

September 2007



**ANNOTATED BIBLIOGRAPHY:
WORKSITE AND INTERIOR ENFORCEMENT
ISSUES**

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Contents:

Basic Pilot Employment Verification Program	2
Discrimination, Workers' Rights	4
Immigrants in the Workplace:	7
Interior Enforcement	11
Legislative Proposals	16
Operation Vanguard.....	22
Social Security Administration, IRS, ITINs, Taxes.....	26
SSA OIG Audit Reports:	38
Tyson's.....	39
US-VISIT and Biometrics.....	41
Wal-Mart.....	48
Worksite Enforcement and Employer Sanctions	51
US Labor Law Enforcement	60
Other Publications of Interest:	62
Immigration, Interior and Worksite Enforcement in Europe.....	65

Basic Pilot Employment Verification Program

“Basic Employment Verification Pilot: Memorandum of Understanding.”

Agreement to be signed by INS, SSA, and participating employers involved in the Basic Pilot Program.

Bunis, Dena. “Plan OK'd to check employees' legal status,” *The Orange County Register*, Nov. 20, 2003. <http://www2.ocregister.com/ocrweb/ocr/article.do?id=67551>

Reports on passage of legislation to expand the basic pilot program to all fifty states.

“Citizenship Attestation Verification Pilot: Memorandum of Understanding.”

MOU to be signed by INS and employer regarding this pilot program in which the employment authorization of only non-U.S. citizens was tested.

“Dear Job Candidate: Now We Can Check your Immigration Status.” *The Rockford Register Star, IL*, Sept. 19, 2005. <http://www.rrstar.com/apps/pbcs.dll/article?AID=/20050919/BUSINESS/509190307/1002>.

Reports on Basic Pilot program, describes concerns such as cost of implementing it nationwide, and problems with DHS not updating their databases quickly enough.

Gonzalez, Daniel. “Few Firms Use Migrant ID Service.” *The Arizona Republic*, June 11, 2005. <http://www.azcentral.com/news/articles/0611employers.html>

Description of Basic Pilot program, low numbers of employers who have signed up for it—4,385 nationwide as of June of 2005.

“House Decides Against Immigrant Program.” *The Associated Press*, Oct. 29, 2003. <http://www.washingtonpost.com/wp-dyn/articles/A34966-2003Oct29.html>

Report on vote by the House not to expand the Basic Pilot Program to all fifty states.

Institute for Survey Research and Westat. *Findings of the Machine-Readable Document Pilot (MRDP) Program Evaluation*. Submitted to DHS, May, 2003.

Evaluation of MRDP, which involved employers using a machine to read

information contained in a magnetic strip on state-issued identity documents and then transmitting that information to the SSA to verify whether the individual has work authorization. The program was tested in Iowa, the only state whose driver's licenses contained the necessary information to link to the SSA database.

Institute for Survey Research and Westat. *Findings of the Citizen Attestation Verification Pilot (CAVP) Project Evaluation*. Submitted to DHS, April, 2003.

Report on pilot project under which employers electronically verified work authorization only for new hires who claimed to be work authorized non-citizens. Participating states were Arizona, Maryland, Massachusetts, Michigan, and Virginia.

Institute for Survey Research and Westat. *INS Basic Pilot Evaluation: Summary Report*. Submitted to DOJ and INS, Jan. 29, 2002.

Includes evaluation of whether program was working as intended, the legislative objectives of the program, description of the basic pilot program, fulfillment of employer obligations, impact of the program on reducing discrimination, impact on employee privacy, associated burdens and costs of the program, options for the future and recommendations.

Moran, Tyler. "Statement to Senate Committee on the Judiciary on Employment Verification Systems in Comprehensive Immigration Reform." National Immigration Law Center, Oct. 18, 2005.

NILC analysis and concerns with making the Basic Pilot mandatory: continued database inaccuracies, lack of time for an employee to correct errors or contest a nonconfirmation (10 days isn't enough time), improper use of the system by employers to pre-screen employees, lack of privacy protections.

USCIS. *Report to Congress on the Basic Pilot Program*. June, 2004.

Provides a description of how the Basic Pilot Program works, lists a number of problems encountered, such as an unacceptably high tentative non-confirmation rate for work-authorized individuals, lack of full employer compliance which reduced effectiveness and resulted in discrimination against employees, and lack of interest from employers in participating voluntarily in such a program. Also details plans to expand the Basic Pilot and efforts to garner more interest among employers.

USCIS. *Findings of the Basic Pilot Program Evaluation, June 2002*. Chapter IV: Characteristics of Pilot States, Communities, Employers, and Employees. Washington, D.C.: USCIS, 2002. All Chapters Available at: <http://uscis.gov/graphics/aboutus/repstudies/piloteval/PilotEvalComplete.htm>

Data on population in the original five states that participated in the basic pilot program, Florida, Illinois, New York, Texas, and California, and on employers who signed up for the program and employees.

USCIS. *Findings of the Basic Pilot Program Evaluation, June 2002*. Chapter V: Employment Verification Outcomes from the Basic Pilot Program. Washington, D.C.: USCIS, 2002.

Includes highlights of outcomes of the program, numbers of workers processed, numbers found to be eligible to work, use of SSA and INS data to confirm work authorization.

USCIS. *Findings of the Basic Pilot Program Evaluation, June 2002*. Chapter VI: Employer Participation and Perceptions of the Basic Pilot. Washington, D.C.: USCIS, 2002.

Data on how employers were recruited to participate in the program, why employers chose to participate in the program, reasons for delaying installation of the basic pilot software, characteristics of users of the system, perceived advantages and disadvantages of using the program, and employer recommendations

Vitucci, Claire. "Tough Hiring Rules Sought." *The Riverside Press-Enterprise*, Dec. 14, 2004. http://www.pe.com/localnews/inland/stories/PE_News_Local_pilot15.57b8f.html

Article reporting on push for legislation to make the Basic Pilot Program permanent.

Wides, Laura. "U.S. Website Helps Screen for Illegal Workers." *The Associated Press*, Sept. 6, 2005, <http://www.chron.com/cs/CDA/ssistory.mpl/business/3338126>.

Article on basic pilot program, on how the verification process works, statistics on its usage, and concerns regarding its impact on legal immigrants authorized to work.

Discrimination, Workers' Rights

Aizenman, Nurith. "INS Raids Follow Union Organizing." *The Washington Post*, Dec. 6, 1999.

Reports on workers at a Holiday Inn Express who had signed union authorization cards, only to have their employer call the INS in to check their documents, and put many in deportation proceedings. Also mentions a case in which an employer

fired half his workforce, in the midst of collective bargaining negotiations, after receiving no-match letters from the SSA.

The Associated Press. "Justices to Hear Workers' Wage Case," Dec. 12, 2005.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2005/12/12/national/w080210S85.DTL>.

Reports on Supreme Court decision to hear case against Mohawk Industries that the company lowered employee wages by hiring illegal immigrants. The court must determine if the company can be considered a racketeering enterprise.

The Associated Press. "High Court to Study Illegal Alien's Injury Claim." Sept. 30, 2005.

<http://www.billingsgazette.com/index.php?id=1&display=rednews/2005/09/29/buld/wyoming/25-injury-claim.inc>.

Reports on case before the Wyoming Supreme Court on whether an unauthorized immigrant who lost his leg in a worksite accident has the right to sue the company he worked for compensation for the injury. Under state law, unauthorized workers are not eligible to receive workers' compensation benefits.

Brewington, Kelly. "New Orleans Rebuilds as Tensions Rise: Influx of Latino Workers Has Local Businesses and Contractors Feeling Left Out." *The Baltimore Sun*, Oct. 14, 2005.

Reports on possible hiring discrimination against local workers in favor of Latino workers for New Orleans clean-up jobs, as well as poor pay and treatment of workers due to the suspension of Davis-Bacon. One local janitorial company with a largely black workforce reported being passed over for clean-up jobs.

Crowder, Edward. "Hispanic Hiring Practices Queried." *The Connecticut Post*, Sept. 29, 2005.

Reports on claim made by an immigration restriction organization that McDonalds restaurants in Connecticut were hiring a disproportionate number of Hispanic workers, based on observations made in a number of restaurants.

Dell'Orto, Giovanna. "Mexican, U.S. labor officials vow to protect rights of immigrant workers - legal or not." *The Associated Press*, Nov. 7, 2005.

Reports on agreements between DOL Office of Trade Agreement Implementation and the Secretariat of Foreign Affairs in Mexico to improve protections for immigrant workers and ensure fair wage and hour standards for all, regardless of immigration status.

Emerling, Gary. "Lawmaker Seeks to Bar Illegals from Worker Coverage." *The*

Washington Times, Sept. 16, 2005. <http://www.washtimes.com/metro/20050915-101923-2126r.htm>.

Reports on legislation introduced in the Maryland State Legislature to prevent unauthorized workers from receiving workers' compensation.

Franklin, Stephen. "Latino Labor Risks Rise," *The Chicago Tribune*, Nov. 6, 2005.

Reports on a study done by the Illinois governor's office that found a much higher rate of on-the-job injuries in Latinos than in other groups of workers.

Gibson, William and Ihosvani Rodriguez. "Migrant Workers on Gulf Coast Face Exploitation." *The Boston Globe*, Oct. 17, 2005. http://www.boston.com/news/nation/articles/2005/10/17/migrant_workers_on_gulf_coast_face_exploitation.

Reports on underpayment and poor living conditions of immigrant workers recruited from states such as Florida to go to the Gulf Coast region and work on construction and other post-hurricane jobs.

Government Accountability Office. *Immigration Reform: Employer Sanctions and the Question of Discrimination*. Washington, D.C.: GAO, March, 1990. GAO/GDD-90-62. <http://archive.gao.gov/d24t8/140974.pdf>

Report on how the IRCA employment verification provisions impacted discrimination against certain applicants. GAO concluded that IRCA did increase discriminatory verification and hiring processes against applicants who appeared foreign.

Greenhouse, Steven. "Labor Department Wins \$1.9 Million in Back Pay for Janitors." *The New York Times*, Aug 26, 2004. <http://www.nytimes.com/2004/08/26/national/26target.html>

Article on case involving immigrant janitors working at Target stores as employees of a contractor who paid them in cash, with no overtime, worker's compensation, or contributions to Social Security.

Herrera-Piego, Pedro, and Alfredo Herrera-Piego, Matter of. USDOJ, EOIR, Immigration Court, New York, New York, July 10, 2003. Unpublished decision.

