



## E-Verify/Shuler-Tancredolo Clips

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## **PROVIDENCE BUSINESS NEWS: R.I. employers face possible mandate on E-Verify**

[By William Hamilton](#)

PBN Staff Writer

Posted Apr. 21, 2008

<http://www.pbn.com/stories/31211.htm>

**THE SYSTEM “is not reliable. That opens up the door to increase discrimination claims against employers,” Cindy Butler, a spokesperson for the Rhode Island State Council of the Society for Human Resource Management, told PBN.**

### HUMAN RESOURCES

Human-resources advocate Cindy Butler says she supports creating a federal electronic employment-verification system to curtail illegal immigration, so long as it's accurate and reliable.

But Butler and the human-resource association she represents have a big problem with state legislation that would require employers to check the employment eligibility of newly hired workers through a national Web-based system called E-Verify.

Butler, government affairs director for the Rhode Island State Council of the Society for Human Resource Management, cites reports that the system, which uses the U.S. Social Security Administration's database, has a 4-percent error rate.

“The E-Verify system is not reliable,” Butler insisted last week, adding that she's heard the error rate climbs even higher in checks of legal immigrant workers. “That opens up the door to increase discrimination claims against employers.”

Nevertheless, the measure mandating all Rhode Island businesses with three or more employees to participate in the E-Verify system is now headed for a vote on the House floor as early as this week. An identical bill is under consideration in the Senate (S 2091) too.

The proposal is one of a slew this legislative session aimed at curbing illegal immigration, a controversial topic made all the more contentious last month when Gov. Donald L. Carcieri signed an executive order directing the R.I. State Police and prison and parole officials to work with federal immigration officials to crack down on illegal residents. ([READ MORE](#)) Carcieri also ordered state administrators and contractors working for the state to register for E-Verify.

The move drew emotional protests from immigrants' rights advocates.

The new E-Verify legislation takes Carcieri's order much further by not only expanding it to all businesses in the state, but also assigning fines for those employers that don't follow the measure.

“This is putting up a road block, drawing a line in the sand,” said state Rep. Jon Brien, D-Woonsocket, the prime sponsor of the House bill (H 7107). “If employers don't provide the opportunity for employment to illegal immigrants, then they'll go somewhere else.”

Brien said that would in turn ease the burden placed on social services, the health care and justice systems and education.

No one is sure exactly how many illegal immigrants live in Rhode Island, but estimates range from 20,000 to 40,000.

“I want [illegal immigrants] to say, ‘Don’t bother going to Rhode Island because they check there,’ ” Brien said. “Then it will become another state’s problem.”

A similar bill was approved by the House last year on the final day of the legislative session, but there was not enough time for it to be considered by the Senate.

This year, Brien’s bill may be headed for passage, but opponents in the R.I. General Assembly aren’t ready to give up. There’s a resolution before the House that would urge employers not to participate in the E-Verify program.

So far, the system, run by the U.S. Department of Homeland Security (DHS) in conjunction with the Social Security Administration, has been voluntary. Participating employers enter an employee’s information – such as date of birth, Social Security number, proof of identity – into the program’s Web site. The system also has a new photo-screening tool. Employers typically receive an instantaneous verification or a tentative non-verification.

About 75 Rhode Island employers already participate in the E-Verify system.

Under Brien’s bill, fines for not participating would range from \$500 to \$3,000, depending on size of the company’s work force.

Start dates also would vary, depending on the company’s size. Those with between 50 and 200 employees would be required to register by Jan. 1. Bigger companies would start July 1, 2009, those with less than 50 would start Jan. 1, 2010.

Those employees who don’t receive an instant verification will be given time to rectify the situation; otherwise the worker will be fired. A company could be fined \$50 a day for every non-verified employee on the payroll.

Opponents of the system complain that the system has a high error rate, returning non-verifications for those who should be eligible for work.

In fact, although some states have mandated using E-Verify, the State of Illinois last year prohibited companies from using the federal database because of accuracy concerns. The DHS has since filed a lawsuit attempting to invalidate the Illinois law.

Critics also assert that the initial registration process – which requires employers to sign a memorandum of understanding – takes too long, creating a burden for a small business without a human resources department.

Brien took issue with the charges of inaccuracy. He said 93 percent of E-Verify employment eligibility checks come back with instantaneous confirmations, and a majority of those not confirmed aren’t eligible to work.

Social Security officials have acknowledged that there are 17 million discrepancies in their database that would hold up an employee’s verification. But Brien said most of those errors are clerical and are easily rectified.

Brien also argued that registering for E-Verify is not too time consuming for a small businessperson; it takes about a half-hour to 45 minutes, he said.

Bethany Costello, a spokeswoman for the Greater Providence Chamber of Commerce, said in an e-mailed statement last week that the group is still researching the legislation and its potential impact on Rhode Island businesses.

Brien has found support from the Republican Carcieri administration. The governor's spokesman, Jeff Neal, said Carcieri backs the expanded usage of E-Verify to curb illegal immigration.

"The law must be enforced until Congress changes the law," Neal said, adding that Carcieri would support expanding the work visa program, as well as increasing the quota of legal immigrants allowed into the country.

In Arizona – one of a handful of states that has mandated that companies use E-Verify – reaction has been mixed.

Ann Seiden, spokeswoman for the Arizona Chamber of Commerce, said the business community opposed the law, which was enacted in January. "But it hasn't been as negative as originally feared," she said.

Business groups and immigration activists have challenged the constitutionality of the law, and the case is pending in federal court.

In the meantime, the Arizona Chamber is concerned that the law is already further shrinking an already tight labor market and that it might convince companies looking to move into Arizona to go elsewhere to avoid the issue, Seiden said.

"There are too many 'ifs' and 'buts' right now," she said. •

*Additional information on the R.I. General Assembly, including the House and Senate daily calendars and listings of measures introduced each day, is available at [rilin.state.ri.us](http://rilin.state.ri.us).*

*E-Verify – an Internet-based system formerly known as the Basic Pilot/Employment Eligibility Verification Program – is operated by the an Internet-based system operated by U.S. Department of Homeland Security's Citizenship and Immigration Services in partnership with the U.S. Social Security Administration. To learn more, visit [www.dhs.gov](http://www.dhs.gov).*

**DALLAS MORNING NEWS: In case of mistaken identity, wrong Pilgrim's Pride plant worker arrested, released**

11:07 AM CDT on Saturday, April 19, 2008

By DIANNE SOLÍS / The Dallas Morning News

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[http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-wrongman\\_19met.ART.State.Edition2.46bdb93.html](http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-wrongman_19met.ART.State.Edition2.46bdb93.html)

Federal immigration agents executing arrest warrants for workers at the Pilgrim's Pride poultry plant in Mount Pleasant arrested the wrong Jesus García at his home near the plant – despite his repeated assurances that he was a legal permanent resident.

Immigration and Customs Enforcement agents targeted workers at Pilgrim's plants in Texas and four other states, and by Thursday, had arrested 311 workers on identity fraud charges or immigration violations.

But that number's now been whittled by at least two people.

"We think it is a case of mistaken identity," said Fernando Dubove, Mr. García's attorney. "It is the wrong Jesus García. It is really tough when you have a common name."

Government agents were looking for John Jesus García, when they picked up the man with a similar name, his client Jesus García, Mr. Dubove said.

Assistant U.S. attorney Arnold Spencer in Tyler confirmed that an indictment had been dropped against Mr. García, a 27-year-old father of five daughters who had worked for Pilgrim's, one of the largest poultry processors in the nation.

In explaining the mix-up, Mr. Spencer said workers often present documents that look "very, very good" when trying to prove they are legally in the U.S.

"It is a challenge to determine if these documents are authentic," he said.

In the case of Mr. García, however, his green card was, indeed, real.

"It is a difficult problem," Mr. Spencer said.

Asked if federal authorities checked E-Verify, the electronic verification system to determine if a worker is using a proper Social Security number, Mr. Spencer said yes.

But E-Verify won't tell an employer if a worker is using an authentic Social Security number under the pertinent name – a fact that Pilgrim's Pride officials noted after the cascading chain of arrests began this week. Pilgrim's Pride hasn't been charged in the criminal investigation.

Late Thursday night, Mr. Garcia was back home with his wife and girls, in Mount Pleasant.

He said the ordeal was unpleasant, but he was grateful to his lawyer.

"I feel sad because of all that happened," he said. "I was not to blame for any of the charges they made."

A female worker was also released in Mount Pleasant, a community about 115 miles east of Dallas. Mr. Spencer wouldn't comment on her immigration status, saying the case was complicated.

In the meantime, he said many more workers named in the sealed indictment are now fugitives.

Among them: John Jesus García.

## **NEW AMERICA MEDIA: Immigration Laws Hit Businesses Hardest**

New America Media, News Report, Suzanne Manneh, Posted: Apr 17, 2008

[http://news.ncmonline.com/news/view\\_article.html?article\\_id=7194bb75c4ba443895404378af87d028](http://news.ncmonline.com/news/view_article.html?article_id=7194bb75c4ba443895404378af87d028)

*Editor's Note: Business owners are concerned that anti-immigration legislation could push them over the edge in an already weakened economy. Access Washington is a teleconference series offered by New America Media to ethnic media, linking them with experts and lawmakers on immigration law reform. Elena Shore is an editor for New America Media.*

SAN FRANCISCO — Legislation meant to crack down on undocumented immigrants will have the greatest impact on businesses, activists asserted on Access Washington, a New America Media-sponsored conference call with ethnic media.

“We are living in a volatile environment,” said Craig J. Regelbrugge, vice president of government relations and research for the American Nursery and Landscape Association, and chair of the Agriculture Coalition for Immigration Reform.

In the wake of several new state and local anti-immigration bills, such as Oklahoma’s recent HB 1804 and Hazelton, Penn.’s ordinance that bar undocumented immigrants from accessing housing, employment, and penalize employers for employing them, employers are fearful and confused about how to comply with these new measures and their repercussions.

Last year, 1,600 state laws addressing immigration were passed, and even more were approved at a local level.

“States passing their own (legislation) is not a solution,” asserted Angelo I. Amador, director of immigration policy for the U.S. Chamber of Commerce. Amador said that the federal government should be in control of this legislation since current legal conditions “leave employers with a myriad of regulations, where there should be consistency.”

For example, states and municipalities that are using E-Verify, an Internet identity tracker for employers to check the names and social security numbers of newly hired employees, conflict with other established federal, state, and municipal legislation.

In the case of Hazelton, Amador explained, employers are given three days to verify that their employees’ information is correct. If the information is erroneous, the employer is mandated to fire the worker. However, the same program under federal law, also known as basic pilot, stipulates that employers have 10 days to verify information before they must fire employees.

”If you were complying with the Hazleton law as it was written, you would be in violation of federal law, and if you were complying with the federal law as written, you would be in violation with the Hazleton law,” Amador said.

Additional complications arise in such states as Arizona and Illinois, which have different E-Verify stipulations: “If you’re an employer doing business in Arizona and Illinois,” Amador explained, “you have to devise a separate structure to do hiring in Arizona than Illinois.”

These conflicting laws and their enforcement are not the only causes for employer difficulties. The E-Verify system itself presents its own complications.

The E-Verify program “sounds good and you would think that with high technology it would be easily

done, but there are a number of problems with doing it," said Jim Harper, director of information policy studies at the Cato Institute and author of "Electronic Employment Eligibility Verification: Franz Kafka's Solution to Illegal Immigration."

The first problem, according to Harper, is that "4.1 percent of data in the Social Security Administration's (SSA) database is in error. That means that one out every 25 hired persons would receive a tentative non-confirmation, which means the information submitted by employer doesn't match what is in the SSA database and the employee must go to the SSA and straighten it out."

The second, and more troubling, drawback of using E-Verify, he explained, is that employees may claim different SSNs and acquire false documents to pass through the E-Verify check, which would "deepen fraud" in the system.

"That would obviously weaken the system as a prevention of illegal immigration, and would also cause problems for the American citizen or legal resident whose information it really was," Harper explained. "We'd have a lot of complication for the worker who's obeyed the law, who would also be dinged by the system, and perhaps prevented from working."

"You can't really sprinkle technology on deep running economic and social problems to make them go away, and that is what it (E-Verify) is trying to do," he said.

The system is also unfair to some small businesses that do not have a human resources department or high speed Internet capability, added Angelo Armado. "If you don't have high-speed Internet on your hot dog stand, then you're out of luck because you're going to have to figure out a way of doing of that kind of investment to verify yourself."

But experts say the farm industry is suffering most. "If Immigration and Customs Enforcement (ICE) wants high profile raids to convince the public that immigration enforcement is happening, what easier place to go than a farm?" said Regelbrugge. "This is leading to day-to-day decisions that are hurting agriculture and the agricultural economy. People may be deciding to plant less, harvest less, downsize their operation across the board or even move a portion of their operations to other countries."

"These anti-immigration initiatives are creating fear at a local level, and moving employees out," he said. "In Oklahoma, one of the major nursery employers in Eastern Oklahoma had 40 experienced workers leave, telling him they 'could no longer take the environment.'"

Employers are beginning to organize and voice their disapproval of these laws, and their concerns for their economic future.

"This legislation is framing employers as the problem, holding them responsible," said Regelbrugge, "and we need to get at employers to solve this problem."

The most powerful tool, he said, is for employers to sit with lawmakers and walk them through the economic implications of solving this poorly.

Regelbrugge compared the immigration crackdown to Prohibition: "If we regulate it tighter and tighter, we have to expect to see unintended consequences, whereas if we reconcile where we want to be with the rule of law intact -- and we can figure a way out to do that -- that's good for our economy."

