White House unveils plan to curb illegal workers

HOUSTON CHRONICLE
Aug. 10, 2007, 12:41PM
By MICHELLE MITTELSTADT
Copyright 2007 Washington Bureau

WASHINGTON — In 30 days, the Bush administration will activate tough new rules that could subject employers who knowingly keep illegal immigrants on the payroll to big fines and criminal sanctions.

Homeland Security Secretary Michael Chertoff today unveiled the rules, which guide employers on what to do if they receive "no-match" letters from the Social Security Administration telling them an employee's name and Social Security number don't match those on file with the government.

Employers will be given 30 days after receiving a no-match letter to work with the government and the employee to resolve discrepancies such as typographical errors on paperwork or a woman not changing forms to show her married name. If the problem is not resolved within 90 days and the employee cannot produce a passport or other document attesting to their legal status, the employer is required to fire the worker.

Though the government has long issued no-match letters, effectively there was no penalty for ignoring them. Now the business could be fined for inaction.

Chertoff made clear that with the failure of Congress to enact sweeping immigration changes, the administration is making use of its existing tools to crack down on illegal immigration. The regulations, which would apply to all workers whose records have discrepancies, focuses on undocumented workers because many of them get jobs by presenting false Social Security numbers.

"I think most employers want to follow the law," Chertoff said at a news conference with Commerce Secretary Carlos Gutierrrez. "Obviously, there are employers who deliberately violate the law and we will come down on them like a ton of bricks."

In a prepared statement, President Bush remarked: "Although the Congress has not addressed our broken immigration system by passing comprehensive reform legislation, my administration will continue to take every possible step to build upon the progress already made in strengthening our borders, enforcing our worksite laws, keeping our economy well-supplied with vital workers, and helping new Americans learn English."

With illegal immigrants representing about 5 percent of the civilian work force — more than 7 million workers by some estimates — Chertoff and Gutierrez conceded that the stepped-up enforcement will not come without pain.

"There is going to be an economic consequence to tough enforcement," Chertoff acknowledged.

Representatives of the agriculture, construction and hotel and restaurant industries warn of massive dislocation as employers are confronted with the choice or firing their employees or facing possible sanctions.

But Gutierrez said the administration is exploring ways to cut through the red tape that has made the existing agricultural and seasonal worker programs too cumbersome for U.S. employers to fully use.

Other steps unveiled today:

-- The administration soon will propose rules paring down the number of documents acceptable for verifying employee identity. Currently, 29 forms of ID are accepted, including things such as tribal documents and student identification cards.

-- Federal contractors will be required to use a voluntary computerized employment verification system, now renamed e-Verify from its earlier Basic Pilot name, if they wish to continue receiving federal contracts.

-- States will be asked to share their Department of Motor Vehicle records with the federal government to enhance the e-Verify system's photo and identity requirements.

-- The administration will examine ways to guarantee that illegal immigrants cannot gain Social Security credits for time worked in illegal status.

michelle.mittelstadt@chron.com