

Crackdown on employers isn't deterring border crossers

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Body

Ramon Morales timed it, and when U.S. **Border** Patrol agents weren't around, he ran.

He hurdled over rocks and sagebrush into the United States on Sept. 2 - about three weeks after he learned of a Bush administration plan to tackle illegal immigration by focusing on Social Security fraud.

Work would be hard to come by, but the president's plan to penalize **employers** who hire illegal immigrants wasn't enough to scare off the 35-year-old married father, who said the federal plan actually prompted his trip across the **border**.

The reason? He believes the plan - stalled by a lawsuit claiming a violation of workers' rights - will force Congress to reconsider immigration reform and open a pathway to citizenship for anyone already in the country.

He's not the only one who has sought opportunity despite the announcement of the plan in August.

Activists and illegal immigrants say the plan, which has been well-documented in countries such as Guatemala and Mexico, hasn't scared anyone.

"It's not enough to force people away," said Maria Marroquin, executive director of the Day Worker Center of Mountain View, adding that illegal immigrants are willing to face almost anything to improve their lives.

"I couldn't be afraid," said Morales, of the Mexican state of Oaxaca, where he earned \$5 a day in the fields and now earns about \$50 a day from odd jobs around the South Bay. "There's too much at stake to lose."

Katie Quan, associate chair of the University of California-Berkeley Center for Labor Research and Education, said she was not surprised that the new policy does not appear to be stopping people from crossing the **border**. In the past, the government has sent threatening "no match" letters to **employers** with workers whose Social Security numbers don't match their names, Quan said - with little effect on the number of people who cross the **border** illegally.

"I think you really have to look at a variety of factors," including jobs that pull people to the United States and political or economic factors that push people out of their home countries, Quan said.

The Department of Homeland Security and Department of Commerce's plan was intended to push illegal immigrants out of the country by going after **employers** who keep them on their payrolls.

The plan, unveiled Aug. 10, focuses on the Social Security Administration's "no match" letters sent out each year to businesses that have employees whose Social Security numbers don't match their names.

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It's estimated that at least half - and as many as 80 percent - of the roughly 12 million illegal immigrants living in this country have used false Social Security numbers to secure jobs.

Letters were ignored

Employers have overwhelmingly ignored the letters in the past. The plan lacked enforcement, something the latest plan aims to correct by imposing \$2,200 fines on **employers** who do not fire workers with problem Social Security numbers within 90 days of being notified of the no-match.

The enforcement was supposed to go into effect Sept. 14, with Social Security officials sending no-match letters to 140,000 **employers** across the country, including 35,000 in California.

But the letters won't go out till mid-October, when a judge is expected to rule on a lawsuit filed by the AFL-CIO and other unions, the American Civil Liberties Union and the U.S. Chamber of Commerce, who contend people could be wrongfully fired.

Juan Vasquez is another newcomer from Mexico who is unafraid that he will get caught. There are ways to skirt the rules, he said, including hopping from job to job before no-match letters are sent.

"There are always jobs out there and people willing to hire us who know that we are not in the country legally," said Vasquez, 29, who is married and has a newborn. "We are here to work . . . and for nothing else."

The handyman from Durango argues that even if illegal immigrants are fired, U.S. Immigration and Customs Enforcement officials likely wouldn't go looking for them individually if they haven't committed serious crimes.

Privacy rules

Privacy laws also prohibit the Social Security Administration from sharing any information about employees' no-matches with immigration enforcement officials.

Immigrants like Eswin Cotuc, who sneaked into the United States from Guatemala in August, say they also could work as day laborers and get paid in cash.

"We didn't come here to steal anything. We came here to better ourselves and to get ahead," said Cotuc, 25, a married father of two who also works odd jobs. "I'm here to make money and help my kids become something - doctors, teachers, professionals."

Even so, advocates of stricter immigration laws say some **employers**, which have ignored the laws in the past, are finally starting to come around.

There will always be "people trying to play the system, but **employers** are beginning to get the message," said Ira Mehlman, spokesman for the Federation for American Immigration Reform, which advocates for tougher **borders**.

He points to Colorado, which imposed tough regulations on **employers** and fines of up to \$5,000 for failing to assure that the workers they hire are in the United States legally.

Experts have seen a drop in the immigrant workforce in Colorado, where a new law also bars illegal immigrants from state services not guaranteed by the federal government (schooling and emergency medical care are guaranteed).

Veronica Carrizales, a labor specialist at the UC-Berkeley labor research center, questions whether enforcement could result in some **employers** using termination as a way to scare employees.

"What we could see is an increase of intimidation and harassment of workers," said Carrizales, adding that immigrants - both illegal and legal - could become more hesitant to speak out.

But illegal immigrants remain optimistic, willing to take risks as they await laws to change.

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"In my country, luck only happens to the rich - the rest of us have go to searching for it," Morales said.

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