

# Bush's illegal worker plan has holes

## BUSH CRACKDOWN TOUGH TO ENFORCE

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A week after unveiling a major crackdown on businesses that hire illegal immigrants, the Bush administration is now conceding that its most heavily touted weapon in pursuing employers - an assault against Social Security fraud - will be nearly useless.

That's because when the Social Security Administration warns employers about bogus identification numbers, it remains barred from also alerting the Department of Homeland Security, the agency that's supposed to hand out penalties.

In addition, federal promises to hold companies responsible for hiring illegal immigrants could potentially be stymied by several other issues: Employers are still not required to check a new employee's Social Security number against a free federal database; there could be long gaps between when an employee is hired and when the warnings are issued each year; and there is no way to follow up on employees who have been fired. In many cases, illegal workers could still hop from job to job without being caught.

The only way authorities can punish an employer - with fines or criminal charges - is if someone first tips them off about potential fraud and then, during the course of the investigation, they discover evidence that Social Security warnings have been ignored.

"There are a number of people who do come forward and tell us an employer is not conforming with the law," said Veronica Valdez, a spokeswoman for the Department of Homeland Security. "While we don't get information directly from the Social Security Administration, we do see that we get a lot of tips."

Immigration and Customs Enforcement (ICE), the department's investigative branch, will aggressively work off such tips - using, among other tactics, raids - with an eye for those who are knowingly hiring illegal immigrants, ICE spokeswoman Virginia Kice said.

Although immigration authorities and some lawmakers say the enforcement may make a difference, those who have been up in arms over the estimated 12 million illegal immigrants living in the country say they feel bamboozled.

### 'I don't believe it'

Jeff Wilson, a Bay Area resident clamoring for tougher immigration enforcement, was skeptical when he heard last week about the boosted enforcement, which calls for higher fines for employers who don't fire employees within 90 days if the workers are caught using bogus Social Security numbers.

"When I hear about anything the Bush administration is going to do, I don't believe it," said Wilson, who operates an anti-illegal-immigration Web site. "I think it was simply to look good. I believe in action - not words."

Advocates for immigrant rights also have taken issue with the crackdown, calling it a "scare tactic" to encourage people to return to their home countries or risk being found out by their employers.

"A lot of people may not think it's not worth staying here," said Salvador Bustamante, Northern California director of Strengthening Our Lives, which encourages civic participation among immigrants. "I think it's just a scare tactic."

Within the next few weeks, the Social Security Administration nationally will send out about 140,000 warnings - or so-called "no match" letters - to businesses with at least 10 employees whose numbers can't be verified. About 35,000 of those will go to employers in California.

The envelopes will include a separate letter from the Department Homeland Security informing companies that they may be in violation of immigration law and have 90 days to verify the employees' identities.

If they do not, the letter warns, the agency may "determine that you have violated the law by knowingly continuing to employ an unauthorized person." A first-offense fine was increased to \$2,200 for each employee.

Homeland Security Secretary Michael Chertoff announced that the agency will clamp down on employers who knowingly and

willfully violate the law. Left untouched, however, was Section 6103 of the IRS code - a privacy provision the government has long interpreted to mean that the Social Security Administration is forbidden from sharing tax information with other agencies.

### **Attempted fix**

Several members of Congress, including Rep. Elton Gallegly, R-Thousand Oaks, have tried to amend the provision. Most recently the failed Senate immigration bill, which also would have granted eventual citizenship to millions of illegal immigrants, sought to fix it.

"It would make it a lot easier," Valdez said.

Still, leaders of California industries that rely heavily on illegal labor, like agriculture and restaurants, say they aren't taking any chances. Trade groups that represent the sectors said they have strongly recommended that employers follow the new rules, regardless of the government's ability to trace its own threats.

"This is another tool in their kit," said John Gay, top lobbyist for the National Restaurant Association. The group represents about 1.4 million estimated employees in California, though it claims not to know how many are illegal immigrants. "It's easier to establish a violation with these rules."

Tom Nassif, president of the Western Growers Association, said he believes the new rules will cripple California's \$32 billion agricultural industry. About 70 percent of the state's estimated 450,000 farm workers during the peak harvest season are illegal immigrants, and Nassif believes most if not all will be fired by fearful employers.

"With that dramatic a loss, I think people stop producing," he said.

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