Case involving two workers detained during an ICE raid on the garment factory where they worked and placed in removal proceedings. Because ICE had disregarded an Operating Instruction to investigate whether the company, where the owner requested the raid, was involved in an ongoing labor dispute, the removal proceedings were terminated.

Immigration. AFL-CIO Executive Council position paper. Feb. 16, 2000.

Statement of AFL-CIO's position on immigration issues, such as reforms to the immigration system, issues of worksite enforcement and protection of immigrant workers, and guest worker programs.

Muzaffar, Chisti. "Immigration Law: Its Application in the Workplace." *Human Rights; Journal of the Section of Individual Rights and Responsibilities* 22 (1): Winter, 1995, 18-21.

Describes what employers need to do to comply with IRCA, with special attention to discriminatory hiring procedures and immigration-related unfair employment practices.

National Immigration Law Center and National Employment Law Project. "Basic Information Brief: Reverification." March, 2002.

Provides background information on who/when/how employers can request to reverify an employee's work authorization, as well as on when reverification is unlawful and constitutes document abuse, such as during a union organizing campaign, or only of foreign-looking workers.

Perotti, Rosanna. "IRCA's Antidiscrimination Provisions: What Went Wrong?" *International Migration Review* 26, no. 3 (Autumn, 1992): 732-753.

Explores issue of discrimination against immigrants under employer sanctions and IRCA. Analyzes why the antidiscrimination provisions didn't work.

Task Force on IRCA-Related Discrimination. *Report and Recommendations of the Task Force on IRCA-Related Discrimination*. Report to Congress, September, 1990.

Wishnie, Michael. "Current Issues in Immigrant Labor," 28 *NYU Review of Law and Social Change* 389, (2004).

Draws connection between labor disputes or complaints in the New York area and INS raids, suggests that employers frequently call on immigration to remove problem employees in the case of disputes. But, not clear whether total number of raids was large/small, or the probability of a raid (I-9 check) occurring.

Immigrants in the Workplace:

Barclay, Eliza. "As Locals Struggle, Migrants Find Work in New Orleans." *The San Francisco Chronicle*, Oct. 12, 2005.

Reports on hiring of unauthorized immigrant workers to do clean-up and construction in New Orleans, possibility of their settling in the region permanently changing its demographic make-up.

Campbell, Monica. "Post-Katrina Easing of Labor Laws Stirs Debate." *The Christian Science Monitor*, Oct. 4, 2005. <http://www.csmonitor.com/2005/1004/p01s01-woam.html>.

Reports on loosening of laws regarding employer sanctions and prevailing wages in New Orleans.

Congressional Budget Office. *The Role of Immigrants in the U.S. Labor Market*. Congress of the United States: Congressional Budget Office, Nov., 2005.

Discusses role of immigrant labor in the U.S. labor market, profile of U.S. labor force and foreign born workers, education and occupation information, earnings, potential impact of foreign workers on wages, and implications for the future.

Hoffman Plastic Compounds Inc. v. National Labor Relations Board. Supreme Court of the United States.

Case determined that illegal immigrants are not entitled to back pay after being fired for union organizing activities.

Immigration Policy Center. *Economic Growth and Immigration: Bridging the Demographic Divide*. AILF, Nov., 2005.

Argues that the U.S. labor market will need more immigrant workers over the coming years to ensure continued growth, estimates growth at 3% per year.

Kochhar, Rakesh. *Survey of Mexican Migrants Part III: The Economic Transition to America*.

Pew Hispanic Center, Dec. 6, 2005.

Study based on surveys of Mexicans waiting to get a matricula consular at various Mexican consulates, suggests that lack of work at home is not the primary reason why Mexicans migrate to the U.S., as most migrants were employed prior to migrating, but that demand for labor does play an important, though changing, role. Also found that family networks play an important role, that being documented or not did not make a big difference in terms of employment history, that unemployment in the U.S. is only above normal for recent arrivals, but that a high percentage reported periods of unemployment lasting more than a month in the past year. Looks at industries of employment in Mexico for migrants, likelihood of unemployment upon arrival in the U.S., industries of employment in the U.S., and earnings.

Marcelli, Enrico. "Immigrants and the U.S. Labor Market." *NACLA Report on the Americas*, Vol. 38, Iss. 5, March/April 2005.

Explores impact of immigrants on wages and use of welfare.

Nicodemus, Aaron. "Company Fires Immigrants Who Fled After Sweep." *The Standard Times*,

Dec. 8, 2005. <http://www.southcoasttoday.com/daily/12-05/12-08-05/a011o133.htm#>.

Reports on the firing of 20-30 Latino workers who were fired in New Bedford, MA after fleeing a rumored immigration raid. The employer stated that the workers were terminated for leaving their jobs without permission.

Nossiter, Adam. "Big Easy Clean-up a Foreign Affair." *The Associated Press*, Oct. 8, 2005. <http://www.washtimes.com/business/20051007-101928-3995r.htm>.

Voices concerns of New Orleans workers and officials that jobs are going to Mexicans and Central Americans rather than to New Orleans natives. Also discusses likelihood that a large percentage of the workers are unauthorized, and that some workers interviewed appeared to be only 15 or 16 years old and had only a tent to sleep in.

Pae, Peter. "Immigrants Rush to New Orleans as Contractors Fight for Workers." *The Los Angeles Times*, Oct. 10, 2005.

Reports that day laborers have flocked to New Orleans and that contractors routinely hire them off the street for different jobs. Also reports on a labor shortage that has encouraged the growth of numerous temporary labor and subcontractor businesses, and concerns that Hispanic immigrant workers are likely to stay on in New Orleans and change its demographic.

Paral, Rob. "Essential Workers: Immigrants are a Needed Supplement to the Native-Born Labor Force." *Immigration Policy Center*, March, 2005.

Uses 2000 census data to argue for the importance of foreign workers in the U.S.

Phillips, Julia, and Douglas Massey. "The New Labor Market: Immigrants and Wages After IRCA." *Demography* 36 (2): May, 1999.

Examines impact of IRCA on wages based on data collected in Mexican sending communities and their U.S. destinations, suggests that IRCA employer sanctions resulted in discrimination against unauthorized workers as employers passed on the costs and risks of hiring unauthorized workers to these individuals.

Rodriguez, Gregory. "La Nueva Orleans; Latino immigrants, many of them here illegally,

will rebuild the Gulf Coast -- and stay there.” *Los Angeles Times*, Sept. 25, 2005.

Reports on construction demand to rebuild Gulf Coast and likely hiring of largely unauthorized immigrants. Not only did DHS suspend sanctions against employers following Katrina, but Bush suspended the Davis-Bacon act, which would have required that government contractors paid the prevailing wage in Louisiana. Both of these actions, says the author, will encourage unauthorized individuals to seek employment. Also suggests that influx of Latino workers will change demographics as many former residents do not return and many new workers settle permanently.

Root, Jay and Aaron Davis. “Immigrants Flock to Gulf Coast for Jobs.” *Knight Ridder News*

Service, Oct. 13, 2005.

<http://www.miami.com/mld/miamiherald/news/front/12887497.htm>.

Reports on unauthorized workers moving to New Orleans for reconstruction jobs.

Sugimori, Amy, Rebecca Smith, Ana Avendaño, and Marielena Hincapié. “Assessing the Impact of the Supreme Court’s Decision in *Hoffman Plastic Compounds v. NLRB* on Immigrant Workers and Recent Developments.” National Employment Law Project and National Immigration Law Center.

Provides background details on Hoffman case, analyzes its impact on undocumented workers’ rights under federal antidiscrimination laws, and the eligibility of undocumented workers for relief under the Fair Labor Standards Act.

To Yoshida, Chisa, and Alan Woodland. *The Economics of Illegal Immigration*. Palgrave MacMillan, 2005.

PUBLISHER’S DESCRIPTION: This work examines the effectiveness of present immigration policies, including border patrol and employer sanctions in view of resource allocation. It concludes with an evaluation of the usefulness of immigration controls, and of the outlook for migration schemes, forecasting a surge in irregular immigration.

Whittaker, William. “Davis-Bacon Suspension and its Legislative Aftermath.” *Congressional Research Service*, Oct. 3, 2005.

Provides background on the Davis-Bacon law, and lists legislative proposals made to maintain or suspend it around the time that the President decided to suspend it in areas affected by Hurricane Katrina.

Wishnie, Michael. “Immigrants and the Right to Petition.” *New York University Law Review*,
May, 2003.

Argues that policies that discourage or deter undocumented immigrants from reporting poor working conditions or violations are unwise and may be unconstitutional and violate the right of non-citizens to petition the government for “redress of grievances.”

Interior Enforcement

Cornelius, Wayne. “Controlling ‘Unwanted’ Immigration: Lessons from the United States, 1993-2004.” *Journal of Ethnic and Migration Studies* 31, no. 4 (July, 2005): 775-794.

Cornelius hypothesizes that the U.S. focus on border enforcement at the cost of interior enforcement has proven ineffective, since the demand for unauthorized workers remains intact. Describes the option of moving to more interior enforcement as a different approach to immigration control. He suggests that public sentiments and the difficulty involved in developing a fraud-proof verification system have stymied efforts to improve worksite enforcement.

Dalrymple, Mary. “Congress OK’s Tax Breaks for Storm Victims.” *The Associated Press*, Sept. 21, 2005.

Reports on measures taken to ensure that legal immigrants don’t fall out of status as a result of the disruptions caused by Katrina, allows spouses and other family members whose petitioner died in the hurricane to continue their application, and allows employers to temporarily not require proof of employment authorization for new hires.

Department of Homeland Security. “Fact Sheet: Secure Border Initiative.” Nov. 2, 2005.

Basics on initiative to improve control of borders and reduce illegal immigration. Would increase staffing, increase detention capabilities and expedited removal. Would also increase use of technology on the border and build the border fence in Southern California. In interior, would put in place an employer self-compliance program and develop state and local partnerships.

Dixon, David, and Julia Gelatt. “Immigration Enforcement Spending Since IRCA.” *MPI Immigration Facts*, no. 10, Nov., 2005.

Statistics on border and interior enforcement spending.

Gladstein, Hannah, Annie Lai, Jennifer Wagner, and Michael Wishnie. *Blurring the Lines: A*

Profile of State and Local Police Enforcement of Immigration Law Using the National Crime Information Center Database, 2002-2004. Migration Policy Institute, Dec., 2005.