## **NEWSWEEK: Crossing the Line?**

The economic price of Arizona's crackdown on illegal immigration.

Terry Greene Sterling

**NEWSWEEK WEB EXCLUSIVE**

Updated: 5:57 PM ET Apr 15, 2008

A year ago Roberto promised to pay a smuggler \$1,400 for safe passage from the Mexican border to Arizona, where he heard there was plenty of work. After a punishing three-day trek through the desert, the 30-year-old Mexican citizen arrived in Phoenix and quickly obtained two jobs, one as a baker and one as a dishwasher. With his \$580 weekly earnings, he paid off the smuggler and began sending money home to his wife and two children. He expected to live and work in Phoenix for years.

Like many of the state's estimated 450,000 undocumented immigrants, Roberto (who asked that NEWSWEEK withhold his last name) is reconsidering his plans. The reason: in January a controversial state law went into effect that harshly penalizes the 150,000 businesses that employ illegal workers. First offenders face a 10-day suspension of their business license, and second offenders may have their licenses revoked permanently. Meanwhile, Maricopa County Sheriff Joe Arpaio has been targeting illegal immigrants in a series of recent sweeps in the Phoenix area. The law—and the sheriff—have harsh critics. On April 4 Phoenix Mayor Phil Gordon asked the U.S. Department of Justice to investigate the sheriff for potential civil rights violations. Arpaio's sweeps are "publicity stunts in an election year," Gordon tells NEWSWEEK. "But they endanger the welfare of citizens and policemen alike."

Since the employer sanctions law went into effect, Roberto has been fired from one job because he had no documents. He quit his other job to seek higher-paying day labor, but that never panned out. Now he earns less than the meager \$120 a week he made as a construction worker back in Mexico. Roberto and others like him are leaving the city and moving to other states or back across the border. While reliable statistics are impossible to come by, area businesses are starting to feel the resulting labor shortage.

The law isn't Roberto's only foe. Anti-illegal-immigration activists have targeted the north Phoenix day labor center where he and others look for work. One of the activists is Al Roglin, 54. For the past few weeks Roglin and several other protestors have been using video cameras to record the license plate numbers and car makes of anyone driving into the center who they suspect might be a prospective employer. Roglin hands the information over to Arpaio's office. "There isn't a single person here who is opposed to *legal* immigration," insists Roglin, who says illegal immigrants are "vermin" invading the nation.

Both sides of the politically charged immigration issue see the Arizona law as a test case. Business groups and immigrants' rights activists are challenging the constitutionality of the law in the Ninth Circuit Court of Appeals in San Francisco. Julie Pace, a Phoenix attorney for business groups, says the law encourages businesses to use an unreliable federal database, called E-Verify, that wrongly passes some undocumented workers through the system, thus allowing them to work, while blocking other workers who actually have legal status. But the law's sponsor, state representative Russell Pearce, says the system is accurate and that the criticism is unwarranted. Pearce believes Arizona's new law will eventually be seen "the most effective and nondiscriminatory" anti-illegal-immigration law in the nation.

In the meantime, local businesses are suffering from an already tight labor market. Ann Seiden, a spokeswoman for the Arizona Chamber of Commerce, says the new law has had a "significant impact" on the migration of workers out of the state. "I can't emphasize enough that the labor shortage has been severe and continues to be severe," she says.

For example, David Jones, president of the Arizona Contractors Association, says about 35 percent of Arizona's 280,000 construction workers are Latinos, and even with a downturn in housing construction, it's hard to find workers. "We have created an atmosphere in which Latinos, whether legal or illegal, no longer feel welcome here," he says. The sheriff's sweeps involve deputies in unmarked and marked vehicles, on motorcycles, on horseback and in helicopters. Cars with Latino passengers are often stopped for minor violations, like broken taillights.

The "climate of fear in Arizona" has also caused longtime agricultural workers to leave, says Joe Sigg, director of government relations for the Arizona Farm Bureau, a statewide coalition of farmers and ranchers. In the Yuma area, where agricultural workers earn from \$10 to \$19 per hour, farmers couldn't find enough laborers to harvest their lettuce crop, Sigg says. Other farmers have stopped planting labor-intensive vegetables like lettuce in favor of mechanically harvested alfalfa and wheat, and some farmers are considering selling out altogether, he says. "If the agricultural industry can't get laborers, the land will be converted to other uses and we'll put our food production at the mercy of other countries," Sigg predicts.

The law's effects can also be seen in once thriving neighborhoods. Tom Simplot, a realtor and Phoenix City Council member who represents a heavily Latino district, blames the employer sanctions law and the fear caused by the sheriff's sweeps for driving immigrants out. Immigrant homeowners have "moved out in the middle of the night," he says, leaving behind empty houses that now attract vandals and drug dealers. Although there's no hard data yet, the sweeps have caused more migrants to leave the Phoenix area than other parts of the state, contends Michael Nowakowski, a Latino city council member. "It's scary and confusing and a waste of tax dollars," he says.

It will take six to nine months for the hard data from housing foreclosures and apartment rentals to confirm the exodus, says Phoenix economist Elliot Pollack. The true effect of migrant flight on the state's already tight labor force may be masked by the fact that Arizona is in the grips of its worst recession since the 1970s, Pollack says. "We know people have left town, but we don't know the effect, because the economy is weak anyway," he says.

The sheriff, who has concurrent jurisdiction to enforce laws in Phoenix and other towns in Maricopa County, says such criticism is unfounded; he's simply enforcing the law. Arpaio, who has worked out an agreement with federal authorities to catch undocumented immigrants, has turned over more than 11,300 illegal immigrants to the feds. Many of these immigrants were already in the county jail and were discovered during routine document checks. Arpaio's deputies have themselves arrested about 1,826 illegal immigrants. "I won't stop arresting illegals," Arpaio tells NEWSWEEK.

A proposed law allowing guest workers from other countries to enter the state legally is winding its way through the Arizona legislature. But it may not come soon enough for Roberto, who plans on returning to Mexico in a few weeks if he can't find work.

**YUMA SUN: Some immigrants leaving Arizona in face of employer sanctions law**

**BY LEAH DURAN, CRONKITE NEWS SERVICE**

April 14, 2008 - 4:51PM

[http://www.yumasun.com/news/carlos\\_41031\\_article.html/law\\_immigrants.html](http://www.yumasun.com/news/carlos_41031_article.html/law_immigrants.html)

AVONDALE, Ariz. - In the corner of a living room in a small house that he rents in this Phoenix suburb, Juan Carlos has piled six black garbage bags stuffed with clothes and housewares along with an old vacuum cleaner.

Juan Carlos, 50, said he will donate some of his possessions to a local church and send others to family in Mexico.

Unable to afford a moving truck and unsure of his future in Arizona, Juan Carlos is preparing to leave behind his wife and daughter, both undocumented immigrants, for a new state and a new life. Juan Carlos, who has a worker visa, declined to give his last name to protect the anonymity of his wife and daughter, who are in Arizona illegally.

"My plan is to go to Utah because I see a lot of problems here," said Juan Carlos, who has put his house on the market.

When he moved to Arizona with his family more than two years ago, it seemed like the perfect place to live. He found work as a golf course irrigator, and his wife landed a job at the local supermarket. His daughter formed close friendships at a local church.

Yet, increasing hostility towards undocumented immigrants and the fear of repercussions from Arizona's new employer-sanctions law has motivated Juan Carlos to seek a livelihood elsewhere.

"Our friends are leaving because they don't want to go to jail or wait for the new law" to be implemented, he said.

The law, which went into effect Jan. 1, requires employers to verify personal information of new hires against an online federal database of Social Security numbers and immigration records. Businesses that knowingly employ undocumented workers can have their business licenses suspended for 10 days for a first offense and permanently revoked for a second offense. States such as Georgia and Colorado have adopted similar laws.

Immigrants and immigration advocates describe a growing anxiety about the new law and increased immigration enforcement. As a result, undocumented immigrants - in numbers that aren't clear yet - are returning to Mexico or moving to Utah, Minnesota or other states where they hope the atmosphere is friendlier.

Juan Carlos has traveled to Utah twice in search of housing, jobs for himself and his wife, Lidia, and schooling for his daughter Monica, 20, who wants to be a photographer. He plans to move first and get settled. He hopes that his wife and daughter will follow later.

The move will pull him farther away from his son Carlos, 25, and other daughter, Carla, 26. Both attend the Sonora Institute of Technology Public University in Sonora, Mexico, and could not be persuaded to come to the United States. But with six of his friends already in jail for immigration-related offenses, Juan Carlos feels like he is running out of options.

"We tried to stay together near Mexico and come to visit them two or three times a year," Juan Carlos said. "You know, Utah is far away."

Juan Carlos said he and his family made a decent living as owners of a restaurant in the Mexican state of Sonora. But they left their home more than six years ago after being robbed at gunpoint several times, he said. They came to the United States hoping to find a peaceful life.

"A lot of people came just for a job, to make money and go back," he said.

"But people like us, we try to find a good life, work and peace."

Juan Carlos eventually hopes to become a U.S. citizen.

"We can lose anything - the job, money - but we want peace, and we want a unified family," said daughter Monica, who has moved with her family 14 times within the United States and Mexico in search of that ideal. "The division of families is too hard. We miss our friends and our family in Mexico, but we're trying to get a better life for us to live, the American dream."

Lately, that dream has turned sour amid increasing hostility toward undocumented immigrants. Juan Carlos and his family said they feel unwelcome.

"We feel like we're in a persecution," Lidia said in Spanish. "Not every Latin person is a criminal. We work hard, we pay taxes, we are good employees. We feel bad because we don't know when the police will come to the door and say, 'Who are you?'"

The number of undocumented immigrants who are thinking about moving away or who have already left is hard to pinpoint, said Luis Sosa, president of the Avondale committee of Immigrants Without Borders. Sosa also owns an automotive repair shop in Avondale.

"This is a big issue because if there's no work, there's no reason to be here," said Sosa, who knows 20 people who have left Arizona. "A lot of people left already, but most of them are waiting to see what's going to happen, how they're going to implement (the new law), how it's going to work."

Lisa Magana, an Arizona State University associate professor who specializes in trans-border Chicano and Latino studies, said the law is symbolic.

"The law does not make any real provisions for punishing employers and checking to see if identifications are fraudulent," Magana said in an e-mail.

E-Verify, formerly known as the Basic Pilot Program, cannot detect if an undocumented worker is using someone else's valid personal information.

Employers are required to submit I-9 forms on new hires but can accept documents that appear to be genuine without confirming their validity. Also, the law would forbid employers to use the system to check the citizenship status of current employees.

"The law is currently ineffective, mostly because you can show a fake ID," Magana said. "We don't have tamper-proof IDs in the U.S., so it is easy to circumvent."

While people are waiting to see how the law is enforced, it is already fulfilling its purpose of curbing the

number of undocumented immigrants in Arizona, said Ira Mehlman, spokesman for the Federation for American Immigration Reform.

He said the advent of the employer-sanctions law, along with other restrictive policies such as recent state initiatives cracking down on immigration like Proposition 200 and Proposition 300, have made it less appealing for immigrants to migrate illegally to Arizona or for those already in the state to continue to live here.

Proposition 200, passed in 2004, outlawed state services such as welfare for undocumented immigrants as well as making it a requirement to show photo ID to vote. Proposition 300, passed in 2006, left undocumented immigrants unable to receive in-state tuition at a state university or community college.

Workers choosing to leave generally are followed by their families, Mehlman said.

"One of the things I hear people complaining about is that families want to stay together," Mehlman said. "We can assume that if they want to stay together, the rest of the family will leave with the principal breadwinner."

Undocumented immigrants fear the division of families not only due to the employer-sanctions law but local police enforcement of federal immigration policies, said Sosa, who has already closed an automotive business he co-owned in Phoenix after police apprehended several undocumented workers.

"It's a combination that is going to be working altogether, because the state is basically closing its doors to undocumented immigrants," Sosa said. "These things working together next year is going to be devastating - a state of chaos."

Before the full effects of the law are felt, Juan Carlos hopes to be settled in Utah.

"Some place with security and where we won't have a problem with immigration - that's what we're looking for," he said.

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EDITOR'S NOTE: This story is part of "Divided Families," an in-depth reporting project by advanced students in Arizona State University's Walter Cronkite School of Journalism and Mass Communication, supported by a grant from the Howard G. Buffett Foundation.

## **THE PACKER: Budget estimate stalls border bill's momentum**

**By Tom Karst**

**The Packer** is the fresh fruit and vegetable industry's leading source for news, information and analysis.

<http://thepacker.com/icms/dtaa2/content/wrapper.asp?alink=2008-17250-336.asp&stype=topnews&fb=>

(April 10, 5:03 p.m.) Tens of billions of dollars in federal budget outlays would be needed if a tough new immigration enforcement bill becomes law, the Congressional Budget Office estimated in early April. And that may have stalled support for the measure, said Jason Resnick, assistant general counsel for Irvine, Calif.-based Western Growers.

Republicans have been trying to recruit fiscally conservative Democrats to support the Secure America Through Employment Verification, which would require employers to use the federal government's E-Verify system when new workers are hired.

If backers of the bill find 218 representatives in support of the bill in the House, the bill — also called The SAVE Act — can be brought up for debate without passing through the committee process.

Supporters have been stuck on 185 names on the discharge position since the first of April, however, and Resnick said the budget office estimate had slowed momentum.

Western Growers and other produce industry lobbyists are working to defeat the bill, which they say fails to protect Americans and other legal workers from the flaw in the E-Verify system. The legislation does nothing to provide legal paths for foreign workers to assist U.S. growers, Resnick said.

