

Posted on Wed, Aug. 08, 2007

IMMIGRATION

Immigration ID rule rankles Florida industries

The federal government is about to require companies to fire employees with discrepancies in their tax records or face penalties -- part of a crackdown on illegal immigration.

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A new federal crackdown on illegal immigration would force companies to fire employees whose Social Security numbers and names don't match government records.

If they don't, they would risk harsh penalties -- a move that could be devastating to key Florida industries.

Business people and immigration advocates say the new measure would wreak havoc on South Florida's construction, agriculture and hospitality industries, as well as snare millions of U.S. citizens because of inconsistencies in their Social Security records.

The Department of Homeland Security will release the new regulations in the coming days for employers who receive "no-match" letters notifying them of a discrepancy in an employee's tax records. Such irregularities may indicate a person is using a fake Social Security number or name to get work.

Currently, many companies ignore such letters. "Right now there is a lot of ambiguity because employers haven't been given guidelines . . . but we're going to eliminate any uncertainty and fix that by making it abundantly clear what employers should expect and how they should act," said DHS spokeswoman Veronica Nur Valdes. "Most employers have acted in good faith and taken measures, but some have ignored the letters and we're going to put an end to that."

The rule change will give employers a designated amount of time, likely 60 days, to work with employees to reconcile the inconsistencies. Otherwise, companies would have to fire employees or face stiff fines.

Of the 250 million wage reports the Social Security Administration receives nationally each year, about 10 percent belong to employees whose Social Security numbers don't match their names.

NURSERIES, FARMS

News of the change comes as another blow to Florida businesses already disappointed at Congress' failure to pass comprehensive immigration reform, which many employers hoped would expand guest-worker programs and provide a path to legalization for millions of undocumented workers.

"So many factors are conspiring to really hurt our industry. . . and then they're going to add in something like this and nurseries will be closing left and right," said Sanford Stein, president of the Miami-Dade chapter of the Florida Nursery, Growers, and Landscape Association. "It's a despicable situation."

Supporters of the change say it will attack illegal immigration at its source.

"The No. 1 reason people come here illegally is for jobs, and if employers are able to continue to employ illegal aliens we will continue to have an influx of illegal aliens," said Caroline Espinosa, a spokeswoman for NumbersUSA, a Washington nonprofit that lobbies for limiting immigration. "We are definitely glad the Department of Homeland Security is taking this step, because it is long overdue."

Under the current system, there is a presumption of innocence on the part of an employer who has received the no-match letters, said Enrique Gonzalez, who heads the Miami office for Fragomen Del Rey, one of the world's largest corporate immigration firms.

Right now, employers who act against workers with no-match letters are subject to discrimination lawsuits, not just from the workers themselves, but also from a unit of the Department of Justice that prosecutes immigration-related unfair employment actions, Gonzalez said.

But once the rule change goes into effect, employers would be forced to act. And that means industries such as agriculture, construction and hospitality will be hit hard, Gonzalez said.

"They're not going to be able to fulfill their contracts, pick the crops, build the houses," he said.

Turnberry Associates President Phil Goldfarb said the new regulations would shift to companies the "burden of monitoring immigration."

'POLICEMEN'

"It's unfortunate that it will potentially be passed on to us to be the policemen for immigration," Goldfarb said. "There has to be a bigger, better solution to this issue than just pushing it to the business community."

Turnberry employs thousands in the hospitality industry through its four hotels in the Aventura area, including the Fairmont Turnberry Isle Resort & Spa and four other properties in Orlando and Nashville.

Critics say such an enforcement sweep would also cause problems for the millions of U.S. citizens and legal residents who have discrepancies in their Social Security records because of name changes or clerical errors such as misspellings.

"Anyone who has a complicated name is likely to be a mismatch, and Hispanics especially are going to have problems because their last names are reported differently," said immigration lawyer Tammy Fox-Isicoff, who received no-match letters herself several years ago. "This will have a big impact."