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Employers brace for immigration rules

By Suzanne Gamboa and Anabelle Garay

Associated Press Writers

WASHINGTON --

Employers across the country may have to fire workers with questionable Social Security numbers to avoid getting snagged in a Bush administration crackdown on illegal immigrants.

The Department of Homeland Security is expected to make public soon new rules for employers notified when a worker's name or Social Security number is flagged by the Social Security Administration.

The rule as drafted requires employers to fire people who can't be verified as a legal worker and can't resolve within 60 days why the name or Social Security number on their W-2 doesn't match the government's database.

Employers who don't comply could face fines of \$250 to \$10,000 per illegal worker and incident.

"There's a lot of fear and anxiety about what this rule is going to mean, particularly in the agricultural sector," said Craig Regelbrugge, spokesman for the American Nursery and Landscape Association and co-chairman of the Agriculture Coalition for Immigration Reform.

For years, the Social Security Administration has sent "no match" letters to workers and their employers notifying them of the information discrepancies, to make sure money withheld from a person's paycheck is credited to the correct worker. The letters are not shared with other government agencies because of privacy laws.

Although employers are prohibited from hiring illegal workers, their responsibilities with the letters have generally ended with notifying the workers of the discrepancies and leaving it to them to deal with it.

Attorneys have warned many employers to be careful not to fire a worker because they got a letter, because the no-match could be the result of a typo in a name or number, a computer error, a name change that wasn't reported after marriage or other reasons.

But those who don't comply with the new rule could be deemed as knowingly hiring an illegal worker.

The Department of Homeland Security says the new rule provides guidance to employers on how to deal with workers who receive no-match letters and what to do - fire them - if

the issue is not resolved in 60 days and they can't verify their workers are legal. It gives employers who comply immunity from penalties if illegal workers are found at their business in an investigation or raid, said Russ Knocke, Homeland Security department spokesman.

U.S. Immigration and Customs Enforcement, a division of the Homeland Security Department, "is going to be tough and aggressive in the enforcement of the law," Knocke said. "You are going to see more work site cases. And no more excuses."

The administration trotted out the stepped-up enforcement plan last summer but put it on hold while the Senate debated an immigration reform bill.

That bill would have granted a chance at legal status for the estimated 11 million to 12 million illegal immigrants in the country and created a temporary worker program. It also would have required employers to verify the status of all their workers.

After the bill collapsed in Congress, employers started bracing for the tougher rule.

"Congress didn't act. They didn't do what they needed to do on comprehensive immigration reform. Now there's going to be some pain to pay, and Congress is not going to feel the pain right away, it's the communities (of employees), and that's a real shame," said Laura Reiff, co-chairwoman of the Essential Workers Immigration Coalition, a national group of business and trade associations.

For Mark Chamblee, the stricter rule could mean losing some of his 28 workers at his nursery in Tyler, Texas.

Chamblee suspects a few of his workers could have trouble with their Social Security numbers and said he will fire them if the problems aren't resolved.

"Of course, it would add to the workload for the other workers," he said. "It would reduce our production and our output. Not all of our demand would be met on our products. Operating costs would go up."

Ray Atkinson, a spokesman for Pilgrim's Pride Corp., confirmed that the country's largest chicken processing company recently fired employees at two Texas plants.

The company's policy "for some time now" has been to terminate employees who can't clear up discrepancies, Atkinson said.

"We're all very cautious and we're all very nervous," Chamblee said.

- [Department of Homeland Security](#)
- [Social Security Administration](#)