“They are about 33 votes away, and for now it looks like it has stalled,” he said.

However, he predicts the issue will remain active.

“I’m sure the anti-immigration folks will put on a full court press to get the final 33 signatures on the discharge motion,” he said. “We’re doing everything we can to oppose it.”

The April 4 budget office report said the act would decrease federal revenues by \$17.3 billion between 2009-18. The decrease would occur because the Congressional Budget Office said the legislation would result in an increasing number of undocumented workers being paid outside the tax system.

What’s more, the report said the SAVE Act would increase federal direct spending by \$30 million over that time period and authorize more than a \$10 billion increase in discretionary spending from 2009-13.

## **CYBERCAST NEWS SERVICE: Employment Verification Could Cost \$40 Billion**

By Monisha Bansal

CNSNews.com Senior Staff Writer

April 10, 2008

(CNSNews.com) - According to the Congressional Budget Office (CBO), a nationwide employment verification system - an effort to deal with illegal immigrants and potential threats to national security - would cost \$40 billion to implement and could result in more people being paid outside of the tax system.

The CBO [report](#) looked at the estimated cost to implement the Secure America through Verification and Enforcement (SAVE) [Act](#) of 2007 and found that the proposed legislation would cost taxpayers more than \$40 billion over 10 years.

The bill introduced by Reps. Heath Shuler (D-N.C.) and Tom Tancredo (R-Colo.) would implement a national employer verification system, known as "E-Verify," and mandate it for all new hires. It is currently poised to go directly to the House floor.

"E-Verify is bad policy for both employers and employees, and now we discover it would also be bad for taxpayers and senior citizens, costing more than \$40 billion in lost tax and Social Security revenue," said Tim Sparapani, senior legislative counsel for the American Civil Liberties Union.

"With less than 1 percent of employers participating in the optional verify program currently in place, it has already faced staggering bureaucratic problems," Sparapani said.

"Halting the expansion of such a system should be a no-brainer politically for any member of Congress hoping to keep their job. Retiring members voting for the bill would do well to remember they, too, could face ridiculous hiring delays of an E-Verified workforce," he said.

"The CBO's estimate should signal to House members that the Shuler-Tancredo E-Verify bill is the wrong approach to immigration policy. E-Verify should be scrapped," Sparapani added.

Roy Beck, CEO of the "immigration reduction" group Numbers USA, however, said the legislation is "worth the money."

"I would say that nothing that has been done so far comes close to being as important as what SAVE Act would do," he told Cybercast News Service.

"The number one thing that you could do is not at the border, but taking away the jobs from illegal aliens. That's primarily what it does. It makes it over a four-year period almost impossible for an illegal alien to hold a legitimate job," Beck said.

"Illegal aliens under this law would still be able to grab these really lousy underground economy jobs," he said. "But, in terms of legitimate jobs where they are taking these jobs away from American workers - that would pretty much come to an end after the four year phase-in."

According to the report, the legislation would result in lost federal revenue of \$17 billion over 10 years because more undocumented workers would be paid outside the tax system.

"It's kind of hard to believe that such a massive amount of corporations would decide to deliberately, willfully break the tax laws," he said.

Beck also said the numbers were suspect because the estimates were high and "didn't include any of the savings ... to American taxpayers once millions of illegal aliens leave because they can't get a job," referring to education, crime enforcement, and court costs.

"A mandatory national EEV (Employment Eligibility Verification) system would have substantial costs yet still fail to prevent illegal immigration," countered Jim Harper, director of information policy studies at the libertarian Cato Institute, in a policy paper. "It would deny a sizable percentage of law-abiding American citizens the ability to work legally."

"Deemed ineligible by a database, millions each year would go pleading to the Department of Homeland Security and the Social Security Administration for the right to work," he said. "By increasing the value of committing identity fraud, EEV would cause that crime's rates to rise."

Harper noted that "creating an accurate EEV system would require a national identification (ID) system, costing about \$20 billion to create and hundreds of millions more per year to operate."

"Even if it were free, the country should reject a national ID system," he said. "It would cause law-abiding American citizens to lose more of their privacy as government records about them grew and were converted to untold new purposes."

**DETROIT FREE PRESS: State legislators' proposals on immigration hit walls**  
**After years of getting tough, lawmakers cutting back**  
BY DANIEL C. VOCK • STATELINE.ORG • April 10, 2008

WASHINGTON -- The headlong rush of states into immigration policy may be slowing. In legislative sessions this spring, proposals in state capitols have been watered down, delayed or outright defeated.

State legislators, many frustrated with federal inaction on immigration issues, continue to dive into the debate over whether undocumented immigrants are entitled to driver's licenses, in-state tuition at state universities, public benefits and business licenses.

But this year, their actions have been measured or curtailed by governors or interest groups, especially compared with recent years, when state lawmakers presented a flurry of ideas and passed an unprecedented number of immigration-related laws.

In Indiana, Kentucky and Nebraska, get-tough proposals died in key committees. Ideas on the table included measures to shutter businesses that hired undocumented immigrants, enlist state police in federal immigration enforcement efforts and cut off public benefits to illegal immigrants.

Utah lawmakers had to make several concessions to win Republican Gov. Jon Huntsman's support of a law to prevent companies from hiring unauthorized workers. As a result, the law won't take effect until 2009, giving the state time to study its potential impact and Congress time to deal with immigration at the national level.

One area where states are taking a tougher stance is driver's licenses for illegal immigrants.

Oregon, Michigan and Maryland backed off previous policies that allowed undocumented immigrants to drive legally, a change prompted by concerns over fraud and compliance with the federal Real ID Act. That law aims to keep driver's licenses away from terrorists and illegal immigrants.

**A reversal from the past**

The year's legislative sessions are far from over, and immigration remains an issue in numerous states, including Alabama, Kansas, Missouri, Rhode Island and South Carolina. But even in those states, far-reaching proposals -- from barring undocumented students from attending public universities in Missouri to mandatory identification cards for all Alabama workers -- have run into trouble.

The cautious approach is a change from the last three years, when states competed to pass the strictest anti-illegal immigration law in the country. Arizona, Colorado, Georgia and Oklahoma all approved measures that cracked down on the problem.

Last year, 46 states enacted 194 new immigration-related laws, triple the number from the previous year, according to a tally by the National Conference of State Legislatures. The group hasn't released numbers for 2008.

But now business groups, which are mounting opposition to many of the measures, say they're better organized to fight proposals that threaten to shut down companies that hire illegal immigrants, as laws passed last year in Arizona and Oklahoma do.

### **Money problems a factor**

State budget woes and pocketbook issues also are overshadowing concerns about immigration. For example, Kentucky state Rep. Kathy Stein, a Democrat, cited the potential cost of a crackdown to state and local governments as one of the reasons that she, as the head of the judiciary committee, killed a bill there that included a wide range of measures to combat illegal immigration.

Shorter legislative sessions of election years and the increased time demands of campaigning also may be playing a role, observers say, by giving lawmakers less time to iron out disagreements.

"If I were a state legislator, I'd probably be more aggressive. But I can't say this is some sort of surrender to illegal immigration," said Mark Krikorian, executive director of the Center for Immigration Studies, which wants to further curb immigration.

So far, legal challenges to tough laws have been unsuccessful, but the fights continue. Business groups have taken the lead in trying to knock down the Arizona and Oklahoma measures, both of which punish businesses that don't use E-Verify, a controversial federal database to check the legal status of new hires.

### **Find this article at:**

<http://www.freep.com/apps/pbcs.dll/article?AID=/20080410/NEWS07/804100443>

## **HOUSTON CHRONICLE: Immigrant groups set to march in Houston on May 1**

Joining other demonstrations nationwide, downtown rally will target legislation that would add border agents, require employers to verify workers' status

By SUSAN CARROLL

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April 9, 2008, 4:50PM

Immigrant advocates in Houston on Wednesday called for supporters of comprehensive immigration reform to join a May 1 march downtown as part of a larger, nationwide protest.

The Houston march is scheduled to coincide with protests, marches and rallies across the country, said Maria Jimenez, a longtime Houston activist, calling it a "national mobilization." Organizers had no projected turnout for the march, which will start at 2 p.m. in front of the Mickey Leland Federal Building at 1919 Smith St., and end at Antioch Park at 1400 Smith St.

"We're inviting the community to stand up for itself," said Cesar Espinoza, an organizer with the Central American Resource Center in southwest Houston. "We need to fight laws that damage our communities and our families."

Organizers said they were hoping to bring attention to a bill pending in Congress called the SAVE Act, the Secure America through Verification and Enforcement Act, which would add an estimated 8,000 U.S. Border Patrol agents and require employers to use federal databases to verify the status of all workers. The SAVE Act offers no path toward legalization for the estimated 12 million illegal immigrants in the U.S.

Lorenzo Cano, associate director of the University of Houston Center for Mexican American Studies, said the act misses the crux of the immigration issue by focusing primarily on enforcement and ignoring the millions of immigrants drawn to the U.S. for work.

"Congress and the president have really dropped the ball on immigration in recent years," Cano said. "Particularly during the presidential campaign, we need to remind our elected officials that we cannot forget the needs and human rights of undocumented immigrants in the United States."

In 2006, hundreds of thousands of immigrants took to the streets in opposition to legislation sponsored by U.S. Rep. Jim Sensenbrenner, R-Wis. The legislation would have made living in the U.S. illegally a criminal, instead of civil, infraction, beefed up the Border Patrol and extended the international fence.

The Sensenbrenner legislation was credited as being the catalyst for the largest immigration marches in recent U.S. history. On May 1, 2006, hundreds of thousands of immigrants and their supporters took to the streets in major cities and small town across the country, including a turnout of about 10,000 in Houston. The bill passed the House, but not the Senate.

Anti-illegal immigration activists criticized the massive protests, saying immigrants were flaunting the fact that they broke laws, and then were demanding rights. One conservative blogger called the marches "parades of lawbreakers."

Pro-immigrant organizers declared victory after the Sensenbrenner defeat and massive marches, but said immigration worksite raids during the past two years have caused fear in immigrant communities and tempered turnouts at events and protest. The pro-immigrant movement has suffered a series of setbacks

and defeats in the past two years, as attempts to pass legislation with a legalization component have failed and cities and towns across the country passed their own legislation aimed at curtailing illegal immigration.

### **Small turnout last year**

Last year's May 1 demonstration in Houston was significantly smaller, with about 100 protesters, though a protest days earlier brought closer to 1,000, Jimenez said.

Recent steps taken by the Bush administration, including workplace raids and attempts to seize land along the U.S.-Mexico border to extend the fence, may help drive turnout for this year's May 1 march, organizers said. Jimenez said the SAVE Act, which has been dubbed a "baby Sensenbrenner" bill in activist circles, likely will also help bring out supporters of legalization.

"It looks like anti-immigration forces are moving forward (with the SAVE Act)," she said. "So it looks like we are going to move forward, too."

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## **WALL STREET JOURNAL: Crossings By Migrants Slow as Job Picture Dims**

**PAGE ONE**

**By MIRIAM JORDAN**

*April 9, 2008; Page A1*

The number of illegal immigrants apprehended along the U.S.-Mexico border is falling steeply, an indication that the economic downturn and beefed-up security could be deterring unauthorized crossings.

The U.S. Border Patrol said Tuesday that the number of apprehensions dropped 17% to 347,372 between Oct. 1, 2007, and March 31, 2008, from the same period in late 2006 and early 2007.

The drop was particularly stark in the Yuma sector in Arizona, with apprehensions plunging 76% to 5,909 people over that 150-mile stretch of the border. Tucson, the state's other sector with 262 miles of border, saw apprehensions drop 12% to 157,299. That state passed a law effective Jan. 1 that cracks down on employers who hire undocumented workers.

There is no way to measure the number of people who try to sneak into the U.S. from Mexico each year. Nor is there a precise way to gauge how many succeed or fail. Still, federal officials and many immigration watchers consider arrests at the border a key indicator of how many people are trying.

The Border Patrol and some experts say tougher measures and a greater number of agents on the ground are discouraging border crossings from Mexico. Experts also cite tougher state laws, particularly in Arizona. Economists and others point to another key influence: the state of the U.S. economy, in particular the ailing housing industry.

Francisco Lopez, a 43-year-old illegal immigrant and the parent of two U.S.-born children, earned about \$50,000 a year transporting construction material, but the work dried up and he now drives a taxi to make ends meet. "To live in America these days is to suffer," said Mr. Lopez, who lives in the Chicago area. "I'm not recommending to my friends back home that they come here. I'm thinking of leaving myself."

To the extent that the drop in apprehensions could be attributed to tougher border efforts, it could help Republicans who are campaigning this election year on an immigration crackdown. It could also embolden proponents of tougher laws, such as the one passed in Arizona, that impact both illegal immigrants and the businesses that employ them.

At the same time, ebbing numbers of new illegal immigrants could help defuse a tough election-year issue. Arizona Sen. John McCain, who has sewn up the Republican presidential nomination, has recovered from accusations that he isn't tough enough on illegal immigration, but he still faces doubts from within the party's base.

Arrests at the U.S.-Mexico border have been falling for more than two years. However, the dramatic drop in the first half of the fiscal year means that the number of apprehensions for the whole year ending Sept. 30 could dwindle to less than the 858,638 in fiscal 2007. That would be roughly half the nearly 1.64 million arrests during fiscal 2000, the peak year. Immigration experts also believe state laws to crack down on employers of illegal immigrants are discouraging attempts.

In Arizona, an employer-sanctions law has made finding work more difficult as companies start using an electronic system to verify worker documents. The state, currently the main gateway into the U.S. for illegal immigrants, has also stepped up enforcement beyond the border.

