

## **Illegal worker plan dealt a loss**

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**Byline:** By Javier Erik Olvera Mercury News

### **Body**

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**Dealing** a major blow to the Bush administration's crackdown on **illegal** immigration, a federal judge Wednesday put on hold new rules that would require businesses to fire employees whose names don't match their Social Security numbers.

U.S. District Judge Charles Breyer, warning that the push could hurt businesses and documented **workers**, issued a preliminary injunction to stop any penalties until he can hand down a final ruling on whether they are legal, probably in several months.

The effort, announced this summer, was the focus of a renewed push by President Bush to combat **illegal** immigration in the wake of Congress' failure to pass a comprehensive immigration reform policy. If the government mounts any appeals, the case could carry on through the 2008 presidential campaign and into the next administration, leaving the fate of the **plan** murky.

Breyer, in his 22-page ruling, said the **plan** "would result in irreparable harm to innocent **workers** and employers." He said it would place a financial burden on employers and lead to legal **workers** being fired because of errors.

Immigrant and employee rights advocates - pushing for a pathway to citizenship for the United States' estimated 12 million undocumented immigrants - hailed Breyer's ruling as a triumph.

"**Workers** scored a significant victory against the Bush administration," said Ana Avendano, an attorney with the AFL-CIO, one of several human rights, labor and business groups that sued in U.S. District Court in San Francisco to block the **plan**.

In a statement issued shortly after the ruling, the Department of Homeland Security, the agency assigned to enforce the penalties, said it was "disappointed" and that the Department of Justice is reviewing all options, including an appeal.

Judge 'overstepping'

Ira Mehlman, spokesman for the Federation for American Immigration Reform, a group calling for tougher border security, said the government should do just that.

"The judge seems to be overstepping his authority," Mehlman said, citing the 1986 Immigration Reform and Control Act, which made it unlawful for employers to hire undocumented immigrants.

Wednesday's decision presents yet another hurdle for the White House **plan**, which administration officials have conceded could be difficult to enforce because of communication gaps.

## Illegal worker plan dealt a loss

Among the challenges, activists and illegal immigrants said news of the plan, which has been well-documented in countries such as Guatemala and Mexico, hasn't kept people from entering the United States illegally. Also, in many cases, illegal workers could still hop from job to job without being caught.

The crackdown relies on letters that the Social Security Administration sends annually to employers who have several employees whose Social Security numbers don't match their names, either because of fraud or human error.

The so-called "no match" letters were largely ignored by employers until the Department of Homeland Security announced in summer that it would add another letter informing employers they had 90 days to fire workers whose IDs couldn't be verified, or face punishment, including fines and prosecution.

The Social Security Administration planned to begin mailing 140,000 no-match letters - affecting more than 8 million employees - to businesses across the country in mid-September.

But the lawsuit - filed Aug. 30 - led Breyer to bar the enforcement letters from being sent.

Breyer wrote that the plan would place a financial burden on employers by requiring them to develop a system to check mismatches and could result in the firing of people legally authorized to work in the country.

"There can be no doubt that the effects of the rule's implementation will be severe," Breyer wrote, noting that it could have taken longer than 90 days for some people to resolve errors between their Social Security numbers and names.

What's next

The Social Security Administration did not have an official statement, and is still considering whether to send the no-match letters, without the enforcement letters, as it has done for several decades, said spokesman Lowell Kepke.

Business leaders nationwide also were pleased with the injunction, saying, among other things, that it will buy them time as the nation pursues the next phase of immigration reform.

California's more than \$32 billion agriculture industry, which relies on immigrants for the majority of the 450,000 employees it needs each harvest, would have been among the hardest hit.

Experts estimate that as many as 70 percent of California farmworkers use false paperwork - known in the fields as papeles chuecos - to receive their weekly checks.

The California Farm Bureau - representing 92,000 farmers - is now looking at supporting several possibilities, including immigration policies that would allow field workers to continue working, as well as guest-worker programs.

"This gives us breathing room to look for other options," said Jack King, the farm bureau's national public policy director.

Contact Javier Erik Olvera at [jolvera@mercurynews.com](mailto:jolvera@mercurynews.com) or (408) 920-5704.

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