Describes use of National Crime Information Center Database (NCIC), run by the FBI, by local police officers to pull up and exchange information such as criminal histories. Since 9-11, civil immigration information has also been entered into this database. The NCIC Immigration Violators File (IVF) includes information on 1) deported convicted felons, 2) alien absconders/ deportable aliens, and 3) NSEERS violators. The database will register a "hit" when the name of a person listed in the IVF is entered. Recently released DHS data showed that 42% of all "hits" were "false positives" and DHS was unable to confirm that the individual in question was in violation of U.S. immigration laws. Authors argue that the IVF is inaccurate and should not be used by law enforcement agencies, and that it likely results in improper detentions of individuals. Report also analyzes the history of state and local involvement in immigration enforcement, DOJ policies before and after 9-11, trends in hits and in felons and absconders identified (no NSEERS violators have been identified), calls made by state and error rates by state, profiles of major users of the system.

Government Accountability Office. *Immigration Enforcement: DHS Has Incorporated Immigration Enforcement Objective and is Addressing Future Planning Requirements.* Washington, D.C.: GAO, Oct. 2004. GAO-05-66.

Includes sections on dealing with document abuse and the hiring of unauthorized immigrants.

Government Accountability Office. *Overstay Tracking: A Key Component of Homeland Security and a Layered Defense.* Washington, D.C.: GAO, May, 2004. GAO-04-82.

Includes section on overstays' employment with access to sensitive areas, and an Appendix listing detentions at various airports investigated during Operation Tarmac.

Greene, Joseph. Assistant Commissioner for Investigations, INS. Statement before the House Judiciary Committee, Subcommittee on Immigration and Claims, regarding the INS interior enforcement strategy. June 19, 2002.

Describes interior enforcement strategy under INS, coordination with local officials, "Quick Response Teams," investigations into worksites and document fraud, interior enforcement since 9/11, Operation Tarmac, and Alien Absconder Initiative.

Immigration and Naturalization Services Interior Enforcement Strategy. Hearing before

the Subcommittee on Immigration, Border Security and Claims of the Committee on the Judiciary, House of Representatives. June 19, 2002, http://commdocs.house.gov/committees/judiciary/hju80319.000/hju80319_0.htm.

Hearing on interior enforcement strategies, with testimonies from officials of the INS, GAO, as well as Center for Immigration Studies and MALDEF.

Kammer, Jerry. "Despite Record Illegal Immigration, Government Puts Little Focus on Interior Enforcement." *Copley News Service*, Oct. 20, 2004.

Describes ineffectiveness of interior enforcement, due to lack of resources to detain individuals during deportation proceedings, and ICE focus on other priorities since Sept. 11th.

Lange, Cynthia, Robin Kandell. "Corporate Compliance and Immigration Enforcement in the Post 9-11 Era." *Practicing Law Institute: Corporate Law and Practice Course Handbook Series*, Oct. 27-28, 2003.

Discusses the increased numbers of I-9 investigations since 9-11 and the focus on worksites such as monuments, important buildings, and sites of national security importance. Also provides details on a number of recent cases dealing with knowing hire and related issues, including Tyson's. Recommends that employers conduct internal audits and correct errors—this shows a good faith effort to comply with I-9 requirements.

Lipton, Eric. "Report Finds U.S. Failing on Overstays of Visas," *The New York Times*, Oct. 22, 2005.

Article on DHS's report that the agency seldom follows up on visa-overstayers and that the total visa overstay population is now estimated at at least 3.6 million people. Only 51 ICE agents are assigned to the special enforcement unit.

Meissner, Doris. "Learning From History." *The American Prospect Online*, Oct. 25, 2005.

Analyzes lessons learned from IRCA and the need for effective interior enforcement focused on the worksite.

Mittelstadt, Michelle. "Worksite Raids Deemphasized with New INS Enforcement Strategy." *The Associated Press*, April 10, 1999.

Describes INS shift in strategy to focus on criminal behavior related to unauthorized immigration, such as knowing hires, smuggling, and forgery of documents. Also describes INS plan to work more closely with employers and audit their records rather than conduct raids.

Moscato, Edith. "Lawmaker Proposes Barricade on Border," *The Atlanta Journal-Constitution*, Nov. 10, 2005,
http://www.ajc.com/print/content/epaper/editions/thursday/news_3427eea305d131c00015.html.

Reports on Duncan Hunter's proposal to build a 2,000-mile long high-security wall on the U.S.-Mexico border. Refers to a number of people who oppose the plan, including T.J. Bonner, of the National Border Patrol Council, says the money could be better spent going after the hiring of unauthorized migrants.

Relyea, Harold and Henry Hogue. *Department of Homeland Security Reorganization: the 2SR Initiative*. Congressional Research Service, Aug. 19, 2005.

Report on Second Stage Review process initiated by Secretary Chertoff that undertakes an analysis of DHS organization, operations, and policies. Includes report on Chertoff's remarks in July, 2005 regarding new arrangements and changes at DHS. 2SR rejected an ICE-CBP merger on the grounds that the negative impact of a merger outweighed the positive. Also includes other details of reorganization proposals.

Reuters. "Audit Urges Merger of U.S. Border, Immigration Units," Nov. 11, 2005.

Reports on DHS Inspector General's recommendation that CBP and ICE be merged.

Seghetti, Lisa, Stephen Viña, and Karma Ester. "Enforcing Immigration Law: The Role of State and Local Law Enforcement." *CRS*, March 11, 2004.

Describes different interior enforcement efforts undertaken by ICE, authority to enforce immigration laws, state involvement in immigration law enforcement, relevant case law, grants of authority to state and local officials, MOU's in certain states, and relevant legislation from the 108th Congress.

Seper, Jerry. "Aliens Hiding in Plain Sight." *The Washington Times*, July 19, 2004.
<http://www.washingtontimes.com/national/20040719-124724-2248r.htm>

Describes failure of interior enforcement programs to effectively apprehend irregular migrants or those unauthorized to work.

Spagat, Elliot. "Greyhound Requiring Employees to Screen for Illegal Immigrants," *The Associated Press*,
http://seattletimes.nwsource.com/html/nationworld/2002513607_webgreyhound2.html.

Describes Greyhound policy under which employees must be alert for signs that travelers may be illegal immigrants or may be being smuggled and deny them boarding. Immigrant rights organizations called it an invitation to racial profiling. The policy was adopted in response to the 2001 indictment of the Golden State bus company that transported illegal migrants from Arizona to LA via back roads to avoid checkpoints.

Stana, Richard. *Homeland Security: Challenges to Implementing the Immigration Interior Enforcement Strategy*. Statement of Richard M. Stana, Director of Homeland Security and Justice before the Subcommittee on Immigration, Border Security and Claims, Committee on the Judiciary, House of Representatives. Washington, D.C.: GAO, April 10, 2003. GAO-03-660T.

Testimony and analysis of how INS's interior enforcement strategy functioned, its transfer to ICE, and major goals and challenges for ICE.

Stana, Richard. *Immigration Enforcement: Challenges to Implementing the INS Interior Enforcement Strategy*. Statement by Richard M. Stana, Justice Issues, before the Subcommittee on Immigration and Claims, Committee on the Judiciary, House of Representatives. Washington, D.C.: GAO, June 19, 2002. GAO-02-861T.

Report on and critique of INS interior enforcement strategy.

Stockstill, Mason. "Immigration Laws Largely Unenforced in Nation's Interior." *The San Bernardino Sun*, Dec. 17, 2005. http://www.sbsun.com/news/ci_3322121.

Reports on current enforcement policy in the interior and ICE focus on criminal aliens and counter-terrorism rather than on unauthorized in general.

Strohm, Chris. "DHS: Guest Worker Program Would Help Border Agencies," *GovExec.com*, Dec. 1, 2005, http://www.govexec.com/story_page.cfm?articleid=32907&dcn=e_gvet.

Reports on Chertoff statement that employer sanctions and a temporary worker program are needed to improve border security.

Summers, Keyonna. "FBI Database Often Errs on Aliens' Status," *The Washington Times*, Dec. 9, 2005.

Draws on MPI report "Blurring the Lines" regarding police involvement in immigration enforcement, discusses findings that police officers who check an FBI crime database to find information on people stopped or detained provided incorrect

information on immigration status 9,000 times from 2002 to 2004. The incorrect information, said the report, results in improper detention 44% of the time.

TRAC, "DHS, Immigration Enforcement," <http://trac.syr.edu/tracins/latest/current/>.

Data from DHS (FY 04) analyzed by the Transaction Records Access Clearinghouse (TRAC). Tracks trends in immigration enforcement measures. Includes statistics on recommendations for prosecution of immigration cases by DHS, national picture of trends in enforcement and the Bush administration's approach to enforcement, laws under which immigration prosecutions were brought, and comparisons between different courts.

Wishnie, Michael. "State and Local Police Enforcement of Immigration Laws," *University of*

Pennsylvania Journal of Constitutional Law, May, 2004.

Describes move toward increased involvement of state and local law enforcement agencies in the enforcing of immigration laws, Bush administration and DOJ policy, and the use of the NCIC to identify immigration law violators. Also addresses whether entering immigration data into NCIC is appropriate/legal, and racial profiling issues and concerns.

Legislative Proposals

"10K Run for the Border Act," HR 3806.

Sponsored by Rep. Myrick, proposes increasing fines levied on employers who knowingly hire unauthorized workers and distributing funds to states to offset the cost of prosecuting and incarcerating illegal aliens, and to DHS to offset cost of detentions.

Abrahms, Doug. "Will Immigration Reform Drain the Labor Pool?" *The Desert Sun*, *Palm Springs, CA*. Oct. 18, 2005.

<http://www.thedesertsun.com/apps/pbcs.dll/article?AID=/20051018/BUSINESS05/510180311/1003/business>.

Discusses possibility of a labor shortage caused by an immigration reform program that cracks down on unauthorized hires.

American Farm Bureau. "Immigration—Reform of the H-2A Program."

<http://www.fb.org/issues/backgrd/immigrat.doc>.

Farm Bureau's position on immigration reform, focus on easy access to temporary unskilled labor.

American Immigration Lawyers Association. *A Comparison Between the McCain-Kennedy and Corny-Kyl Immigration Reform Proposals*, no date.

Compares the two proposals on the issues of 1) guest worker program for unauthorized immigrants already present in the U.S., 2) guest worker program for aliens outside the U.S., 3) worker protections, 4) requirements for participating countries, 5) worksite enforcement and program mechanics, 6) other enforcement provisions, 7) family reunification and backlog reduction, 8) border security, 9) protection against immigration fraud, 10) reimbursements to states for costs of incarcerating illegal aliens, 11) state and local enforcement of civil immigration laws, 12) promoting circular migration, 13) civics integration, 14) access to health care, 15) women and children at risk of harm, 16) and expansion of S visa.