"Migrants are leaving Arizona because of employer sanctions," says Robin Hoover, director of Humane Borders, a Tucson-based group whose volunteers deliver water to crossers in the desert.

About 60% of all unauthorized workers in the U.S. are originally from Mexico, according to the Pew Hispanic Center. According to the U.S. Census Bureau, 14.4% of all Mexicans in the U.S. work in the construction industry. Census data don't fully reflect undocumented residents. Jeffrey Humphreys, director of economic forecasting at the University of Georgia, believes the latter figure would be substantially higher if illegal immigrants were fully taken into account.

"Enforcement at the border is a factor, but the primary motivation is economic opportunity," said Mr. Humphreys. "Those opportunities were disproportionately in home building, which has tanked."

Blue-collar workers who typically make \$5 a day in Mexico or Guatemala can make at least that much per hour in the U.S., and usually more. "The U.S.-Mexico labor market is one of the most efficient examples of the law of supply and demand," said Joshua Hoyt, executive director of the Illinois Coalition for Immigrant and Refugee Rights. "If the demand goes down in the U.S, the supply of people coming from Mexico goes down."

In another sign that the slowing economy is hurting many immigrants, regardless of their legal status, growth in money transfers home has slowed. Latin American and Caribbean immigrants sent \$66.5 billion to their home countries in 2007, about 7% more than in the previous year, according to the Inter-American Development Bank. It marked the first time that growth failed to reach double digits since the bank started tracking remittances in 2000.

Dawn McLaren, a research economist at W.P. Carey School of Business at Arizona State University who studies immigration, says that arrests of illegal crossers tend to fall a year before an economic downturn and begin to climb ahead of an economic boom. "I use the number of apprehensions at the border as a leading economic indicator," says Ms. McLaren.

According to her analysis of Border Patrol data, border apprehensions on a seasonally adjusted basis peaked in early 2000 and then began declining drastically. By March 2001, the nation was in a recession. In October 2001, border apprehensions, on a seasonally adjusted basis, reached a trough and then began an upward trend until September 2005, save for a sharp decline and rise in 2003 at the start of the war in Iraq.

Tougher economic conditions come as U.S. officials have stepped up enforcement at the border. In recent years, the government has dramatically increased the number of agents on the ground and boosted security by erecting vehicle barriers, three-layer fences and cameras at the border. It has also launched an initiative to prosecute and ensure jail time to unauthorized border crossers who previously were returned to Mexico only to try to re-enter within hours.

"We are controlling our border," said Ramon Rivera, assistant chief for the border patrol in Washington.

For many potential immigrants, that further complicates the economics of coming to the U.S. In the early 1990s, only a minority of illegal crossers hired a smuggler known as a coyote to get them into the U.S. However, as the government began clamping down on California and Texas, the immigrants have relied increasingly on coyotes to guide them through circuitous, riskier routes, often across the Arizona desert, immigration officials say.

The coyotes typically charge \$2,500 or more a person, up from about \$350 in the early 1990s in California or Texas, according to T.J. Bonner, president of the National Border Patrol Council, a union that

represents 13,000 agents. "The cost of being smuggled has increased dramatically," he said. "People are thinking more carefully before crossing the border."

In a sign of the slackening labor market, day-laborer corners in major cities across the country are crowded with frustrated job seekers.

José Luiz Centes, a day laborer in Los Angeles, says that he can barely scrape together \$400 to send to his family in El Salvador each month. A year ago, he says, he was sending \$300 to \$400 each week.

In the middle of packing boxes for a business owner on Tuesday, he said, "Life is very difficult. No one is hiring." At the day-laborer corner where he waits for work each day, there are sometimes 100 people vying for jobs. Most go home without a dime, he said.

Oscar Diaz, a Mexican who seeks work at a day-laborer gathering site in Orange County, Calif., said he is earning less than half what he made two years ago. "Employers are taking us for just a few hours," said Mr. Diaz, who does painting, gardening and handyman work.

**Write to** Miriam Jordan at [miriam.jordan@wsj.com](mailto:miriam.jordan@wsj.com)

## **ARIZONA DAILY STAR (Clocking In Blog): Small businesses bump into E-Verify obstacles**

Apr 8, 10:43 AM

Becky Pallack

<http://regulus2.azstarnet.com/blogs/clockingin/8616/small-businesses-bump-into-e-verify-obstacles>

Since I started reporting on the Legal Arizona Workers Act (a.k.a. the employer sanctions law) I have heard from small businesses who wanted to tell me the system stinks without getting their name in the paper. Can't blame 'em. Here are two examples:

- A woman who called me this morning identified herself as a bookkeeper at a small business that until recently had been struggling. The business recovered and now has a need to hire a few new workers. A business of this size doesn't have a personnel department, of course. So Mrs. Bookkeeper signed up for E-Verify, but no part of the process was simple, she said.

She started to take the required tutorial and test, but each time the phone rang and took her away from her computer, the program timed out and took her back to the registration screen. After wasting a bunch of time doing this over and over, she called a hotline, jumped through hoops and eventually got through to someone who told her that she passed the test. Well, she never finished the test, but the person just passed her through somehow.

Now, Mrs. Bookkeeper tells me, she's getting wrong results for new hires who are U.S. citizens.

- Here's an e-mail I received in January from another small-business owner. I'm leaving his name off because I haven't received permission to print it.

Have you tried using the E-verify system? It's not as simple as you think. For small companies trying to comply with the law E-verify is too time consuming. To register with E-verify you have to read several pages of mundane information and take a test which needs to be passed before using the system.

Try registering for the system and let me know what you think. For Big Business it might not be a problem since they can assign one person to register and administer the system. But for a small company whose employees need to multi task as it is the time required to read the material is excessive.

Sounds like Homeland Security needs to come up with a pause button for the program so that a small business can take its time getting through the long registration process.

## **NEW YORK TIMES: Immigration Issues End a Pennsylvania Grower's Season**

By [PAUL VITELLO](#)

April 2, 2008

CLARKS SUMMIT, Pa. — As in politics, timing is everything in tomatoes.

Finding and keeping the field hands who can pick 10,000 tomatoes a day during the hot months of August and September is no less a test of organizational traction than any get-out-the-vote drive.

For 35 years, Keith Eckel, 61, one of the largest tomato growers in the Northeast, had the workers and the timing down to a T: seven weeks, 120 men, 125 trailer loads of tomatoes picked, packed and shipped.

This year, however, the new politics of [immigration](#) — very much on the mind of many of [Pennsylvania's](#) voters, even if overlooked by the presidential candidates campaigning in this state and around the nation — has put him out of business.

State, local and federal crackdowns on illegal immigration have broken his supply chain of laborers. Most of those were Hispanic men who had come every year for decades, and whose immigration status Mr. Eckel recorded with the documents they provided to him. He kept them all in the file cabinets at his neat farm office — the Migrant Seasonal Farm Worker Protection Act forms, the Labor Department's I-9 forms, the H-2A agricultural visa privilege forms — though he knew that, for the most part, it was a charade.

“It’s a ludicrous system,” he said the other day, sitting behind his desk in a light brown windbreaker that matched the fallow hillside beyond his office window here, 10 miles north of Scranton. “If the national statistics are correct, 70 percent of the documents in those cabinets are fraudulent.”

For years Mr. Eckel went along. “But in the current political climate,” he said, “I just can’t take the risk of planting two million tomato plants and watching them rot in the field.”

This is the crux of a tense, if largely unspoken, conflict between politics and reality in a state with 40,000 commercial farms. On many of those farms, crops requiring hand-picking are either not being put in this year, or are being planted by farmers who cannot be sure they will have the workers to harvest them, farm experts say.

Yet, in more than a half dozen state legislative races, getting tough on illegal immigration has become the premier issue in this state, as it has in many others.

In the 10th Congressional District, where Mr. Eckel’s 700-acre farm is located, the incumbent Democrat, Representative Christopher Carney, has made the enforcement of strong penalties for illegal immigrants and their employers a signature issue in a tough re-election campaign; Mr. Carney is one of two dozen incumbent Democrats singled out for defeat by the Republican Congressional Campaign Committee.

“Over the last couple of growing seasons, farmers have been feeling a tremendous amount of stress over the way this issue has been playing out,” said Gary Swann, governmental relations director for the Pennsylvania Farm Bureau. “And if people think all we have to do is raise wages and hire local workers, they are simply mistaken.”

Local workers will not do the job, Mr. Swann said.

It is a claim hard to verify, farm experts say, because harvesting “specialty crops,” as the federal government refers to anything that is picked by hand — in other words, not wheat, corn or other crops harvested by giant machines — has been the domain of migrant workers since the turn of the last century.

A temporary federal guest worker program, which briefly made hiring migrant farm workers easier, was not renewed by Congress last year in the rancorous debate over border security.

In Pennsylvania, as in many other states, lawmakers have instead busily penned a cascade of bills penalizing those who employ illegal immigrants and making it easier for the police to check their status and turn them over to federal agents for deportation.

Deportations are part of Mr. Eckel’s labor problem.

His labor contractor, Ray Vega, told him recently that he could only raise about 75 of the 120 men who have been harvesting his tomatoes. Some had been coming for decades, living in the simple cinder block dormitories at the edge of the Eckel property during the two-month season.

Since last year, however, some have been deported. Others have become too afraid to travel, Mr. Vega told Mr. Eckel.

“Guys are scared,” Mr. Vega said by telephone from his home outside Albany, Ga. “They could end up in jail.”

Neither the two Democratic presidential candidates nor the presumptive Republican presidential nominee have spotlighted the pressure brought on farmers around the country by the newly energized political consensus against illegal immigration.

After newspapers and television stations in the Scranton area publicized Mr. Eckel’s decision to forgo planting tomatoes, he received a phone call from Senator [Barack Obama](#)’s agriculture adviser, Marshall Matz, who arranged a meeting for later this month.

But firestorms of protest have greeted nearly every proposal to regularize and temporarily legalize the supply of workers, like the immigrants who harvested Mr. Eckel’s crops. He said he did not expect anything to change until there was a broad new consensus about immigrant labor, which might never happen.

“I’m going to wait until February to decide whether I’ve planted my last tomato crop,” he said. By then, there will be a new president and a new Congress. But the tractors and seeding equipment in his warehouse will not wait forever. Their resale value is good for another year at most.

“This is all about economics,” added Mr. Eckel, who served as president of the state farm bureau for more than a decade until the mid-1990s, and whose office walls are decorated with photos of himself shaking hands with [Ronald Reagan](#) and the two presidents Bush. “I’m not trying to make some political statement.”

If one were to want to, though, three weeks before a state presidential primary would be good timing.

## **VIDA EN EL VALLE (Fresno/Stockton): E-Verify Immigration Program Draws Criticism**

[Vida En El Valle](#), News Report, Martín E. Martinez, Posted: Apr 06, 2008

Via New America Media

SACRAMENTO -- A pilot Internet program that verifies the legal status of job candidates for 52,000 participating employers in a handful of states could expand rapidly into the rest of the nation.

California is one of the few states that have implemented the E-Verify program, which experts say, could become mandatory in the near future.

"We've seen this pilot program rapidly expanding in the last few months and, according to some estimates, it could be implemented as a permanently mandatory measure since it has the support of both Republican and Democrat officials," said Jim Harper, director of public policy for the CATO Institute, a research firm.

Harper joined other immigration analysts at a national telephone press conference in which he discussed the matter at great length.

Roughly 10,000 new companies a week are participating in E-Verify, according to USCIS figures.

The system checks personal data of a potential employee for the company. This information is gathered through a database from the Social Security department.

If a job candidate's Social Security number does not match the database information, the employer has the right to deny the applicant the job.

However, this system stirs up another array of concerns among experts and community groups across the nation.

According to Harper, E-Verify intrudes individual privacy, which is illegal in this country. Furthermore, it is widely accepted that Social Security Administration staffers commit many errors that could harm U.S. citizens while entering data, he argued.

As a result, he explained, at least one out of 25 people applying for a job could be harmed due to the misspelling of a name or a typo on his or her actual Social Security number.

For Tyler Moran, director of National Immigration Law Center, this system could result in the termination of "innocent" people who in turn could sue the company using E-verify.

"I think the real consequences are not being taken into account, which eventually could harm a great number of workers who have nothing to do with undocumented immigration," he said.

Last year, Illinois passed a law restricting the use of this program because it was deemed 'not reliable'. On the flipside, Arizona approved a measure making use of the system mandatory.

Angela Kelley, director of Immigration Policy Center, said the implementation of E-verify puts U.S. citizens at risk.

"If this project becomes mandatory throughout the country, for the first time in the history of this nation every (U.S.) citizen would have to ask the government for permission to work," she said.

Kelley pointed out that last year a private agency hired by the Social Security Administration, found out that naturalized U.S. citizens are more prone to have errors in their database information than U.S.-born citizens.

"Almost 10 percent of naturalized (U.S.) citizens have received notifications about some error in their data since many of them, after their naturalization, don't notify the Social Security (Administration) of their new citizenship status," she said.

According to Kelley, many Republican leaders, who historically have opposed illegal immigration, are collecting signatures in support of a bill that will require employers all over the nation to use E-Verify.

Government agencies, employment agencies, food plants and technology companies are among the California employers that voluntarily have enrolled in the program, according to a list obtained by Vida en el Valle.

USCIS director Emilio González supports this program which, he says, is a very useful tool for the workforce in the nation.

"This program is a key component to promote integrity between job verification and our workforce," he said in a prepared statement. "I congratulate the thousands of employers who have adhered to this program since they make a positive impact on the security of our nation."

