economy will accommodate it and keep functioning," he said.

Though the U.S. economy overall has a modest 4.6 percent unemployment rate, Krikorian said joblessness for U.S.-born workers without high school degrees is double that — offering a large pool for employers to tap for the lower-skilled jobs typically filled by illegal immigrants.

Citizens could be flagged

Not so, said John Gay, co-chairman of the business-backed Essential Worker Immigration Coalition. "It's not like employers haven't been shaking the trees," he said.

Citizens and legal immigrants could find themselves tripped up by the new regulations as well. Though identity mismatches are often a sign that an employee is an illegal immigrant, they also occur because of name changes, typos or paperwork mistakes such as the wrong birth date.

Roughly 10 percent of the 250 million wage reports the Social Security Administration receives each year belong to employees whose names and Social Security numbers don't match government records.

Cash deals may go on

Companies that use contractors who rely on casual labor and often pay in cash likely will continue business as usual, said Richard Shaw, secretary-treasurer of the Harris County AFL-CIO Council.

"Where it is going to hurt is where people go to work in the same factory every day, such as food processing plants, where I suspect undocumented workers are gainfully employed," he said.

"I think restaurants will get hit pretty hard on something like this," Shaw said, declaring that the new rules make sense but do not go far enough.

"There's a huge lobby in residential construction, and they are going to make sure that they're not touched," he said. "If we don't address that area, we're not addressing employment verification in a realistic manner."

The Department of Homeland Security proposed the ramped-up enforcement plan last summer as the administration's enforcement credentials were being challenged on Capitol

Hill by lawmakers skeptical of President Bush's push for a broad immigration overhaul that paired legalization for millions of illegal immigrants with beefed-up border security and a guest worker program.

Confronted with the proposed rule, employers bristled at playing a bigger role in immigration enforcement and meeting the proposed deadlines.

#### Deadlines debated

During a public comment period, critics opposed a plan to give employers 14 days after receiving a "no-match" letter to resolve the problem and force dismissal of the worker, or a possible fine of the employer, in 60 days if there still is no resolution.

The final regulation "is certainly going to be similar" to the proposal, Homeland Security spokesman Russ Knocke said Friday, while declining to discuss any deadline changes or other modifications.

Knocke said Homeland Security Secretary Michael Chertoff would make clear during a speech in Boston next week that "we're not going to stop from doing what we need to do to ensure that we are fulfilling our obligations in terms of enforcing the laws . "