Birnbaum, Jeffrey. "Immigration Pushes Apart GOP, the Chamber." *The Washington Post*, Dec. 14, 2005.

Reports on disagreement and conflict between GOP factions regarding Sensenbrenner's bill, and between GOP leadership and business interest groups.

Boyle, J. Patrick. "Statement of the American Meat Institute on Business, Immigration, and Labor Groups' Call for Immigration Reform." American Meat Institute, April 15, 2002.

AMI's position on immigration reform, focus on expanding temporary worker program, also option to apply for permanent residency for temporary workers.

Bruno, Andorra, et. al. *Immigration Legislation and Issues in the 109th Congress*. Congressional Research Service, Oct. 17, 2005.

Reports on legislation introduced on various immigration-related topics, including employment eligibility verification. Lists pieces of legislation with worksite enforcement components.

Chao, Elaine. Statement before the Senate Committee on the Judiciary, hearing "Comprehensive Immigration Reform II," Oct. 18, 2005.

Testimony listing the goals of Bush's immigration reform plan, the need for a reformed temporary worker program to ensure adequate levels of security, difficulties with current temporary worker programs, and the need for biometric identifiers on documents issued to temporary workers.

Dinan, Stephen. "Tougher Laws Eyed for Alien Workers." *The Washington Times*, Jan. 6, 2005. <http://www.washingtontimes.com/national/20050106-120233-9453r.htm>

Reports on proposals by legislators to improve worksite and interior enforcement, including a proposal by Rep. Dreier of California to create a tamper-proof social security card.

Dougherty, Jon. "DHS Denies Vetting Immigration Legislation." *The World Net Daily*, Nov. 22, 2005.

Reports that DHS did not in fact approve Senator Bennett's legislation to exempt church organizations from prosecution for knowingly harboring or transporting illegal aliens, as his office had reported.

Doyle, Michael. "Voters Support Plan that Offers a Chance a Citizenship," *The Sacramento Bee*, Nov. 3, 2005.
<http://www.sacbee.com/content/politics/story/13807083p-14648321c.html>.

Reports on polling that suggests Republicans would support an 'earned legalization' program.

Fears, Darryl and Michael Fletcher. "Temporary Worker Program is Explained." *The Washington Post*, Oct. 19, 2005.

Report draws on Bush announcement about temporary worker program and hearing before Senate Judiciary committee regarding enforcement issues.

Gaouette, Nicole. "Chertoff Pushes Guest Worker Program." *The Los Angeles Times*, Dec. 2, 2005.

Reports on Chertoff announcement that any immigration reform should include a temporary worker program.

Hoover, Kent. "Businesses Oppose Verification Plan for Workers," *The Seattle BizJournal*, Dec. 19, 2005.
<http://seattle.bizjournals.com/extraedge/washingtonbureau/archive/2005/12/19/bureau1.html>.

Employer and business response to HR 4437, opposition to expansion of Basic Pilot and requirement that employers re-verify all current employees within 6 years, also concern over lack of guest worker program in house version.

HR 4437, Sponsored by Reps. Sensenbrenner and King. "To amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes." 109th Congress, Report 109-345.
<http://thomas.loc.gov/cgi-bin/query/D?c109:2:./temp/~c1091hhPx1::>

Enforcement legislation that includes provisions on border patrol, asylum system, interior enforcement, and immigration law, adds illegal entry as an aggravated felony, adopts making Basic Pilot mandatory.

HR 19, Sponsored by Rep. Ken Calvert. "To Require Employers to Conduct Employment Eligibility Verification." 109th Congress. <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HR00019:@@D&summ2=m&>.

Summary of legislation: Directs Secretary of DHS to implement Employment Verification System nationwide, and makes it mandatory over a seven-year phase-in period and establishes sanctions for noncompliance.

HR 1770, Sponsored by Rep. Elton Gallegly. "To require employers at critical infrastructure sites to participate in the pilot program for employment eligibility verification, and for other purposes." 109th Congress. <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HR01770:@@D&summ2=m&>.

Amendment to IIRIRA that would require employers whose employees worked at critical infrastructure sites (ie government facilities, nuclear facilities, weapons sites, airports, military bases, or other critical infrastructure as determined by DHS) to utilize the Basic Pilot program to verify their employment eligibility, and obligates the employer to ensure that said employee does not receive clearance to enter the worksite if the Basic Pilot program issues a nonconfirmation.

HR 3938, Sponsored by Rep. J.D. Hayworth, "Enforcement First Immigration Reform Act of 2005." 109th Congress, 1st Session. <http://thomas.loc.gov/cgi-bin/query/query>.

Legislation includes a section on work authorization and enforcement that calls for expansion of Basic Pilot program, the issuance of a tamper-resistant plastic SSN card, the creation of an "Employment Eligibility Database" by DHS, which employers would have access to as one option to determine eligibility, establishes penalties for hiring unauthorized workers, to be paid to DHS. Also includes a section on secure identification standards which calls for prohibition on use of foreign-issued identity documents to prove identity or open a bank account.

Jackson, Jerry. "Bill Would Halt Illegal Farmworkers." *The Orlando Sentinel*, Dec. 14, 2005.

<http://www.orlandosentinel.com/news/local/state/orl-workers1405dec14,0,4063431.story>.

Reports on perspective of Florida agriculture on Sensenbrenner bill, fear that they would lose workforce, acknowledge dependence on illegal workers.

Johnston, Nicholas. "Six Lawmakers Want Social Security Card Updated." *The Arizona*

Daily Star, Jan. 6, 2005.

<http://www.dailystar.com/dailystar/allheadlines/55686.php>

Reports on efforts by Congress, especially Reps. Dreier (R-CA) and Reyes (D-TX) to institute a new tamper-proof plastic Social Security card.

Kammer, Jerry. "Bush Immigration Plan Bolsters Border but Glosses Over Employers," *San*

Diego Union Tribune, Nov. 30, 2005.

<http://www.signonsandiego.com/news/mexico/tijuana/20051130-9999-1n30immig.html>

Reports on Bush proposal, seen as weak on details regarding interior enforcement.

Kammer, Jerry. "Immigration Plan Targets Employers." *Copley News Service, San Diego Union Tribune*, March 14, 2005.

Reports on different immigration-related legislative proposals and on the Dreier-Reyes proposal to increase penalties for employers who hire unauthorized workers.

Kirkpatrick, David. "Specter Draft on Immigrants Parts Ways with Bush." *The New York Times*, Nov. 12, 2005.

<http://www.nytimes.com/2005/11/12/politics/12immig.html>.

Reports on various opinions on Specter mark on immigration reform.

Mailman, Stanley, and Stephen Yale-Loehr. "Immigration Reform: Balancing Workers and Enforcement." *New York Law Journal*, Aug. 22, 2005.

Compares guest worker and worksite enforcement provisions of Kennedy-McCain and Cornyn-Kyl proposals.

Montgomery, Dave. "Stiffer Penalties Sought for Illegal Immigrants." *The Fort Worth (TX) Star Telegram*, Sept. 30, 2005.

<http://www.dfw.com/mld/dfw/12782106.htm>.

Reports on "enforcement first" bill sponsored by Rep. J.D. Hayworth (R-AZ) that calls for, among other things, jailing unauthorized immigrants for up to a year if they do not depart voluntarily in thirty days, and the end to birth-right citizenship, as well as increased border enforcement.

National Immigration Forum. "Summary of Chairman Specter's Mark: Comprehensive Immigration Reform." November, 2005.

Describes Specter's mark by section. Includes requirements on using biometrics and improving travel and identity documents, mainly draws on Hagel's bill for the worksite enforcement section.

Papademetriou, Demetrios. "Reflections on Restoring Integrity to the United States Immigration System: A Personal Vision." *MPI Insight*, No. 5, Sept., 2005.

Discusses different legislative proposals in play on immigration reform, lessons learned from IRCA, immigration reform alternatives, and the requirements of comprehensive reform.

S. 1033. Secure America and Orderly Immigration Act (Kennedy-McCain). 109th Congress.

Title IV: Document and Visa Requirements, includes section on employment eligibility. Calls for reform of visas and other identification documents to include biometrics and other safeguards against tampering. Creates the Employment Eligibility Confirmation System. Describes verification process similar to current Basic Pilot Program.

S. 1438. Comprehensive Enforcement and Immigration Reform Act of 2005—Cornyn-Kyl bill.

Title III: Worksite Enforcement and Employment Verification System: includes sections on increasing number of DHS investigators, penalties for unauthorized employment and false claims of citizenship, and penalties for misusing SSNs. Also calls for the development of tamper-proof Social Security cards, exploration of the viability of using biometrics, and new birth certificate standards. *Introduces and Employment Eligibility Verification Program, which reduces the number of documents that can be used to verify work eligibility—must use Social Security card to establish work eligibility, must use a U.S. government issued document that includes a biometric identifier or an ID card that complies with REAL ID standards to establish identity.* Also includes details of proposed temporary worker program, and calls for \$500 million to set up and run the program. Sets up an "Alien Employment Management System" for temporary workers that includes using a swipe card with biometric information on it.

S. 1917. Hagel Employment Eligibility Verification bill, 109th Congress, 1st session.

Bill creates the Employment Eligibility Verification System and phases in employer participation beginning two years after enactment, starting with the largest employers. Includes clauses on protections from discrimination, confidentiality, and database integrity. Given authority to Secretary of Homeland Security to develop and manage system. Reduces number of documents that can prove work eligibility, calls for the creation of a "machine readable, tamper-

proof” Social Security card, creates new criminal penalties for fraudulent use of a SSN and knowing hire.

Sharry, Frank. Testimony on Comprehensive Immigration Reform before the Senate Committee

on the Judiciary, Oct. 28, 2005.

http://judiciary.senate.gov/print_testimony.cfm?id=1634&wit_id=4713.

Remarks on need for reform, legislation such as Kennedy-McCain and Cornyn-Kyl.

Sharry, Frank. “Immigration Demystified.” *The American Prospect Online*, Oct. 23, 2005.

Remarks on various immigration-related issues, current legislation.

Turner, Eliot and Marc Rosenblum. “Solving the Unauthorized Migrant Problem: Proposed

Legislation in the U.S.” *Migration Policy Institute*, Sept. 1, 2005.

Provides information and comparisons between Kennedy-McCain, Cornyn-Kyl and Tancredo legislative proposals on immigration reform.

Weisman, Jonathan. “House Votes to Toughen Laws on Immigration,” *The Washington Post*,

Dec. 17, 2005.

Reports on passage of Sensenbrenner bill in the House. The bill includes provisions for the creation of an employment eligibility verification system, an end to the “catch and release” policy, increased penalties for alien smuggling, and the construction of a fence on the border.