As part of the 2009 fiscal package, President George W. Bush is asking for \$100 million for E-Verify, in addition to recruiting more staff to implement it in the state of New York.

**MEATINGPLACE.COM (CattleNetwork.Com): Immigration Bill Could Cost \$30 Billion Or More By 2018: CBO**

4/8/2008 5:58:00 AM

The widely supported Secure America Through Verification and Enforcement (SAVE) Act of 2007 could cost \$30 billion or more to implement between 2009 and 2018, according to estimates by the Congressional Budget Office.

That total includes more than \$17 billion in lost tax revenues, as the bill's mandatory verification of employment eligibility through the E-Verify system prompts employers to pay more undocumented workers outside of the tax system; \$30 million in direct spending on the salaries of new federal judges called for by the bill; and more than \$23 billion in discretionary spending, subject to appropriation, on the government's increased use of the E-Verify system, additional personnel, more detention space, grants and other costs.

The bill, officially tagged H.R. 4088, would impose private-sector mandates, the cost of complying with which would, based on data from the Bureau of Labor Statistics, exceed federally established thresholds for unfunded mandates in at least one of its first five years. It also would impose intergovernmental mandates, but the CBO expects that the aggregate costs to state, local and tribal governments complying with those would not exceed annual thresholds.

"The CBO report provides just one more reason why AMI opposes [H.R. 4088]," Janet M. Riley, American Meat Institute's Senior Vice President for Public Affairs and Professional Development, told **Meatingplace**. "At a time when the federal budget is limited, there is talk of a possible recession looming in some quarters and the meat and poultry industry is under duress from high grain inputs and trade barriers — shackling businesses with an unfunded federal mandate is not wise."

For more information and the complete table of estimated cost breakdowns by year, [click here](#).

By Lisa M. Keefe on Tuesday, April 08, 2008 For **Meatingplace.com**.

## **LOS ANGELES TIMES: Arizona slams door on illegal immigrants**

Some citizens have been bruised, too, as the state cracks down.

By Nicholas Riccardi  
Los Angeles Times Staff Writer  
April 5, 2008

PHOENIX — As it has become the favorite entry point for undocumented migrants trying to sneak into the United States, Arizona has become a laboratory for whether a state can single-handedly combat illegal immigration.

In recent years it has barred illegal immigrants from receiving government services, from winning punitive damages in lawsuits and from posting bail for serious crimes. A new state law shuts down businesses that hire illegal workers. And the sheriff of Maricopa County, which includes Phoenix and three-fifths of the state's population, dispatches his deputies and volunteer "posses" to search for illegal street vendors or immigrants being smuggled through the county.

"What I love about what Arizona is doing is we don't have to rely on the federal government," said state Rep. Russell Pearce, a Mesa Republican who has authored most of the toughest measures. "It has truly woken up the rest of America that states can fix that problem."

The campaign has had an effect: Illegal immigrants complain it's impossible to find good work and are leaving the state.

It has also taken a toll on some U.S. citizens.

Juan Carlos Ochoa, a naturalized U.S. citizen who lives in an upper-middle-class subdivision near Phoenix named Laguna Hills, can't find a job because a government database classifies him as a possible illegal immigrant. Pauline Muñoz, a 39-year-old mother of six who was born in Phoenix, has been afraid to leave her apartment since being held by sheriff's deputies for 15 hours for a driving infraction -- an example of what she believes is racial profiling.

And businesses that cater to immigrants both legal and illegal report a huge drop in sales, increasing the drag on the state's already troubled economy.

"There used to be so many people they would fight for parking out there," said Omar Flores, 31, manager of La Mexicana market in western Phoenix. Now the grocery store is mostly empty.

Economist Dawn McLaren of Arizona State University said that part of what's pushing immigrants out is the collapse of the state's housing-based economy. In the construction sector, which employs many immigrants, 10% of jobs have vanished over the last year as home prices have plunged.

The economic woes are magnified by the employer sanctions law, which has led some businesses to say they won't expand in Arizona, McLaren said. "It exacerbates the downturn," she said.

No one knows how many immigrants have left the state, and the most recent government figures show Arizona growing robustly -- as of July, Maricopa was the fastest-growing county in the nation.

But enough immigrants have left that the government of Sonora, the Mexican state bordering Arizona, has complained about how many people have arrived on its doorstep.

Pearce says the overall effect has been undeniably positive for Arizona. "Smaller class sizes, shorter emergency room waits," he said. "Even if [illegal immigrants] are paying taxes -- and most of them aren't -- the cost to taxpayers is huge."

The biggest effect has come from the new employer sanctions law, which took effect in January.

The law is fairly straightforward.

Any business caught hiring illegal immigrants is put on probation. If it is caught doing the same thing again, the state revokes its business license.

The only defense for an employer is if it used E-Verify, a federal pilot project to allow businesses to confirm the legality of their laborers.

The law did what it was supposed to with Jorge Hernandez, a 32-year-old illegal immigrant from Mexico. He had been working in a Phoenix tire shop for years when in December his bosses told him they'd have to let him go because of the new law. Now he struggles to support his family by working as a day laborer and is thinking of leaving.

"I've been in Arizona for 11 years," he said. "This is the worst one. For those years I worked every day. I had money, I had a car."

Hernandez dreams of moving to New Mexico, where friends have told him the economy is stronger and sentiment against illegal immigrants weaker. "They don't have E-Verify there," he said in Spanish.

E-Verify has at least one significant flaw -- its treatment of naturalized U.S. citizens.

Between October 2006 and March 2007, about 3,200 foreign-born U.S. citizens were initially improperly disqualified from working by E-Verify. Their status was later corrected.

Because many did not register their citizenship with the Social Security Administration, they are often listed as possible illegal workers.

That's what apparently happened to Ochoa, 47, who became a citizen in 2000. He quit his job as a car salesman at the end of last year and got hired by a local Dodge dealership in February. Days later, his new employers called him with bad news -- E-Verify classified him as a possible illegal immigrant. He only had a couple of days to convince Social Security that he wasn't.

He had lost his naturalization certificate, so Ochoa took his U.S. passport, Social Security card, driver's license and Arizona voter identification card to the local Social Security office. He was told he'd have to request new papers from the Department of Homeland Security, which could take up to 10 months.

"I love this country, I'm happy in this country," said Ochoa, a father of two, who escaped eviction this month only because a church group paid his rent. "The guy who made this law, I don't know him. He's started destroying a lot of families."

Katherine Lotspeich, acting chief of the agency that runs E-Verify, said officials will introduce a number of changes, starting in May, to make it easier to fix the problems that Ochoa and other naturalized citizens have encountered.

"The last thing we want is to have people who are naturalized citizens deal with this cumbersome process" to get paperwork, Lotspeich said.

She added that Social Security should have accepted Ochoa's passport as proof of citizenship.

Local law enforcement efforts, meanwhile, have drawn complaints about racial profiling.

For the last two years, Maricopa County Sheriff Joe Arpaio has been testing how far a local law enforcement agency can go in combating illegal immigration. His deputies and trained volunteers have detained more than 1,000 illegal immigrants, many of whom were stopped for minor infractions and then asked about their immigration status. State legislators this month moved toward passing a law requiring all local police departments to start fighting illegal immigration.

"I believe that if you get tough," Arpaio said, illegal immigrants "will disappear."

Immigrant-rights groups and attorneys have complained that Arpaio's attack on illegal immigrants leads to Latinos constantly being asked about their citizenship status. Some cite Muñoz's case as an example of perils to Arpaio's approach.

Muñoz was held for 15 hours after being stopped on a speeding violation in Phoenix in December. Deputies discovered she did not have a driver's license. She was placed in a van with several arrested illegal immigrants, taken to jail and held for several hours of processing before a judge released her.

"It's only because of the way you look," Muñoz said. "Even though I'm from here, I don't feel safe to go out and do anything."

Sheriff's Capt. Paul Chagolla, a department spokesman, said Muñoz was detained for driving without a license. She was kept with the illegal immigrants because "when we run an operation we don't always have transport" for individual suspects, he said.

Arpaio said that there have been few specific complaints of profiling and that his deputies ask suspects about immigration status only when they see a possible crime committed.

He has no apologies for his tactics or their contribution to a flight of illegal immigrants from Arizona.

"The more who leave, the better," he said. "They shouldn't be here in the first place."

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## STATELINE.ORG: States think smaller, slower on immigration

By Daniel C. Vock, Stateline.org Staff Writer  
Thursday, April 03, 2008

The headlong rush of states into immigration policy may be slowing. In legislative sessions this spring, ambitious proposals in state capitols have been watered down, delayed or outright defeated.

State legislators, many frustrated with federal inaction on immigration issues, continue to dive into the debate over whether undocumented immigrants are entitled to driver's licenses, in-state tuition at state universities, public benefits and business licenses.

But this year, their actions have been measured or curtailed by their governors or special interest groups, especially compared to recent years, when state lawmakers presented a flurry of new ideas and passed an unprecedented number of immigration-related laws.

In Indiana, Kentucky and Nebraska, get-tough proposals died in key committees. Ideas on the table included measures to shutter businesses that hired undocumented immigrants, enlist state police in federal immigration enforcement efforts and cut off public benefits to illegal immigrants.

Meanwhile, Utah lawmakers had to make several concessions to win Gov. Jon Huntsman's (R) support of a new law to prevent companies from hiring unauthorized workers. As a result, the law won't even take effect until 2009, giving the state time to study its potential impact and Congress time to deal with immigration at the national level.

Mississippi passed a tough hiring law that threatens businesses with loss of state contracts and their licenses for violation. But Gov. Haley Barbour (R) cited a long list of concerns with the measure and urged legislators to change the statute.

One area where states are taking a tougher stance is driver's licenses for illegal immigrants.

This year, Oregon, Michigan and Maryland backed off previous policies that allowed undocumented immigrants to drive legally — a change prompted by concerns over fraud and compliance with the federal Real ID Act. The federal law aims at keeping driver's licenses from terrorists and illegal aliens.

The U.S. Department of Homeland Security [threatened](#) to make Maine residents subject to additional screening at airports under Real ID, citing flaws in how the state issues driver's licenses to illegal immigrants. Gov. John Baldacci (D) [said](#) he would try to limit licenses to people in the country legally, and, with that assurance, federal officials backed off the threat on Wednesday (April 2).

North Carolina and Tennessee rescinded similar policies since 2006, and a public uproar, led by Republicans in the New York Senate last fall, stopped then-New York Gov. Eliot Spitzer (D) from letting undocumented residents drive legally.

The year's legislative sessions are far from over, and immigration remains a hotly debated issue in numerous states where lawmakers are still meeting, including Alabama, Kansas, Missouri, Rhode Island and South Carolina. But even in those states, far-reaching proposals — from barring undocumented students from attending public universities in Missouri to mandatory identification cards for all Alabama workers — have run into trouble.

The cautious approach is a marked change from the last three years, when states competed to pass the strictest anti-illegal immigration law in the country. Arizona, Colorado, Georgia and Oklahoma all approved groundbreaking measures that cracked down on the problem..

Last year, 46 states enacted 194 new immigration-related laws — triple the number from the previous year, according to a [tally](#) by the [National Conference of State Legislatures](#). The group hasn't released numbers for 2008 yet.

The issue had also been a hot topic on the campaign trail for states that had elections in 2007. It played an especially [prominent role](#) in elections in Mississippi and Virginia.

But now business groups, which are mounting strong opposition to many of the measures, say they're better organized to fight proposals that threaten to shut down companies that hire illegal immigrants, as laws passed last year in Arizona and Oklahoma do.

State budget woes and pocketbook issues are also overshadowing concerns about immigration. For example, Kentucky state Rep. Kathy Stein (D) cited the potential cost to state and local governments of an immigration crackdown as one of the reasons that she, as the head of the judiciary committee, killed a bill there that included a wide range of measures to combat illegal immigration.

Shorter legislative sessions of election years and the increased time demands of campaigning may also be playing a role, observers say, by giving lawmakers less time to iron out disagreements.

"If I were a state legislator, I'd probably be more aggressive. But I can't say this is some sort of surrender to illegal immigration," said Mark Krikorian, executive director for the Center for Immigration Studies, which wants to further curb immigration.

Krikorian suggested that policymakers in other states may be waiting to see whether tough policies adopted by states such as Arizona and Oklahoma will survive court challenges.

So far, legal challenges to those laws have been unsuccessful, but the fights continue. Business groups have taken the lead in trying to knock down the Arizona and Oklahoma measures, both of which punish businesses that don't use E-Verify, a controversial federal database to check the legal status of new hires.

One of the central arguments in all of the legal cases is whether states went too far and intruded on the federal government's turf in trying to regulate immigration.

Angelo Amador, the director of immigration policy for the U.S. Chamber of Commerce, credited businesses with using lobbying and the threat of lawsuits to resist legislation requiring more employer check-ups on new hires.

Barbour, the Mississippi governor, urged legislators to retool a law they sent him that requires companies to use E-Verify, or face being sued, losing state contracts or their business licenses. The system has faltered in 8 percent of queries when confirmation requires further efforts, which can last for weeks, often because of outdated information, according to the [Government Accountability Office](#).

Barbour asked lawmakers to consider letting companies use other ways of proving the legality of their workers.

“Mississippi’s economy is growing; we have record employment. We don’t want American citizens or others legally here to lose jobs because the verification system is technologically flawed,” he said in his bill-signing [statement](#).

Illinois legislators are reworking a law they passed last year that prohibits companies from using the same federal database. They’re trying to strike a deal that would convince the U.S. Department of Homeland Security to drop a lawsuit it brought trying to invalidate the Illinois law.

