

San Antonio Express News

Burden shifts from workers to employers

By Alan Blinder

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As a major shift in federal immigration policy kicks in for Texas business owners, three times as many face fines this year compared with 2009 for employing undocumented workers or failing to follow immigration regulations.

Under President Barack Obama's administration, immigration enforcement in the workplace has largely targeted employers rather than workers, a significant shift from the tenure of George W. Bush when fines were scarce and workplace arrests more common.

Nationally, Immigration and Customs Enforcement's practice of targeting undocumented workers directly has dropped proportionately to the increase in fines for the business owners who hire them.

An Express-News review of actions by ICE shows 23 Texas companies, including six in San Antonio, have been penalized in the first eight months of fiscal 2010, October 2009 to May 2010.

In all of fiscal 2009, ICE fined just nine Texas companies \$187,082 for worksite violations. So far this year, the increasing number of investigations has left nearly two dozen companies facing approximately \$600,000 in fines — more than three times as much as the year before.

Few of the ICE investigations resulted in criminal prosecutions, federal records show, and statistics show workplace arrests are declining in a shift from the enforcement strategies of the Bush era.

The number of workplace arrests dropped from 1,100 nationally in 2008 and 410 in 2009, to just 273 so far this fiscal year.

ICE Director John Morton told a Senate committee during his 2009 confirmation hearings that ending unauthorized labor was a key to stopping illegal immigration.

“We cannot make sustained reductions in illegal immigration without deterring employment of unauthorized labor,” he said. “We need to place renewed focus on employers to ensure that they are playing by the rules.”

In May, the government fined Soncrest Egg Co. in Gonzales about \$34,000 for not having I-9 forms for all its employees.

“It was not actually having any illegal aliens,” general manager Randy Boone said in a phone interview. “It was ... mostly family members who had been working for the company for a long, long time. But you're supposed to have all your documents in place, and we didn't have that.”

A San Antonio company was fined \$4,400 for the same violation.

“They hit us hard,” said a man who answered the phone at Girard Sign Co. but would not give his name. “I don't have any respect for ICE. They don't know what they're doing.”

Five of the six San Antonio companies could not be reached for comment.

Many investigations depended on audits of company paperwork that is supposed to prove employees are working legally.

At least 1,500 such investigations have been completed since October, compared with 503 in a 12-month span two years ago when Bush was president.

The largest fine levied in Texas, however, was an outgrowth of a 2008 raid under the Bush administration that resulted in more than 150 arrests. In January, the government ordered Action Rags USA, a Houston used clothing company, to pay \$360,000.

ICE spokesman Richard Rocha declined to say how many companies were fined as a result of investigations initiated during all of Obama's time in office. Because of lengthy probes, some fines were the result of actions under Bush.

Most of the recent audits scrutinized employers' I-9 forms, a document required of all workers, both citizens and noncitizens, to prove eligibility to work.