Operation Vanguard

The Associated Press, “Operation Vanguard May Turn to Private Contractor for ID Checks,”

Jan. 31, 2000.

Reports on INS consideration of using a private firm to process employee records as part of Vanguard. SSA had opposed INS plans to run information on all the workers through SSA databases, citing privacy concerns.

Bacon, David. “INS Declares War on Labor.” *The Nation*, Oct. 25, 1999, 18-23.

Reports on Operation Vanguard, includes interviews with workers who left their jobs when faced with having to appear for an INS interview, and with local advocates, who suggest that the INS chose to focus on Nebraska because of the lack of a strong immigrant rights presence in the state. Also includes report from a union organizer that Vanguard resulted in a number of organizers having to leave their jobs because of their status. An interview with a Teamsters leader in Yakima, WA, echoes these sentiments, as does one with a UFCW representative for workers at a number of the Nebraska plants.

Bauer, Scott. "INS Disagrees with Operation Vanguard Report." *The Associated Press*, Oct. 16, 2000.

INS response to critical report on Operation Vanguard released by Nebraska state task force studying the issue.

Bauer, Scott. "Task Force Recommends Changes in Enforcement Tactics." *The Associated Press*, Sept. 20, 2000.

Reports on draft recommendations prepared by Nebraska state task force on Operation Vanguard. They included the assertion that a program such as Vanguard should never happen again. Meatpackers said the program unfairly targeted their industry and resulted in a labor shortage. The task force also suggested that more attention be paid to developing a computerized employee verification system.

Branom, Mike. "INS Unveils New Program Targeting Illegal Meatpacking Workers." *The Associated Press*, Feb. 25, 1999.

Report on unveiling of Vanguard to a meeting in Des Moines, Iowa. The strategy of Vanguard involved focusing on the entire meatpacking industry and periodically checking the documents of all workers so that unauthorized workers would not be able to continue working at any plant in the industry.

Gonzalez, Cindy. "Illegal Hires Rarely Tied to Employers." *Omaha World-Herald*, April 27, 2003.

Describes low levels of worksite enforcement, as well as Operation Vanguard.

Gonzalez, Cindy. "Meatpacker's Managers Arrested in INS Raid." *Omaha World-Herald*, Dec. 6, 2000.

Reports on arrest of managers at Nebraska Beef charged with smuggling undocumented workers into the U.S. to work at the meatpacking plants. The arrests occurred as part of a raid on the Nebraska Beef plant involving INS, IRS, and US Marshals, one of the first raids of this kind to take place since Operation Vanguard tactics replaced worksite raids.

Gonzalez, Cindy. "Plant Raided, 100 Held." *Omaha World-Herald*, Dec. 5, 2000.

Reports on raid on Nebraska Beef, in which the packing plant was sealed off by over 100 federal agents and lines were shut down as all workers were asked to show proof of work authorization.

"Hagel Calls for Suspension of Operation Vanguard." *The Associated Press*, May 21, 1999.

Report on Senator Hagel's and Governor Johann's request for a suspension of Operation Vanguard activities, due to consequences such as a labor shortage due to INS actions.

Hord, Bill. "Vanguard is Slowing Slaughter." *Omaha World-Herald*, May 11, 1999.

Reports on the greater impact Vanguard had on the cattle industry, as farmers feared the packing plants would be unable to slaughter their cattle. Cattle farmers reported selling fewer animals than usual and receiving lower prices for them.

"IBP Reaches Agreement to Help Prosecute Illegal Workers Case." *The Associated Press*, Dec. 18, 1999.

Report on IBP decision to work with the INS on verifying new hires in the wake of Operation Vanguard, and an INS investigation into IBP hiring practices and raids on plants.

Jacobson, Louis. "Immigration Overload." *Government Executive* 32, no. 2 (Feb. 2000): 51-57.

Report on Operation Vanguard, growing number of immigrants in the Midwest, and the demands placed on the regional INS office. Describes INS efforts to alter approach to enforcement from raids to Vanguard, and to improve communication with the immigrant community.

Kelly, Matt. "INS is Staunch on Vanguard." *Omaha World-Herald*, July 2, 1999.

Article discusses Vanguard, its impact on the meatpacking and cattle industries, and reactions from industry representatives.

Malcolm, Teresa. "New INS Operation Targets Nebraska Beef Industry." *National Catholic Reporter* 35 (12): Jan. 22, 1999.

Describes Operation Vanguard goal of removing magnet of employment for unauthorized in beef industry, cites many key players in the operation, including industry and NGOs.

“Meat and Poultry.” *Rural Migration News* 5 (4): Oct. 1, 1999.
http://migration.ucdavis.edu/rmn/comments.php?id=399_0_2_0.

Reports on implementation of Operation Vanguard in Nebraska.

“Operation Vanguard, IBP.” *Rural Migration News* 5 (3): July 1, 1999.
http://migration.ucdavis.edu/rmn/comments.php?id=377_0_2_0.

Reports on opposition to Vanguard from Nebraska’s congressional delegation and meat industry.

“Operation Vanguard: Poultry.” *Rural Migration News* 6 (2): April 1, 2000.
http://migration.ucdavis.edu/rmn/comments.php?id=431_0_2_0.

Two-part article. First section deals with Operation Vanguard, INS initial use of SSA databases to investigate possible unauthorized workers, followed by SSA denying access to the data on privacy grounds, examples of worksites that were investigated, and, in the second part, developments in the poultry industry in the Southeast in employment of unauthorized and immigrant workers.

Reed, Leslie. “INS Still May Revive Vanguard.” *Omaha World Herald*, Oct. 17, 2000.

Reports on INS perspective on Vanguard, and the findings of a task force organized by the Governor to investigate Vanguard and related issues.

Sherry, Mike. “INS Not Ruling out More Raids,” *Omaha World Herald*, Sept. 14, 1999.

Reports on INS suggestions that returning to raids was not out of the question, as SSA was concerned with the privacy implications of checking SSN’s as part of Vanguard.

Sherry, Mike. “INS Says Vanguard Part of Policy Shift.” *Omaha World Herald*, July 2, 1999.

Reports on INS assertions that Vanguard methods were going to be used increasingly to make it virtually impossible for unauthorized workers to gain employment.

Sherry, Mike. “1 in 5 at Plants Checked May be Undocumented.” *Omaha World Herald*, April 13, 1999.

Reports on preliminary figures released on possible numbers of undocumented workers in meatpacking during the Operation Vanguard crackdown. Anywhere from 3-70% of workers at different plants were unauthorized.

Thiessen, Mark. "Governor thinks Operation Vanguard was not the success INS claims," *The*

Associated Press, June 24, 1999.

Reports on response of Nebraska Governor Johanns to INS announcements regarding the success of Vanguard. Johanns argued that illegal workers generally found jobs in other industries, that Vanguard hurt the meatpacking industry, and that the hiring of illegal workers would be better prevented at the time of hire rather than after the worker is already employed.

"United States: In the Vanguard." *The Economist* 353, no. 8141 (Oct. 16, 1999): 31-32.

Reports on Operation Vanguard and various responses to it from the INS, employers, and advocacy organizations.

Went, Michael and D. Milo Mumgaard, "Operation Vanguard: Necessary Crackdown or Blow to

Industry?" *Lincoln Journal Star (Nebraska)*, May 30, 1999.

Op-ed piece with pro and con opinions on Operation Vanguard.

Wood, Molly. "INS Escalates Attempts to Flush Out Illegal Workers." *The Associated Press*,

April 13, 1999.

Reports on INS identification of meatpacking plants where a review of employment records had uncovered discrepancies, and INS plans to investigate further under the Vanguard program.

Zeller, Shawn. "Where's the Beef? With INS." *National Journal*, Feb. 6, 1999.

Review of reactions to Operation Vanguard. Employers felt that while it was better than raids, which previously would shut down plants for hours, Operation Vanguard was still disruptive and had a negative impact on meatpacking as an industry and on the price of products. IBP and other representatives suggested that there should be a less disruptive way to identify unauthorized workers.

Social Security Administration, IRS, ITINs, Taxes

American Immigration Lawyers Association. "Backgrounder: Social Security and Immigration." May 31, 2005.

Includes statistics on no-match letters sent from 2002 to 2004.

Ávila, Oscar. "Illegal Workers Often Retained." *The Chicago Tribune*, Nov. 20, 2003.
<http://www.chicagotribune.com/news/local/chicago/chi-0311200369nov20,1,3507841.story>

Report on research done at U. of Illinois at Chicago showing that no-match letters did not result in many undocumented workers losing their jobs.

Bobjverg, Barbara. *Social Security Numbers: SSN's are Widely Used by Government and Could be Better Protected*. Washington, D.C.: GAO, April 29, 2002.

Testimony on the increased use of SSN's for government reporting and the implications for possible identity theft, as SSN's are often included in public records.

Brostek, Michael, Director of Tax Issues, GAO. Testimony before the Subcommittee on Oversight, House Committee on Ways and Means, March 10, 2004.
<http://waysandmeans.house.gov/hearings.asp?formmode=view&id=1232>.

Testimony explaining why the IRS created the ITIN, processes and controls to issuing the ITIN, results of GAO investigations, and concerns regarding the use of ITINs by unauthorized immigrants. ITINs were created in 1996 to improve tax administration and allow aliens not eligible for a SSN to file their taxes. IRS does not differentiate between legal and illegal immigrants for tax purposes. GAO found that even after reforming the application system, the IRS's ability to verify applicants' identity was limited. IRS has reduced the number of documents that can be used to obtain an ITIN and applicants must now include proof that the ITIN will be used for federal income tax purposes. The IRS also now issues letters with the ITIN rather than cards, which could be mistaken for Social Security cards. The IRS has uncovered a number of schemes to use ITINs to fraudulently apply for tax refunds.

Center for Economic Progress. *The IRS Individual Taxpayer Identification Number: An Operational Guide to the ITIN*, 2004.

ITIN's were first issued in 1996. They look like a SSN but start with a "9." Over seven million ITIN's have been issued, and concerns have been raised about their proper use. This publication is aimed at staff of tax clinics and walks them through current policies of applying for the ITIN. Includes history of the ITIN, recent changes, use of the ITIN for bank accounts and financial products, and challenges for immigrants.