Both Iowa and South Carolina lawmakers have also discussed other ways of verifying new hires’ legal status, mainly by using other forms of identification.

But South Carolina Gov. Mark Sanford (R) has grown frustrated with those efforts, threatening to stall any law’s enactment. He [criticized](#) separate measures that passed the state House and Senate as ineffective and too weak.

In other states, momentum for sweeping immigration legislation slowed for a variety of reasons.

In Utah, the governor opposed a proposal to cut off in-state tuition to undocumented college students and to forbid illegal immigrants from driving legally, and those provisions were dropped from legislation. Huntsman approved an employee verification law, but it takes effect in 2009, after the next U.S. president has a chance to address immigration with Congress.

Tensions over immigration legislation ran high in Indiana, as Hispanic groups and the business community opposed a worker verification law. One Spanish-language newspaper even called the bill’s sponsor, Sen. Mike Delph (R), “*El Diablo*” (the devil) in print. With Gov. Mitch Daniels (R) staying on the sidelines, the proposal languished at the end of session.

Nebraska Gov. Dave Heineman (R) and Attorney General Jon Bruning suffered an embarrassing defeat when their joint effort to cut off benefits — including in-state tuition — to undocumented immigrants failed in a committee of the one-chamber, nonpartisan Legislature.

When the two officials held a press conference to criticize the judiciary committee for bottling up the measure, one of the committee’s members, Sen. Ernie Chambers, crashed the party. Chambers, who is black, grabbed the microphone and accused the governor of “riding a crest of racism” to win support for the crackdown on illegal immigration.

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## **ASSOCIATED PRESS: Immigration bill creates concerns among sheriffs**

By Carl Manning

The Associated Press

Published Wednesday, April 02, 2008

House and Senate negotiators expect to agree on immigration legislation, but county sheriffs are worried about spending more money to keep illegal immigrants in jail.

The Senate version says illegal immigrants arrested for crimes face specific bail amounts, ranging from no bail for the most serious felonies, such as murder, to \$10,000 for certain misdemeanors. In between, bail could be \$25,000, \$50,000 or \$250,000, depending on the severity of the crime.

The Kansas Sheriff's Association is urging negotiators to rewrite the legislation to allow a judge to consider all factors in deciding whether the mandatory bail requirements are appropriate in each case.

"Jail overcrowding already exists in the urban counties of Kansas, and this amendment only serves to increase the jail space problem and fiscal burdens experienced at the county level," Johnson County Sheriff Frank Denning said in a letter to negotiators on Tuesday.

Because the two chambers were in session throughout the day, the three House and three Senate negotiators were unable to meet. They planned to sit down today to start work.

Rep. Arlen Siegfried, the House's lead negotiator, said that the sheriffs raise a valid issue.

"That is an issue of high concern. I'm very concerned about it," said the Olathe Republican, a retired police officer. "I'm concerned about the unintended consequences to local governments."

Denning said that last year his county received only 30 percent of the actual costs to house 127 illegal immigrants.

He said that in 2005 his jail held 44 illegal immigrants and their average stay was 93 days. That cost was \$428,476, but the county received only \$130,457 from the federal government, he said.

Siegfried said if federal officials won't pick up illegal immigrants sooner, "all they are going to do is run up expenses for the counties."

"If you put a \$250,000 bail on an illegal immigrant, their ability to post bail is limited," he said.

Sen. Pete Brungardt, his chamber's top negotiator, agreed that counties are concerned about the costs and it is an issue negotiators will have to work out. Even so, he was confident an agreement will be reached on the bill.

"There's a pretty strong interest by legislators to address immigration. With that as a premise, I think we'll reach agreement," the Salina Republican said. "Legislators on both sides want to say they have something they voted on."

Siegfried also voiced optimism, saying, "If everybody wants to get a bill out, usually the result is that a bill will come out."

Brungardt said one issue his side wants to address in the House bill creates criminal penalties for businesses that illegally treat any workers — not just illegal immigrants — as independent contractors instead of employees.

The Kansas Chamber of Commerce and other business groups oppose that provision, which has been pushed for years by unions. Classifying a worker as a contractor means employers don't have to pay benefits for them.

"We're willing to look at their concerns," Siegfried said.

Both chambers made it unlawful for illegal immigrants to collect public assistance except where allowed by federal law. They also created various crimes such as human trafficking, coercing employees and exploiting an illegal immigrant.

Each chamber has its own approach to dealing with employers who hire illegal workers.

The House bill says a first violation requires employers to agree not to do it again and to attend a state training session. A second violation requires employers to use the federal E-Verify system to check on whether workers are in the country legally or be reported to the Department of Homeland Security.

The Senate bill makes hiring illegal immigrants a civil offense for businesses. Courts could order employers to stop hiring illegal workers, and the employer could be fined or jailed for contempt of court for not complying.

Originally, both bills mandated that employers use E-Verify and called for revoking business licenses for violators. But business groups complained and the bills were changed.

The House bill calls for all employers to start using E-Verify in 2011, when the Department of Labor would do the verifications, while the Senate proposal removed all mention of E-Verify. Both chambers dropped the idea of revoking licenses.

## **TULSA WORLD: Economic impact of HB 1804 estimated**

By GINNIE GRAHAM World Staff Writer

3/26/2008

The state bankers association says the loss could be \$1.8 billion.

If 50,000 immigrants leave Oklahoma, the state would lose about \$1.8 billion annually in productivity and wages, according to a study released Tuesday by the Oklahoma Bankers Association.

The group does not take a position on HB 1804, the state's new immigration law, said President and Chief Executive Officer Roger Beverage.

The study was commissioned after the association began hearing stories about banks seeing impacts such as loan defaults and halted housing developments.

"Bankers asked the question, 'Can we afford to do this? Does this make sense?' " Beverage said. "That is a question for the Legislature or someone other than us. It is information we think makes sense to consider. Reasonable people will disagree whether it's worth the savings."

House Bill 1804 makes it a crime to knowingly hire, house or transport illegal immigrants and took effect Nov. 1.

Economists Russell Evans and Kyle Dean, of Economic Impact Group in Edmond, wrote and researched the study. The model used is similar to one in Texas created about two years ago.

"We're not saying that it is a good bill or a bad bill," Evans said. "We have no comment on that. But from a purely economic standpoint, we wanted to see look at what the cost would be of removing them."

The Federation for Immigration Reform has estimated Oklahoma spends about \$207 million a year in public funds for illegal immigrants, mainly for education, emergency health care and incarceration.

The economists assume the number to be correct, Evans said.

Between 50,000 and 70,000 undocumented immigrants are estimated to be living in Oklahoma, the study states. The study gives a range of impacts based on the number of immigrants who leave.

In the short term, the impact ranges from a \$786 million annual loss if 25,000 immigrants leave, up to a \$3 billion annual loss if 90,000 migrate elsewhere, according to the study.

In the long term, Oklahoma would lose between \$637 million to \$1.9 billion annually, the study states.

"If you don't enter the impact of losing those workers into the discussion, then I think the discussion is somewhat distorted," Evans said.

"All we are trying to provide is what the lost outcome of productivity and lost income of those workers would be."

More House Bill 1804 impact studies are expected, Evans said.

"The academic community was a little behind with everybody else," Evans said. "The bill happened so fast

and became law so fast that the discussion about the impacts of the bill didn't begin until after it had been implemented and signed."

Rep. Randy Terrill, who sponsored House Bill 1804, disagrees with the study's conclusions including the impact of unemployed legal residents being able to assume those jobs.

Terrill, R-Moore, said the immigration issue is about more than just economics.

"It is about a fundamental respect for the rule of law, upholding our state and national sovereignty and about the immorality of employing cheap, illegal alien slave labor," he said in a press release.

Sen. James Williamson, R-Tulsa, also disagreed with the study. Williams said the Oklahoma economy is showing no evidence of a negative impact from the law.

Beverage said Oklahoma banks remain strong in spite of the challenges of the national credit crunch, depressed housing market, subprime mortgage meltdown and the Federal Reserve predictions that some community banks will fail in the next couple of years.

"In addition, Oklahoma banks have had to deal with the practical ramifications of the economic impact of 1804," Beverage said.

"You cannot confine the economic impact of 1804 to one sector of society or one classification of workers. Rather, it has an impact to workers in a number of different areas."

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**L.A. DAILY BREEZE: Immigration bill blasted by L.A. council**

POLITICS: Members vote 11-1 to oppose bill requiring proof of a legal right to work.

By Rick Orlov, Kerry Cavanaugh and Harrison Sheppard, Staff Writers

Article Launched: 03/26/2008 10:50:29 PM PDT

Tapping the hot-button issue of immigration in the region, the Los Angeles City Council and a group of community leaders on Wednesday denounced a federal measure that would require employers to verify their workers are in the country legally.

Calling it mean-spirited and intentionally divisive, the council voted 11-1 to oppose the measure proposed by Rep. Heath Shuler, R-N.C., which would beef up border patrols and use a computerized system to verify the legal status of job candidates.

"We have something more compassionate and humane from the National League of Cities that we would like to see implemented," Councilman Dennis Zine said.

"We deal with the issue of immigration, but in a way that recognizes the realities of the problem and just doesn't say we will ship 12 million people out of the country."

Zine, who chairs the immigration task force for the organization, said many of the people who are now considered illegal immigrants came to the U.S. legally on student or work permits and have subsequently been caught up in changes in the law.

"We all recognize the need for immigration reform, but this act goes too far," council President Eric Garcetti said.

"It will make it a crime for millions of workers whose only offense is they want to work and support their family."

The only council member voting to support the measure was Councilman Greig Smith. He did not say why he supported it.

Shuler and his representatives did not return telephone calls.

But the vote reignited heated debate as Ira Mehlman of the Federation for American Immigration Reform disputed the council's arguments.

"This is a sensible bill," Mehlman said. "We've had employer sanctions for 22 years and this is the first measure that tries to come up with a system of enforcement."

While there have been concerns over the database used to verify citizenship, Mehlman said efforts should be made to improve the information.

"No system is 100 percent foolproof and, if we wait for perfection, we will never have anything put in place," Mehlman said.

But representatives from a number of groups - including the American Jewish Committee and the Committee for Humane Immigration Rights in Los Angeles - have joined in opposition to the measure.

Seth Brysk, executive director of the American Jewish Committee, said he believes the measure is designed to divide the country.

"American Jewish Committee has long supported fair and generous immigration policies because we understand the struggle many immigrants face to pursue the American dream," Brysk said.

"This legislation erodes the very values on which our nation was built."

The council's vote came even as California Republican lawmakers reopened the statewide debate over immigration this week by unveiling a wide-ranging anti-illegal-immigration package they said could save money and preserve citizens' jobs.

While the bills were pitched as a "border security legislative package," they had less to do with tightening the borders than with regulating how undocumented immigrants are treated once they are living in California - from denying benefits such as tuition breaks to punishing employers who fail to screen for citizenship.

They also want to crack down on cities that do not aggressively enforce all aspects of federal immigration law.

"We have a lot of unemployed pipefitters, carpenters, domestic workers that are here legally," Assemblyman Bob Huff, R-Diamond Bar, the Republican caucus chairman, said in unveiling the measures.

"Those are the people we feel an obligation to help employ, rather than those that came in through the back door because we left it unattended."

Still, Democrats who control the Legislature are expected to resist most of the measures. Several Democratic lawmakers have proposed countering bills that would offer additional benefits to both legal and illegal immigrants.

And Steve Maviglio, a spokesman for Assembly Speaker Fabian Nu ez, D-Los Angeles, dismissed the Republican proposals as a political stunt in a presidential election year.

"Even Republican presidential nominee John McCain and President Bush would blush at this election-year drill solely designed to score political points," Maviglio said.

But the group of a dozen Republican lawmakers suggested their proposal could save the state billions of dollars at a time when it is facing a projected \$8 billion deficit for 2008-09.

"No one wants to cut services to foster kids. No one wants to cut education or reduce the number of police officers and firefighters on our streets," said Assemblywoman Audra Strickland, R-Westlake Village, who proposed a bill to cut nearly all state services to illegal immigrants.

"We need to take care of legal residents first as a way to look at balancing the budget."

Gov. Arnold Schwarzenegger has not taken a position on the Republican measures. His focus on immigration has been to demand more federal funding to help with the costs of incarcerating illegal immigrants and providing California National Guard troops to help patrol the border.

He has also asked for more federal border agents.

"The governor has been clear that the status quo is unacceptable," said Sabrina Lockhart, a spokeswoman for the governor. "The federal government needs to step up and secure our borders."

It costs California about \$800 million to imprison illegal immigrants, Lockhart said.

This year, the state expects to receive about \$111 million from the federal government for that purpose, a small increase from the \$74 million the state received when Schwarzenegger first took office, she said.

Schwarzenegger has also vetoed or sought to repeal measures to grant drivers' licenses and tuition breaks to illegal immigrants.

One of the newly proposed bills would crack down on so-called sanctuary cities that provide restrictions on how far city employees can go in enforcing federal immigration law.

Los Angeles, for example, has had Special Order 40 in place since 1979. The order prohibits Los Angeles police officers from checking the immigration status of suspects or witnesses.

Supporters say the measure is to encourage witnesses to crimes to come forward without fear of deportation. But critics say it has denied the police an important crime-fighting tool and enforces the image of Los Angeles as a haven for illegal immigrants.

