

## **New Immigration Laws Causing Confusion: State's labor department still trying to figure out how new employment rules work**

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Vail Daily

January 26, 2007

BEAVER CREEK — Employers had questions about the new law that requires employers to verify employees' legal status. Turns out, so did the agency that's supposed to enforce it.

An official from the Colorado Department of Labor and Employment canceled a scheduled appearance in Beaver Creek on Thursday at a conference of employers to brief them on the new law.

The department called the night before the conference, saying they didn't know how the law should be interpreted and applied, said Patty McMahon of the Equal Employment Opportunity Commission, which was hosting the conference.

"We're still trying to make sure that we've got everything lined up and we are completely correct about everything pertaining to House Bill 1017," said Bill Thoennes, spokesman for the labor department. "That's why we decided not to make the presentation."

The law, which went into effect on Jan. 1, requires employers to verify the legal work status of employees within 20 days of hiring them. Employers are subject to fines of up to \$5,000 for the first offense and \$25,000 for repeat offenses.

'Living in fear'

It isn't clear whether employers will be required to sign an affidavit saying they've made an effort to verify employees' status, Thoennes said.

Another question mark is the verification process, Thoennes said. The department says employers should go to one of two Web sites to verify if workers are using valid Social Security numbers. But there may be some problems with one of the sites, called "Basic Pilot," Thoennes said.

"There's a number of things that we're checking into at this point," he said.

The labor department is consulting with the Attorney General's Office, Thoennes said. Auditors who will enforce the law are now being hired, Thoennes said.

Father Jude Geilenkirchen of the St. Clare of Assisi parish in Edwards said the new law has caused concern among his parishioners. He holds two Spanish-language Masses per week in Eagle County, with each attracting hundreds.

"I see people living in fear, saying, 'When will I be exposed? Will they split up my

family?” he said.

From the standpoint of the church, everyone has the right to earn enough money for their family to subsist, Geilenkirchen said.

“The human experience says, ‘If I need to feed my kids and I can’t find a process, I’ll cross the border to find a way to do it,’” he said.

He was attending the conference to get more information about current immigration law, which he shares with churchgoers.

Workers have rights

The Equal Employment Opportunity Commission was hosting the discussion because it want to make sure the verification process doesn’t violate workers’ rights.

They want to make sure the verifications are done fairly and uniformly. It’s illegal to check the status of workers simply because of their ethnicity, race or national origin.

“What you are doing is singling someone out based on their ethnicity or assumed ethnicity,” said Nancy Sienko, director of the Denver field office of the commission.

In fact, undocumented workers are entitled to the same employment rights as any other worker under the Civil Rights Act. Undocumented workers, however, can’t get their job back or recover back pay if they win a claim, Sienko said. It’s an unpopular stance, she said, but one they are committed to.

“We care about protecting employment rights of everyone in the United States, regardless of how they came here,” Sienko said.