Everson, Mark, IRS Commissioner. Testimony before the Subcommittee on Oversight of the

House Committee on Ways and Means, March 10, 2004.
<http://waysandmeans.house.gov/hearings.asp?formmode=view&id=1230>

Addresses concerns regarding the misuse of ITINs. Explains background on ITINs, over 7.3 million of which have been issued since the program began in 1996. ITINs replaced taxpayer ID numbers that IRS previously issued for only the current tax year. The short life of these numbers made it hard to track taxpayers from one year to the next and keep taxpayer files in order. The ITIN is different in that it can be used for multiple tax years and does not expire. Since its inception, the ITIN has increasingly been used as if it were an SSN outside of the tax system, which is not an acceptable use of the ITIN. Also discusses penalties for SSN mismatches and requirements for proof of due diligence on the part of the employer, to avoid penalties.

Gardiner, Pamela, Acting Inspector General for Tax Administration, Department of the Treasury.

Testimony before the Subcommittee on Oversight, House Committee on Ways and Means, March 10, 2004.

<http://waysandmeans.house.gov/hearings.asp?formmode=view&id=1233>.

Reports that number of ITIN applications filed has increased 36% from 2001 to 2002 and that many ITINs are used to file a Form 1040 tax return, even though in theory they should only be used to file a tax return on Form 1040NR, the U.S. Nonresident Alien Income Tax Return. In 2001, about 530,000 forms 1040 were filed using ITINs. About 390,000 returns were filed with an ITIN but included SSN's on W-2's that were not matched to the person filing.

Government Accountability Office. *Social Security: Better Coordination Among Federal Agencies Could Reduce Unidentified Earnings Reports*. Washington, D.C.: GAO, Feb. 2005.

Report on issue of Earnings Suspense File, efforts by SSA to correct errors, and data problems. Suggests that SSA, IRS, and DHS should work more closely to make reporting more accurate and discourage the employment of individuals who are not work authorized.

Government Accountability Office. *Tax Administration: IRS Needs to Consider Options for Revising Regulations to Increase the Accuracy of Social Security Numbers on Wage Statements*. Washington, D.C.: GAO, August, 2004. GAO-04-712.

Analysis of IRS requirements and possible penalties for employers who file incorrect information, and proposals for possible changes to the penalties.

Government Accountability Office. *Child Support Enforcement: Most States Collect Drivers' SSNs and Use Them to Enforce Child Support*. Washington, D.C.: GAO, Feb., 2002.

Reports on the use of SSN's by Motor Vehicle departments to locate and collect child support payments from noncustodial parents.

Government Accountability Office. *Immigration Reform: A New Role for the Social Security Card*. Washington, D.C.: GAO, March, 1988. GAO/HRD-88-4. <http://archive.gao.gov/t2pbat18/135304.pdf>

Post-IRCA report exploring issues of potential fraud in the process of obtaining or using a social security number, and technological options to make the card more secure.

Jeffrey, Terence. "One Firm Filed 33,448 Bad W-2's." *Human Events* 61, no. 10 (March 21, 2005): 1-8.

Description of the SSA's Earnings Suspense File and of a GAO report on the subject, and the high numbers of employers filing incorrect W-2's.

Johnson, Jeff. "Bush Plan: Social Security for 'Legalized' Illegal Aliens." *Townhall.com*, Dec. 9, 2006. http://www.townhall.com/news/ext_wire.html?rowid=46249.

Reports on Bush proposal for a totalization agreement with Mexico through which Mexican workers could collect Social Security benefits earned while working illegally in the U.S., and the potential impact and cost of such a program.

Kotok, David. "Agency Puts Heat on Illegal Workers." *Omaha World-Herald*, June 12, 2002.

Report on the use of no-match letters, numbers of letters sent.

Lockhart, James B., Deputy Commissioner for Social Security. Testimony before the House Committee on Ways and Means Subcommittee on Social Security Subcommittee on Oversight Hearing on Individual Taxpayer Identification Numbers (ITINs), Social Security Numbers (SSNs), Wage Reporting, and the Suspense File. March 10, 2004. http://www.ssa.gov/legislation/testimony_031004.html.

Describes advances made to prevent issuance of SSN's to unauthorized individuals, safeguards and audits of issuing process, wage reporting and earnings suspense file, ITIN's, cooperation with DHS and IRS.

"Machine-Readable Document Pilot Program," Memorandum of Understanding: INS, SSA, and employer.

Agreement regarding the responsibilities of each agency or individual in the basic pilot program.

Mailman, Stanley, and Stephen Yale-Loehr. "Social Security 'Mismatch Letters' Jeopardize Jobs." *New York Law Journal*, June 24, 2002.

Describes situation that no-match letters place employers in, significance of no-match letters, legal issues involved dealing with willfully providing the IRS with inaccurate information, knowingly hiring an unauthorized individual, or discriminating against individuals.

Mehta, Chirag, Nik Theodore, and Marielena Hincapié. *Social Security Administration's No-Match Letter Program: Implications for Immigration Enforcement and Workers' Rights*. Center for Urban Economic Development, University of Illinois at Chicago, Nov. 2003.

Study based on the findings of a survey of individuals who received no-match letters. Main findings include: 1) Letters have not been effective in reducing the earnings suspense file, 2) Letters have encouraged employers to fire workers whose SSN's did not match up, 3) Employers have taken advantage of workers whose SSN's are listed on no-match letters, 4) Letters are not suitable as immigration enforcement tools.

National Immigration Law Center. "Program Facts: SSA's Earnings Suspense File and 'No-Match' Letters." March, 2003.

Basic backgrounder on the process of sending no-match letters and their effectiveness at correcting Social Security information.

O'Carroll, Patrick, Assistant Inspector General for Investigations, Social Security Administration. Testimony before the Subcommittee on Oversight, House Committee on Ways and Means, March 10, 2004.

<http://waysandmeans.house.gov/hearings.asp?formmode=view&id=1235>

Comments on the impact of the ITIN on SSA's programs and how the growth and misuse of ITINs represents a challenge to SSA. Individuals may provide ITINs as SSNs, or employers may report wages to the SSA using ITINs. These items wind up in the Earnings Suspense File. Reports that the restrictions on non-work SSNs may cause an increase in the use of ITINs by unauthorized immigrants. Also discusses the threat that a terrorist could represent if he or she successfully applied for an ITIN and was able to establish an identity for themselves in the U.S. Suggests options for improved coordination between SSA and IRS and better verification and cross-verification of SSNs.

Parker, Laura. "Social Security Campaign Costs Immigrants Their Jobs." *USA Today*, Aug. 9, 2002.

Reports that no-match letters were causing workers to be fired and causing confusion for employers. Of the workforce in the US of 130 million people, no-match letters were sent regarding 7 million workers.

Pear, Robert. "Foreigners Obtain Social Security ID With False Papers," *The New York Times*, May 20, 2002.

Reports on SSA estimate that as many as 100,000 SSN's were issued to non-citizens in 2000, who presented fraudulent documents to obtain them.

Pear, Robert. "Not For Identification Purposes (Just Kidding)," *The New York Times*, July 26, 1998.

Reports on how the SSN came to be used as an identifier in numerous locations.

"Performance Indicator Audit: Earnings Suspense File." Social Security Administration, Office of the Inspector General, August 20, 2004. A-15-04-14069.

Analysis of efforts to reduce the size of the Earnings Suspense File during FY 2003. Includes overview of the Earnings Suspense File, the process that the SSA uses to attempt to match numbers, performance indicators for efforts to reduce size of ESF,

Pina, Tatiana. "Confusion over Social Security is Costing People Their Jobs." *Providence Journal-Bulletin*, April 12, 2002.

Article on "no-match" letters and on efforts by Latino community activists to educate workers and employers about the letters and what response to them is required.

Porter, Eduardo. "Illegal Immigrants are Bolstering Social Security with Billions." *The New York Times*, April 5, 2005.

Article on contributions to SSA by illegal immigrants not entitled to SS benefits. Discusses earnings suspense file and use of no-match letters.

Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves. Joint Hearing before the House Subcommittee on Social Security and Subcommittee on Immigration, Border Security and Claims. 107th Congress. Sept. 19, 2002.

Hearing on issues of document fraud, identity theft, and use of Social Security numbers by terrorists. Includes testimony from James Lockhart, Deputy Commissioner of Social Security, who discusses at length issues of how one obtains a Social Security card, no-match letters, and the earnings suspense file, Charisse Phillips, Director, Office of Fraud Prevention Programs, Bureau of

Consular Affairs, Department of State, Robert Bond, Deputy Special Agent in Charge, Financial Crimes Division, U.S. Secret Service, Grant D. Ashley, Assistant Director, Criminal Investigative Division, FBI, and James G. Huse, Inspector General, SSA.

Rodriguez, Cindy. "U.S. Check Leads to Wave of Firings; Social Security Numbers at Issue,"

The Boston Globe, March 18, 2003.

Reports on SSA decision to send no-match letters to all employers with at least one mismatch on their report to SSA, confusion of employers over what to do, and the firing of workers over the letters.

Sheridan, Mary Beth. "Social Security Scales Back Worker Inquiries," *The Washington Post*,

June 18, 2003.

Reports on SSA plan to scale back use of no-match letters due to the very small number of responses from them. SSA had sent letters to all employers with at least one employee with an incorrect SSN but revised the policy to contact only employers with at least ten errors in their filing.

Social Security Administration, "Social Security Number Verification System Handbook,"

http://www.socialsecurity.gov/employer/ssnvs_handbk.htm#what.

Describes SSNVS system, through which employers can verify ten or more SSNs via the system's website, as well as the proper use of the system (ie, it cannot be used to check out job applicants and a mismatch cannot be used as the sole grounds for dismissing an employee.) Includes information on how to register for the program, systems requirements, security measures in place, the login process, the use of the system (fields to be filled in), and what to do if an SSN does not verify.

Social Security Administration, Office of the Inspector General. *Audit Report: Unauthorized Work Social Security Numbers at the Department of Defense*. Sept., 2005. <http://www.ssa.gov/oig/ADOBEPDF/A-03-05-25127.pdf>.

Reports on 5,192 employees of DOD working with non-work SSN's. Most were in the Navy or the Defense Finance Accounting Service and 69% were Filipino. SSA data may also not be correct as non-USC's were not required to report gaining work authorization to SSA prior to 2002 and DHS does not inform SSA when an individual's status changes.

Social Security Administration, Office of the Inspector General. *Impact of*

Nonimmigrants Who Continue Working After Their Immigration Status Expires. Sept., 2005. <http://www.ssa.gov/oig/ADOBEPDF/A-08-05-15073.pdf>.

Reports on a study done of non-immigrant temporary workers who received SSN's to determine if they had continued working after their temporary work authorization expired. Suggests that SSA should further coordinate and share data with DHS regarding work authorization issues beyond current collaboration in the Basic Pilot program. Expresses concerns regarding unauthorized workers receiving Title II or XVI benefits, or eventually claiming Social Security benefits.