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## **ATLANTA JOURNAL-CONSTITUTION: System to weed out illegal workers criticized**

Immigrant advocates cite errors in government's records

[http://www.ajc.com/business/content/business/stories/2008/03/25/everify\\_0325.html](http://www.ajc.com/business/content/business/stories/2008/03/25/everify_0325.html)

By [EUNICE MOSCOSO](#)

The Atlanta Journal-Constitution

Published on: 03/25/08

Washington — Forcing U.S. companies to use a government system to verify the legal status of employees would result in hundreds of thousands of citizens and legal residents being initially rejected for work, critics said Tuesday.

Immigrant advocates, business groups and experts said that the system, known as E-Verify, relies on faulty databases that were never designed as immigration enforcement tools.

Lawmakers in Congress and at state houses across the country are considering proposals to make E-Verify mandatory in an effort to stop illegal immigration. The program — previously known as Basic Pilot — is currently voluntary in most states.

"What they're really putting at risk is all U.S. citizens," said Angela Kelley, director of the Immigration Policy Center, in a conference call with reporters. "If these bills pass, for the first time we are going to find ourselves as a nation, all workers, asking permission of our government to work, to be able to hold a job."

In Arizona, a law implemented in January requires all companies to run new employees through E-Verify. Under the law, companies that knowingly hire illegal immigrants are subject to various penalties, including losing their business licenses. The U.S. Chamber of Commerce and other business groups have challenged the law, saying it is unconstitutional and interferes with federal immigration statutes.

Using the Internet-based system, an employer can check immediately whether employees are in the United States legally by comparing their information to electronic government records.

If the information doesn't match, the employee has an opportunity to correct the paperwork, often through a trip to the Social Security office. If the person can't correct the discrepancy, the employer must fire the worker.

Currently, more than 58,000 companies nationwide use the system and 1,000 are joining every week, federal officials said.

William Wright, a spokesman for the U.S. Immigration and Citizenship Services, said that 92 percent of all queries are approved in less than five seconds. Of the remaining 8 percent, the vast majority are not contested, he said.

Wright said that employees are given a "due process for correcting data mismatches" and that there are many reasons why a person's information would not match, such as a change in name or citizenship status.

Emilio Gonzalez, director of the agency, told Congress earlier this month that charges that the system is not sufficiently accurate and places hardships on workers are "not true."

"Less than 1 percent of new hires actually contest a mismatch," he said. "Most mismatches that are not pursued involve the E-Verify system doing exactly what it is supposed to do: detecting and deterring unauthorized employment."

But even a small error rate could lead to major problems if the system is mandated nationwide, said Jim Harper, director of information policy studies at the libertarian Cato Institute in Washington.

Harper, who sits on a committee that advises the Department of Homeland Security on privacy and data integrity issues, cited a 2006 report by the Social Security Administration's inspector general that said that the error rate of the agency's databases, which are used in the E-Verify system, is about 4 percent.

Nationwide, this would mean that 1 in 25 new hires would not receive an immediate legal match, or 11,000 people a day would have to get their papers fixed in order to work, Harper said. And many on the low end of the socio-economic scale would not be able to navigate that process, he added.

"That's going to push law-abiding American workers out the bottom of the economic spectrum," he said.

A study last year by a private firm contracted by Homeland Security showed that naturalized citizens are far more likely than U.S.-born citizens to be found not eligible to work.

About 10 percent of foreign-born U.S. citizens receive a "mismatch," often because they have not updated their citizenship status with the Social Security Administration.

An immigration enforcement bill in the U.S. House, sponsored by Rep. Heath Shuler, D-N.C., would mandate that all businesses use E-Verify within four years.

Supporters of the bill, including many Republicans who are tough on illegal immigration, are gathering signatures to move the measure directly to the House floor under a procedural maneuver. They need 218 signatures and have collected 181.

More than 50 proposals in state houses have also addressed the issue, said Tyler Moran, employment policy director at the National Immigration Law Center.

In Georgia, all public employers are required by law to use E-Verify. In addition, private companies contracted by the state must use it for new hires. The measures were part of an immigration law which went into effect last year.

Besides concerns about mismatches, critics said that an expansion of E-Verify would hurt small businesses that don't have the staff or technology to comply.

"Some small businesses would be forced to close their doors," said Jessica Johnson Bennett, government relations director at the Plumbing Heating Cooling Contractors Association.

## **KNXV-TV ABC 15 (Phoenix): Some Valley workers having trouble with E-Verify**

Reported by: [Christina Boomer](#)

March 24, 2008

Last Update: 7:01 am

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Abel Pacheco explains how things started getting tough in late December. "I was a truck driver and the economy started slowing down and I was forced to look for a job."

The employer sanctions law kicked in at the beginning of this year, which meant more businesses began using a free Internet-based system called E-Verify.

You might have noticed signs posted around Valley businesses.

It is operated by the Department of Homeland Security and the Social Security Administration and aims to allow participating business owners to quickly verify a person's social security number.

Pacheco claims the same system was keeping him from landing a new job.

He applied to eight different companies but no one called him back.

When he finally landed work his employer handed him a document.

"They call me into the office and say they checked on my social and it came up non-confirmed to work," said Pacheco. "My thought is I've become a citizen for eight years and why should I be struggling with the right to work."

Pacheco found out he is required to register his certificate of citizenship with the social security administration, something he says he never knew he had to do.

According to U.S. Citizenship and Immigration Services, Pacheco is not alone.

In fact so many naturalized citizens are receiving non-confirmation letters that the E-Verify system is being updated in two phases.

In phase one the system will check a person's social security number against the Department of Homeland Security's records on naturalized citizens.

The second phase will introduce a 1-800 number so people can quickly resolve any issues.

This should take effect this summer.

But for Pacheco, he says the harm has already been done.

As a modest family man living paycheck to paycheck Pacheco says those few weeks with out work forced his family into real financial trouble.

"I have to come home and see my wife in the face and my babies in the face and tell them you know that we're not in the same position we used to be, and its really hurtful, its very anguishing because that's the last thing a father wants to say to his family," explains Pacheco.

E-verify is only supposed to be used after an employer hires someone.

Registering your information with the Social Security Administration is your best bet to making sure Pacheco's mismatch doesn't happen to you.

## **WORKFORCE MANAGEMENT: Compliance Issues Put Recruiters on the Hot Seat**

Immigration and Customs Enforcement policy now entails an explicit shift to criminal arrests for workplace immigration law violations. Officers commonly stage raids at the workplace and then move straight to corporate headquarters.

**By Fay Hansen**

March 23, 2008

With immigration law enforcement actions rising, employers who have not trained their recruiters in new state regulations and federal I-9 compliance run the risk of stiff penalties and jail time.

Most experts agree that comprehensive immigration reform is dead in the current election-driven environment, and until new federal legislation is enacted, recruiters will be caught in the crackdown on undocumented workers that is sweeping across whole industries.

New draconian state laws and federal raids leave recruiters with responsibilities that can lead to violations with heavy penalties.

"We've never seen corporate executives go to jail before," notes Lynda Zengerle, partner and head of the immigration practice at Steptoe & Johnson in Washington. "Now it is commonplace."

Immigration and Customs Enforcement policy now entails an explicit shift to criminal arrests for workplace immigration law violations. In fiscal year 2007, ICE made 863 work-site criminal arrests of corporate officers, managers and contractors, up from 25 in 2002, and 4,077 administrative arrests, up from 485 in 2002. ICE officers commonly stage raids at the workplace and then move straight to corporate headquarters.

"We will continue to see an increase in enforcement," says Frieda Glucoft, partner and chair of the immigration and naturalization practice at Mitchell Silberberg & Knupp in Los Angeles. "It's a harsh climate. I-9 audits are exhausting. Most employers are very forthcoming and have good systems, but the rules change almost daily."

On November 7, the Department of Homeland Security published a new Form I-9 and a companion employer handbook. As of December 26, employers are in violation of the law if they are still using the old I-9 forms. "Some big companies are very organized and doing a very good job with compliance," Zengerle says. "They follow up with questions if they are uncertain about the requirements."

But other companies are in disarray, she adds.

"We are in a big mess because individuals are now responsible for hiring illegal aliens but they don't monitor the actions of their HR and recruiting departments. They just assume everything is in order, and some of these executives are going to jail."

### **State complications**

In addition to the new I-9 compliance issues, recruiters face a hugely complex collection of state laws. By the close of 2007, state legislatures passed nearly 250 new laws related to immigration. A new West Virginia statute sets stiffer penalties for employing unauthorized workers, including fines, jail sentences and revocation of business licenses. A 2007 Tennessee law also includes the temporary suspension of the employer's business license as a penalty for hiring illegal immigrants.

Arizona's new statute is the most severe, and the new model for states moving toward a crackdown. Under the Legal Arizona Workers Act, which went into effect January 1, all business owners in Arizona risk losing their state and local licenses if they knowingly or intentionally hire undocumented workers. Employers must check the legal status of new hires using E-Verify. An employer's business licenses can be suspended for 10 days for a first offense and revoked for a second offense.

The new law is already changing the face of recruitment in Arizona. Some employers are centralizing their recruitment functions to limit the risk that recruiters and hiring managers at individual locations may violate the law. Others have instituted a hiring freeze until recruiters complete training programs and establish controls to avoid violations.

With an estimated 350,000 undocumented immigrants working in the state and one of the lowest unemployment rates in the nation, recruiters in Arizona now face a huge challenge in filling jobs at the lower end of the pay scale. Widespread reports of immigrants relocating to other states or returning to their home countries indicate tighter labor markets ahead.

Lawsuits contesting the Arizona statute are still moving through the federal courts.

"If the Arizona law is upheld, we will see many states follow," says Bonnie Gibson, managing shareholder of Littler Mendelson's global corporate migration law group in Phoenix. "If these states adopt the same business license punishment, the stakes will be large. They have the power to wreak havoc at the local level."

### **Training programs**

For I-9 compliance, the federal government's June 2006 list of best practices is a good starting point, according to Betsy Stelle Morgan, partner and head of the international executive transfer practice group at Baker & McKenzie in Chicago. She suggests that employers should also analyze their workforce and their past experience with immigration, review their protocols for I-9 compliance and install an I-9 compliance officer. I-9 compliance is particularly important in the context of mergers and acquisitions.

Establishing strong policies and protocols for handling I-9s can help protect the company if there is an investigation. "Employers should take a proactive approach by establishing internal I-9 protocols and conducting both internal and external I-9 audits on at least an annual basis," Morgan advises.

Morgan has seen a notable increase in federal enforcement actions.

"The message from the federal government is that it will not only enforce the law, but it will also expose immigration issues to the media, with the potential for reputational damage to the company," she says.

Recruiters are now walking a fine line between immigration laws and anti-discrimination laws.

"For recruiters, the key is that immigration status is not ripe until an offer is extended and accepted," Morgan notes. The only permissible question until then is whether the candidate is authorized to work in the United States. Immigration status should not be a factor in the hiring decision.

Unnecessary verification may violate the Immigration and Nationality Act's anti-discrimination provisions.

"This creates a difficult situation, but careful training on I-9 compliance can help recruiters feel comfortable with the process," Morgan says. "The company should include in the I-9 training program all recruiters and employees who have contact with applicants and new hires through the onboarding stage."

Zengerle also advises employers to include all recruiters and employees involved in the hiring process in I-9 workshops or seminars.

"It's important to provide a focused session to get everyone on the same page for I-9 compliance," she says. "The time and money will be well spent and will save the employer heartache. Recruiters need to have their questions answered to avoid problems. The law is constantly changing."

The training program should walk recruiters through the I-9 documents.

"Many recruiters don't know what the documents listed on the back of the I-9s should look like and have no idea of what they should and should not accept," Zengerle says. "We've seen recruiters accept documents where the applicant pasted a new photo over an existing photo."

The training should include information on penalties so recruiters are fully aware of the consequences for improperly completed I-9s. To ensure that recruiters stay abreast of new developments, employers can sign up for the distribution lists of any number of law firms that send out bulletins on changes in immigration laws, Zengerle notes.

### **E-Verify**

With the spike in federal enforcement actions and new state laws, more employers are signing up for the federal E-Verify program as a safeguard in hiring.

"E-Verify may be a good fit for some employers," Morgan says. "Companies should review the memo of understanding for E-Verify to see if they need to register."

An employer who verifies work authorization under E-Verify establishes a rebuttable presumption that it has not knowingly hired an unauthorized alien, but E-Verify does not provide a safe harbor from work-site enforcement.

Zengerle advises all employers to use E-Verify.

"There's no downside, and it is an important step in compliance," she says. "Smithfield Foods, for example, lost a very significant number of its employees in ICE raids, but no one went to jail because the company had been using E-Verify for years."

Zengerle advises employers to sign up for E-Verify, not ICE's Mutual Agreement between Government and Employers (IMAGE) program. Launched in 2006, IMAGE employers use E-Verify and submit to ICE reviews of hiring practices.

"IMAGE requires the government to come into the workplace and audit all I-9s, and employers should be wary of this," Zengerle notes. "IMAGE is useful because it verifies all employees, unlike E-Verify, which only verifies new hires, but some industries would be shut down if employers used IMAGE. Agriculture is a good example. We would all be paying \$10 for a head of lettuce."

E-Verify continues to draw fire, however. Although Arizona's new law requires employers to use the system, Illinois passed legislation in August 2007 that barred its use, but then backed off after the federal

government filed a lawsuit challenging the Illinois law. Other states are actively debating the use of E-Verify. In the meantime, recruiters across the country face a barrage of conflicting requirements.

"We are looking at many Arizonas on the horizon," Gibson says. "Congress and the federal agencies are at fault, but they are never going to point the finger at themselves, and there is some employer-bashing going on here. It's nativist."

The broader problem for employers and recruiters is that the nativist sentiments fanned by the debate over illegal immigration spill over into issues concerning all work visas.