Social Security Administration, Office of the Inspector General. *Audit Report: Usefulness of Decentralized Correspondence in Focusing Employer-Assistance Activities.* Sept., 2005.

Decentralized correspondence is correspondence sent directly to employees or employers regarding incorrect or mismatched SSNs. In tax year 2002, 9.5 million letters were sent to both employers and employees, while 7.6 million were sent to employees only. OIG found that a disproportionate amount of DÉCOR was sent to certain states, such as California. The audit also found hundreds of instances in which valid SSNs were used by various individuals and one case in which the SSN of a child was used to report 752 wage items by individuals in 42 different states.

Social Security Administration, Office of the Inspector General. *Audit Report: Reported Earnings Prior to the Issuance of a Social Security Number.* Aug., 2005. <http://www.ssa.gov/oig/ADOBEPDF/A-03-04-14037.pdf>.

Reports on findings that a large percentage of non-citizens work in the U.S. before receiving work authorization and may utilize non-work authorized SSN's to do so. These earnings are nonetheless posted to the individual's earnings report, though they are the result of SSN misuse in the workplace. Also discusses effectiveness of SSA databases to identify the immigration status of individuals. SSA reports to DHS on the use of non-work SSN's for employment purposes.

Social Security Administration, Office of the Inspector General. *Audit Report: Social Security Number Misuse in the Service, Restaurant, and Agriculture Industries.* April, 2005. <http://www.ssa.gov/oig/ADOBEPDF/A-08-05-25023.pdf>.

Study assesses the potential for misuse of SSN's in these industries. Reports on use of SSN's never issued by the SSA, or use of SSN's belonging to other people. Acknowledges unauthorized workers as a major contributor to the Earnings Suspense File, especially from the agricultural industry. Includes information on SSA services available to employers to verify SSN's, IRS's generally not fining employers who repeatedly file incorrect wage reports, and SSA's reliance on IRS to deal with enforcement issues.

Social Security Administration, Office of the Inspector General. *Department of Defense Wage Items in the Earnings Suspense File*. March, 2005.
<http://www.ssa.gov/oig/ADOBEPDF/A-03-04-14041.pdf>.

Reports on discrepancies with wage reporting for DOD employees, and on a number of discrepancies that could not be easily explained. Most of the discrepancies were due to valid SSN's being reported with incorrect names.

Social Security Administration, Office of the Inspector General. *Audit Report: Assessment of the Enumeration at Entry Process*. March, 2005.

Describes Enumeration at Entry process, whereby DOS and DHS collect information from arriving LPRs and forward that information to the SSA to allow SSA to immediately assign an SSN to these individuals. This program began in October of 2002. The OIG also found that errors had occurred in the processing of the information that resulted in some individuals being issued more than one SSN. Variations on names may be in part responsible for this. Data compatibility between DOS, DHS and SSA also prevented the processing of 26% of the records received in FY 2004. For example, SSA systems do not accept characters such as commas and periods. If DOS submitted address information using "St." for Street, the system would not accept it.

Social Security Administration, Office of the Inspector General. *Employers With the Most Suspended Wage Items in the 5-Year Period 1997 through 2001: Audit Report*, October, 2004. <http://www.ssa.gov/oig/ADOBEPDF/A-03-03-13048.pdf>.

Report designed to assess patterns in the 100 employers with the most suspended wage items, their industries, reasons for the suspensions. Found that a small number of employers represent a disproportionate percentage of suspended wage items, and that most were in services, restaurants, or agriculture. 54 of the top 100 employers had addresses registered in California, Texas, or Illinois. Leading errors were the use of non-existent Social Security numbers and use of numbers that did not correlate to the name of the individual.

Social Security Administration, Office of the Inspector General. *Congressional Response Report: Survey of Educational Institutions' Issuance of Work Authorization Documents to Foreign Students*. Sept., 2004.
<http://www.ssa.gov/oig/ADOBEPDF/A-08-04-24102.pdf>.

Discusses issue of SSN's for foreign students holding F-1 visas, use of SEVIS to track foreign students, and addresses concern that these students should only be issued SSN's if they have proof of an on-campus job offer.

Social Security Administration, Office of the Inspector General. *Inspector General*

Statement on the Social Security Administration's Major Management Challenges. Nov., 2003.

Discusses major challenges to the SSA in areas of SSN integrity and protection, SSN misuse, improving proper posting of earnings, efforts to check validity of documentation before assigning SSN's to non-USC's, efforts to reduce the Earnings Suspense File, improving disability determinations to prevent fraud, and steps SSA has taken to address these challenges.

Social Security Administration, Office of the Inspector General. *Follow-up Review of Employers with the Most Suspended Wage Items.* Oct., 2003.

<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-13026.pdf>.

Analyzes whether wage reporting had improved for employers since 1999 and whether SSA had implemented any of the recommendations in the previous report. Discusses SSA efforts to expand Employer Verification Services and sending of no-match letters. Mentions that SSA and IRS coordinate their efforts to identify problem employers.

Social Security Administration, Office of the Inspector General. *Congressional Response Report: Use and Misuse of the Social Security Number.* Aug., 2003.

<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-24048.pdf>.

Responds to questions regarding the process of obtaining a SSN, replacing a card, vulnerabilities in the system to SSN misuse, options to protect against misuse, penalties for SSN misuse, the need for meaningful civil penalties,

Social Security Administration, Office of the Inspector General. *Congressional Response Report: Review of the Social Security Number Feedback Pilot Project.* April, 2003.

<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-13017.pdf>.

Reports on pilot project undertaken in Massachusetts and Illinois in 1999 in which the SSA immediately alerted employers whose SSA filings showed incorrect or mismatched SSN's and employees on "new hire" reports. Employers were notified of problems 4-6 weeks after hire, rather than at the end of the year.

Social Security Administration, Office of the Inspector General. *Congressional Response Report: Social Security Administration Benefits Related to Unauthorized Work.* March, 2003.

<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-23053.pdf>.

Discusses provision of benefits to people unauthorized to work, such as those with non-work Social Security numbers and others, and how workers who later gain legal status can claim wages earned when they were working without authorization. Also discusses the cost to SSA of trying to correctly match and attribute incorrect SSN's. Current law allows for the payment of benefits to individuals who are not legally in the U.S. and did not work legally in the U.S.

Social Security Administration, Office of the Inspector General. *Congressional Response Report: Status of the Social Security Administration's Earnings Suspense File*. Nov., 2002. <http://www.ssa.gov/oig/ADOBEPDF/A-03-03-23038.pdf>.

Reports on industries generating the most suspended wage items, and SSN misuse by unauthorized workers as the main cause of the growth of the Earnings Suspense File. Also reports on status and growth of the ESF, SSA plans to expand electronic verification options for employers, and SSA/IRS earnings reconciliation process

Social Security Administration, Office of the Inspector General. *The Social Security Administration's Employee Verification Service for Registered Employers*. Sept., 2002. <http://www.ssa.gov/oig/ADOBEPDF/A-03-02-22008.pdf>.

The Employee Verification Service allows employers to verify over 51 SSN's and thus improve accuracy in reporting, though usage is low, even among registered users. Describes process through which employers can submit names and SSN's for verification, issues of confidentiality and limits on information that SSA provides to employers regarding problems. Discusses problems with the system, such as lack of consistent oversight by SSA.

Social Security Administration, Office of the Inspector General. *Effectiveness of the Social Security Administration's Earnings After Death Process*. August, 2002. <http://www.ssa.gov/oig/ADOBEPDF/A-03-01-11035.pdf>.

Deals with options to better prevent earnings after death from being placed in the Earnings Suspense File and the effectiveness of the current process in place to deal with such earnings, determine if another person is using the deceased person's SSN, etc.

Social Security Administration, Office of the Inspector General. *Effectiveness of the Social Security Administration's Decentralized Correspondence Process: Audit Report*. July, 2002. <http://www.ssa.gov/oig/ADOBEPDF/A-03-01-11034.pdf>.

The decentralized correspondence process basically refers to the process of sending out no-match letters to employees or employers in efforts to identify wages in the earnings suspense file. Discusses challenges to correcting errors and contacting the workers involved. Very few wage items, maybe 10%, are reinstated under the current system. Most notices are never returned to SSA.

Social Security Administration, Office of the Inspector General. *Recent Efforts to Reduce the Size and Growth of the Social Security Administration's Earnings Suspense File*. May, 2002. <http://www.ssa.gov/oig/ADOBEPDF/A-03-01-30035.pdf>.

Analysis of ESF, size of file, number of new W-2's added to it, results of study conducted by contractor regarding how SSA could more effectively match records in the ESF, possible options for reducing the ESF and removing items from suspense,

Social Security Administration, Office of the Inspector General. *Audit Report: Work Activity for Social Security Numbers Assigned for Non-Work Purposes in the State of Utah*. March, 2002. <http://www.ssa.gov/oig/ADOBEPDF/A-14-01-11048.pdf>.

Reports on numbers of individuals in Utah who were not authorized to work, but who had been assigned non-work SSN's and gone on to use them for employment purposes. Numbers of non-work SSN's requested and assigned had risen recently in the state, as had use of these SSN's for employment. In states where a SSN is required to obtain a driver's license, SSA previously assigned non-work SSN's for this purpose but no longer does so as of March of 2002. Suggests matching then-INS records with the Earnings Suspense File to identify incidents of illegal employment.

Social Security Administration, Office of the Inspector General. *Obstacles to Reducing Social Security Number Misuse in the Agriculture Industry*. January, 2001.

Explores issues of SSN misuse in agriculture, which as an industry is the largest contributor to the Earnings Suspense File, where employers reported SSN's that had never been issued, or had been issued to someone else. Also discusses SSA policies regarding attempts to reduce the ESF and reduce SSN misuse, and the fact that the IRS, not SSA, has authority to levy fines for incorrect reporting, but is reluctant to do so. SSA and IRS collaboration is reportedly limited.

Social Security Administration, Office of the Inspector General. *Profile of the Social Security Administration's Non-Work Alien File*. No date.

Reports on use of non-work SSN's by unauthorized aliens to work. SSA shares information with CIS on aliens using non-work authorized SSNs to work.

SSA "No-Match" Letters: *Top Ten Tips for Employers*. New York: National Employment Law Project, Oct. 2003.

Publication by advocacy organization advising employers that a no-match letter does not necessarily mean a worker is unauthorized, that SSA is not an enforcement agency, and that the IRS will not fine them provided they obtained the employee's SSN upon hiring them.