"You really need to divide the world of foreign nationals into two buckets: skilled and unskilled," Gibson says. "The risk we face is that analytically and legally, they are separate issues, but politically, they have become conflated."

HR executives and recruiters should be working to help shape public opinion on the immigration issue, Gibson notes. If the country goes the way of Arizona, recruiters will be looking at hundreds of thousands of open positions they simply cannot fill.

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**LAS VEGAS SUN: State illegal immigrant hiring law won't work**  
***Nevada is told federal role preempts effort to fine employers***

By *Timothy Pratt*

Sat, Mar 22, 2008 (2 a.m.)

An almost 6-month-old state law that calls for fining businesses employing illegal immigrants can't be enforced, an official said Friday.

The reason: The state attorney general's office says immigration is an issue for the federal government, not states. The law, AB 383, mostly focuses on combating the trafficking of immigrants, but includes a provision for the Taxation Department to fine employers whom the federal government has proved were knowingly hiring undocumented workers.

The law took effect Oct. 1. Dino DiCianno, executive director of the Taxation Department, wrote the state attorney general Sept. 6, asking whether federal law preempted the provision. On March 3, Senior Deputy Attorney General Karen Dickerson replied that federal immigration law "expressly preempts state and local laws which impose criminal or civil sanctions on employers who hire illegal immigrants, except through licensing and similar laws."

The result: "The letter of the law (AB 383) as written cannot be carried out," DiCianno said.

"I don't know where this leaves us now," he added.

Peter Ashman, a local immigration attorney and former chairman of the American Immigration Lawyers Association, Nevada chapter, called the attorney general's opinion "the right decision."

Enforcing immigration laws should be left to federal immigration officials, he said, adding that the measure, a first for Nevada, "reflects the frustration of state and local governments nationwide ... as they're trying to fill a gap."

The provision's story mirrors those of thousands of ordinances and laws on immigration nationwide: Constituents voice concerns about immigration and lawmakers move legislation forward with relatively little opposition, only to have an attorney general or outside lawsuits strike down the laws.

According to the National Conference of State Legislatures, 1,562 state bills on immigration were introduced in 2007 and 240 became law. Laws in Pennsylvania and Oklahoma have faced high-profile legal challenges.

Arizona is a notable exception. Its law allowing the state to take away the business licenses of employers who knowingly hire undocumented workers recently survived a challenge in federal court.

David Thronson, a founder of the immigration law clinic at UNLV's Boyd School of Law, said, "There is great political will to pass these bills regardless of whether they'll take effect." His students helped draft the part of AB 383 addressing immigrant trafficking.

"Whether they're enforceable or not, these laws speak to issues that motivate voters," Thronson said.

The bill's sponsor, Assemblywoman Marilyn Kirkpatrick, D-North Las Vegas, said AB 383 was "very important" to her and her constituents. She pointed to another provision that ordered the Business and

Industry Department to post a link on its Web site to E-Verify, the federal government's tool for verifying the Social Security numbers of workers.

"Our philosophy was there's got to be tools to verify Social Security numbers, and there's got to be ramifications," she said.

Kirkpatrick said she wouldn't comment further until she saw the attorney general's opinion.

For now, the ramifications or consequences of hiring illegal immigrants will be left to the federal government.

DiCianno said he would still forward any complaints about undocumented workers to the state attorney general. He intends to speak with the Legislative Counsel Bureau to determine what the next steps will be.

"Until I have that conversation, I'm not going to move forward. We need to do what's legally defensible and appropriate," he said.

Assemblyman Moises Denis, D-Las Vegas, one of three Hispanics in the Legislature, said he supported the bill, which passed unanimously in the House and Senate, because he thought the "provisions for trafficking were useful." He said he wasn't sure at the time whether the provision aimed at employers would work and he intends to look more closely at such provisions in the future.

"In any case," Denis added, "I have thought all along that the true solution to the problem lies in comprehensive immigration reform by the federal government."

## **DES MOINES REGISTER: Problems spotted in worker-ID bill**

*By JASON CLAYWORTH*

*REGISTER STAFF WRITER*

March 20, 2008

A legislative proposal to curb illegal employment of immigrants by requiring all new employees to obtain a Midwest-issued driver's license or identification card likely will face multiple constitutional challenges, several Iowa attorneys say.

Lawmakers leading debate on the bill disagree.

The bill, House File 2610, could be debated in the House as early as today.

An Iowa Poll conducted last month by The Des Moines Register showed that residents favor the Legislature taking action on illegal immigration. Fifty-five percent, of Iowans believe the state could most effectively deal with illegal immigration.

The issue has been debated nationally, but Congress has been unable to agree on reforms that address how to slow illegal immigration or what to do about the estimated 10 to 12 million immigrants illegally living in the United States.

Iowa House leaders this year have already redrafted the worker ID proposal once in an attempt to steer away from possible court challenges.

The latest version, however, continues to be dogged with flaws, according to two attorneys who reviewed the bill at The Des Moines Register's request. The majority of the problems center on the possibility that the proposal illegally narrows or pre-empts federal guidelines.

"I think if you could persuade a court that the intent is really to reduce unauthorized unemployment, then there is a problem, because it is inconsistent with (the federal Immigration Reform and Control Act) in several respects," said Barbara Schwartz, a law professor at the University of Iowa.

For example, she said federal rules give the employee a choice among a number of documents to prove they are authorized to work, such as a Social Security card or a birth certificate. The Iowa proposal would allow only a state-issued driver's license or identification card.

Originally, the proposal would allow an employer only to accept an Iowa driver's license or state-issued ID to verify an employee's legal status. Lawmakers have since agreed to accept IDs from surrounding states so people who live just outside the state aren't overly burdened.

Lori Chesser, a lawyer and head of the immigration department at the Davis, Brown, Koehn, Shors & Roberts law firm in Des Moines, also reviewed the bill. She noted that there are likely situations in which the proposal would inhibit interstate commerce, a violation of federal laws.

"It certainly is asking for a challenge," Chesser said.

Rep. Rick Olson, a Des Moines Democrat who plans to lead discussion on the proposal, said Wednesday that the idea is legally sound.

Olson noted ongoing federal rule changes that require states to adopt stricter authentication standards in

the licensing of drivers, which allow residents to continue to use their driver's license to board planes.

"It would seem to me if you have to follow that criteria to have a driver's license to board a plane, should we require any less for you to become employed?" Olson asked.

Olson, who is also a lawyer, said the proposal does not pre-empt federal law because it's based on a way to curb identity theft and applies to everyone, not just people who cannot legally work in the United States.

The plan also would not overly prohibit or slow down business, he added.

At least 45 states last year proposed roughly 250 measures that dealt with immigrants and employment, according to the National Conference of State Legislatures. Of those measures, 31 were enacted in 20 states.

One of the most aggressive laws that began this year is Arizona's, which requires employers to check all potential workers' legal status with a voluntary federal program. That law is being challenged by the American Civil Liberties Union, which says the law conflicts with federal law.

In addition, ACLU officials say the program has a high error rate that, in turn, violates the constitutional right of due process by failing to provide any meaningful opportunity to challenge its application.

"Arizona is shooting itself in the foot by aggressively pursuing this drastic and unprecedented sanctions regime that will harm innocent workers, close down businesses and increase discrimination against people of color," said Omar Jadwat, an ACLU Immigrants' Rights Project attorney.

Civil rights advocates in Iowa have made similar arguments to lawmakers this year.

A lobbyist for the Iowa chapter of the ACLU has registered against House File 2610. Other lobbyists for more than two dozen other groups or businesses including Principal Financial Group, the Home Builders Association of Iowa and the Iowa Chamber Alliance have also issued public opposition against the bill.

Only two groups had registered in favor of the proposal as of Wednesday afternoon: the Central Iowa Building and Construction Trades Council and the Iowa State Building and Construction Trades Council.

Bob Rigg, director of the criminal defense program at the Drake University Law School's Legal Clinic, questioned how the proposal would help reform immigration, even if courts uphold the proposal.

"I don't see how it would solve anything," Rigg said. "If people are giving employees false Social Security numbers already, how is this going to stop them?"

## **ARIZONA REPUBLIC: Economy serves up an unhappy meal**

Worst lull in 2 decades is hurting Valley restaurateurs

Ronald J. Hansen | The Arizona Republic

Mar. 3, 2008 12:00 AM

Arizonans aren't abandoning their affection for other people's cooking. But the restaurant industry in Arizona finds itself heading into stiff economic head winds.

A combination of rising prices, a faltering economy and legislation they didn't want has restaurateurs saying they have entered the most difficult time in more than two decades.

The problems have cut into profits, owners say, and put many expansion plans for a key sector of the economy on hold.

B.J. Hernandez, who co-owns the three Havana Cafes in the Valley, said she had planned to open another restaurant, but the current troubles have changed her mind.

"I would say it's off for at least a couple of years until I see a light at the end of the tunnel," said Hernandez, who employs about 40 people. "I feel the environment in Arizona has become so anti-entrepreneurial. If I could leave here, I would."

With 283,000 workers, Arizona's hospitality-and-leisure industry is larger than the state's contracting business, federal employment records show. But sales-tax figures tell the story of an industry and a state losing momentum.

In 2005, taxable sales at Arizona restaurants and bars grew 13 percent, according to the state's Department of Revenue. A year later, they grew another 10 percent.

In 2007, sales grew 4.4 percent.

The general downturn in the state's economy has affected nearly all businesses, but other forces have hurt restaurants in particular:

- Two recently enacted laws with broad popular support put special pressure on restaurants. The state's employer-sanctions law, which threatens to pull business licenses for knowingly employing illegal immigrants, has made filling some posts more difficult, owners say. They add that the law may have chased away immigrants who had been customers, too.

Meanwhile, a higher state minimum wage has pushed labor costs up rapidly. While relatively few workers made the minimum wage, employees who receive tips saw their guaranteed hourly wages climb from \$2.15 an hour to \$3.90 in just more than a year. Owners say this aspect of the law helps employees who already were doing well and cuts into restaurant profits.

- Gas and food costs also have risen sharply. But restaurant owners say increasing menu prices drives customers to their competition or keeps people home altogether. The problem is especially hard on smaller restaurants, which can't command discounts like chain operations.

- The public crackdown on drunken driving in Arizona not only has cut into alcohol sales but hurt dining out generally, owners say.

As an industry, restaurants generally have single-digit profit margins, say consultants and those in the business. This leaves it especially sensitive to shifts in the economy.

The industry still expects to grow \$400 million this year, said Steve Chucri, president of the Arizona Restaurant and Hospitality Association. If it seems impressive, it is actually a concern.

Two years ago, the industry grew \$700 million, and last year it grew \$600 million, he said.

"If you're growing and expanding by population growth only, then you're really not growing," Chucri said.

High-end restaurants are still seeing single-digit growth, Chucri said, but that has deteriorated markedly in the past two months. Mid-level table-service restaurants are losing customers to less-expensive fast-food and fast-service operations, or to the choice of eating at home, Chucri said. Gil Guggisberg, a consultant to prospective restaurateurs, knows well the pressures the industry is facing.

Liquor sales are down 20 percent, while the cost of food items is up about 10 percent, said Guggisberg, who is also a business-development manager for Shamrock Foods, the largest distributor in the state.

"It's certainly as challenging as I've seen it in my 40 years in the business," he said.

### **Sanctions law frustrating**

While the weak economy has hurt restaurants across the country, the state's sanctions law poses a unique concern.

Richard Melman, a Chicago-based restaurateur with 75 businesses across the country, recently scratched plans for adding a Scottsdale site.

"I was a little concerned about the law being passed regarding immigration," Melman said. "You put in \$3 million or \$4 million, and you can be shut down for a mistake. Why take a chance? I want to see how it plays out."

Melman, who has been described as "the Steven Spielberg of the restaurant industry" for his creative concepts and successful track record, said he had spent nearly \$100,000 for an Asian-themed restaurant and had hired designers and architects before walking away from his latest venture in Arizona.

Instead, he is opening it in suburban Washington, D.C.

Melman's case also points up one of the complaints raised by businesses in suing to overturn the state's employer-sanctions law.

Last year, Illinois lawmakers passed a law barring employers in that state from using E-Verify, the federal online program that checks employment eligibility, because it wasn't considered reliably accurate. Meanwhile, Arizona legislators passed the employer-sanctions law that virtually requires using E-Verify.

Melman said he frequently dispatches his trusted managers to help operate new restaurants, but the competing laws could make it impossible to follow the rules in both states. Each law is being challenged in court, and in both cases legislators are also weighing changes to their laws.

Whatever the final legal decision in either state, Melman heard enough to convince him not to expand in Arizona at this point.

"I really do like Phoenix," Melman said. "But we said, 'Not now.' "

### **High prices force change**

Ken Nagel, for one, scoffs at the E-Verify system.

The co-owner of Aunt Chilada's and the Rustler's Rooste, both in Phoenix , Nagel said he recently hired one of his daughters, who was born in the United States, and she flunked the eligibility check.

It was just another frustration in a changing environment. To cope with the higher cost of gas, suppliers are now charging delivery fees, Nagel said.

From corn and poultry to beer and tequila, items that are especially popular in Southwestern fare are getting pricey fast, owners said.

Hernandez, of Havana Cafe, said, for example, the cost of a 50-pound bag of flour nearly doubled overnight, from \$6.35 to \$12. Nagel said his revenues are up but his profits are down.

The turbulence has led Nagel and his wife, Candice, to branch out into catering special events like weddings in hopes of finding more stable work.

"People find the money for certain life experiences," Nagel said. "So we've retooled ourselves."

**Reach the reporter at 602-444-4493.**