Toolkit for Organizers: Social Security Administration's No-Match Letters. National Immigration Law Center, HERE Local 2850, and East Bay Alliance for a Sustainable Economy, Feb. 2005.

Publication by advocacy organization that includes basic information, examples of situations with no-match letters, tips for employers, and information on how to deal with discrimination against employees as a result of no-match letters. Addresses issues of confusion about how to respond to no-match letters and instances of employers taking inappropriate actions against employees, such as to fire union organizers. Includes samples of letters sent to employers and employees.

SSA OIG Audit Reports:

Unauthorized Work Social Security Numbers at the Department of Defense:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-05-25127.pdf>

Impact of Non-immigrants Who Continue Working After Their Immigration Status Expires: <http://www.ssa.gov/oig/ADOBEPDF/A-08-05-15073.pdf>

Reported Earnings Prior to the Issuance of a Social Security Number:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-04-14037.pdf>

Social Security Number Misuse in the Service, Restaurant, and Agriculture Industries:
<http://www.ssa.gov/oig/ADOBEPDF/A-08-05-25023.pdf>

Department of Defense Wage Items in the Earnings Suspense File:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-04-14041.pdf>

Employers With the Most Suspended Wage Items in the 5-Year Period 1997 Through 2001: <http://www.ssa.gov/oig/ADOBEPDF/A-03-03-13048.pdf>

Survey of Educational Institutions' Issuance of Work Authorization Documents to Foreign Students: <http://www.ssa.gov/oig/ADOBEPDF/A-08-04-24102.pdf>

Follow up Review of Employers with the most Suspended Wage Items:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-13026.pdf>

Profile of the Social Security Administration's Non-Work Alien File:
<http://www.ssa.gov/oig/ADOBEPDF/A-14-03-23071.pdf>

Use and Misuse of the Social Security Number: <http://www.ssa.gov/oig/ADOBEPDF/A-03-03-24048.pdf>

Review of the Social Security Number Feedback Pilot Project:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-13017.pdf>

Social Security Administration Benefits Related to Unauthorized Work:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-23053.pdf>

Status of Social Security Administration's Earnings Suspense File:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-03-23038.pdf>

The Social Security Administration's Employee Verification Service for Registered Employers: <http://www.ssa.gov/oig/ADOBEPDF/A-03-02-22008.pdf>

Effectiveness of the Social Security Administration's Earnings After Death Process:
<http://www.ssa.gov/oig/ADOBEPDF/A-03-01-11035.pdf>

Effectiveness of the Social Security Administration's Decentralized Correspondence Process: <http://www.ssa.gov/oig/ADOBEPDF/A-03-01-11034.pdf>

Recent Efforts to Reduce the Size and Growth of the Social Security Administration's Earnings Suspense File: <http://www.ssa.gov/oig/ADOBEPDF/A-03-01-30035.pdf>

Work Activity for Social Security Numbers Assigned for Non-Work Purposes in the State of Utah: <http://www.ssa.gov/oig/ADOBEPDF/A-14-01-11048.pdf>

Tyson's

"6 Tyson Officials Accused of Smuggling Illegal Workers from Mexico." *The Commercial Appeal, Memphis*, Dec. 20, 2001.

Reports on federal indictment against Tyson Foods, in which six executives and managers were accused of smuggling Mexican workers to work at Tyson processing plants. The 36-count indictment also said that managers assisted the illegal immigrants to obtain false documentation. Tyson said that charges were limited to a few managers who acted on their own. Fifteen Tyson chicken processing plants were implicated in the indictment.

CBS News. "Tyson Foods Acquitted of Illegal Hiring," March 26, 2003.

Reports on acquittal of Tyson Foods and managers of hiring unauthorized workers. The judge had previously dismissed 24 of the original 36 charges brought against Tyson. Six plant managers and Tyson Foods were charged.

GT Immigration Observer. "Tyson Foods Acquitted," March, 2003.

<http://www.gtlaw.com/practices/immigration/newsletter/archives/013/item05.htm>

Reports on acquittal of Tyson Foods and managers for hiring illegal immigrants, and details background of case. Tyson was accused of actively recruiting and importing unauthorized workers to keep wages low. Most of the original charges were dismissed for lack of evidence, which was also a component of the defense argument. This was the first such case brought against an employer of Tyson's size.

Lazenby, Brian. "Tyson's Faces Suit Over Pay, Illegals." *Chattanooga Times Free Press*, July 17, 2005.

Reports on class-action suits brought against Tyson's alleging that the company hired unauthorized workers to deliberately depress wages.

Lazenby, Brian. "Tyson Officials Used Temp Firm to Hire Illegals, Agent Testifies." *Chattanooga Times Free Press*, Feb. 13, 2003.

Report on testimony by an undercover border patrol agent who brought unauthorized workers to a temp agency, as instructed by a Tyson's manager, to have them hired even if their documents were clearly fraudulent.

National Public Radio. "Tyson Foods and three of its Managers Found not guilty of Conspiring to Violate Immigration Laws," Morning Edition, March 27, 2003.

Report on acquittal in case. Tyson argued that the employment of unauthorized workers was the responsibility of a few managers, not something that the company was aware of.

Seper, Jerry. "Ex Tyson's Workers Can Seek Damages." *The Washington Times*, June 11, 2004. <http://www.washingtontimes.com/national/20040610-112606-5156r.htm>

Report on ruling that former Tyson's employees could sue Tyson under a provision of a 1996 law making the intentional employment of illegal aliens for financial gain a violation of the Racketeer Influenced and Corrupt Organizations Act.

Trollinger, Martinez, Edding, and Jewell v. Tyson Foods, Inc. U.S. Court of Appeals, 6th Circuit, Argued Dec. 11, 2003.

Case brought by former Tyson employees who alleged that Tyson used unauthorized worker to depress wages and asserted this claim under the RICO Act, claiming that Tyson was involved in a scheme with several employment agencies to procure unauthorized workers. The District court had previously granted the employer's motion to dismiss. The 6th Circuit reversed and remanded the case.

United States of America v. Tyson Foods. United States District Court for the Eastern District of Tennessee, Decided Jan. 28, 2003. Lexis 21074.

**Seems to be multiple rulings on different aspects of the case—this one is on whether a Social Security card can be considered an identification document.

The Washington Post, “Tyson Cleared of Hiring Charge,” March 27, 2003.

Reports on federal jury’s acquittal of Tyson Foods and three managers of hiring illegal immigrants in a scheme to increase production and profits. The government had investigated Tyson for four years.

The Washington Post, “Tyson Denies Smuggling Workers,” Jan. 25, 2002.

Reports on Tyson’s pleading not guilty to charges that it was involved in a scheme to bring unauthorized workers to the U.S. to work at its packing sheds. A federal grand jury had returned a 36 count indictment against Tyson.

Zellner, Wendy. “Hiring Illegals: The Risks Grow.” *Business Week*, May 13, 2002.

Reports on lawsuit brought by former Tyson employees under RICO alleging that Tyson conspired to hire unauthorized workers to keep wages low. The suit closely followed the federal indictment of Tyson for smuggling workers into the U.S. to work at Tyson plants.

US-VISIT and Biometrics

Aviation Security: Challenges in Using Biometric Technology. Washington, D.C.: GAO, May 19, 2004. GAO-04-785T. <http://www.gao.gov/new.items/d04785t.pdf>

Includes general information on biometrics, leading biometric technology, accuracy of biometrics, standards for biometric technology, and the use of biometrics in aviation security.

Barnes, Tom. “PENN DOT Decries Deadline in Changes for Issuing Driver’s Licenses.” The Pittsburgh Post Gazette, Jan. 13, 2006. <http://www.post-gazette.com/pg/06013/637328.stm>.

Reports on concerns of the Pennsylvania DMV regarding meeting READ ID standards in drivers’ licenses by 2008, and the shortfall between the funding required and the funding Congress has provided to states.

Barrett, Randy. "New Biometrics Group Focuses on Frequent Fliers." *The National Journal's Technology Daily*, Jan. 9, 2006, http://www.govexec.com/story_page.cfm?articleid=33143&dcn=e_gvet.

Reports on new coalition created that includes various biometric and access-control companies to evaluate and have an impact on federal credentialing projects.

Borcover, Alfred. "Electronic Passports Headed Your Way." *The Chicago Tribune*, Sept. 11, 2005. <http://www.chicagotribune.com/travel/chi-0509100256sep11,1,4383698.story>.

Describes new electronic passports, which will have a chip embedded in the back cover containing biometric information—digital photograph, and all the information from the first page in digital form. Also discusses some of the privacy issues involved, such as other individuals using devices to scan the information contained in the chip.

Border Security: Joint Coordinated Actions by State and DHS Needed to Guide Biometric Visas and Related Programs. Washington, D.C.: GAO, Sept. 9, 2004. GAO-04-1080T. <http://www.gao.gov/new.items/d041080t.pdf>

Reports on DOS Biometric Visa Program, and on the need for State and DHS to better coordinate related efforts and provide additional guidance to consular officials.

Bruno, Andorra, and K. Larry Storrs. *Consular Identification Cards: Domestic and Foreign Policy Implications, the Mexican Case, and Related Legislation*. Congressional Research Service, May 26, 2005.

Report on consular ID cards, mainly the *matrícula consular*. Includes discussion on the security of the card and whether one can be obtained fraudulently or forged.

Campbell, Kathleen. Treasurer, American Immigration Lawyer's Association. Testimony before the House Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security. Jan. 28, 2004.

Testimony on the US-VISIT program, includes description of program and of the history of the development of an entry-exit tracking program. Describes phases of testing of US-VISIT, the process of enrollment in US-VISIT for visa holders, departure procedures, and concerns about the efficacy of the program. Also includes information on the role of U.S. consulates in US-VISIT, the expansion of US-VISIT to land ports of entry, and an assessment of what is still needed for the program to function as planned.

Carr, J. Scott. "Combating Identity Theft and Terrorist Travel." Presentation by Digimarc Corporation at Symposium on "Creating a Trusted Identity," organized by the Information Technology Association of America, Oct. 7, 2005.

Goes over requirements of REAL ID Act and compares it with new requirements for uniform identity documents for federal government employees. Includes descriptions and demonstrations of Digimarc technology that helps identify individuals and keep information secure. Explores possibility of including a digital chip or watermark in documents that can be read by a computer or when the card is swiped through a reader.

CNN News. "Feds aim to speed up U.S. entry process," Jan. 18, 2006.
<http://www.cnn.com/2006/POLITICS/01/17/border.security/>.

Reports on DHS plans to issue a secure border crossing card to U.S. citizens who frequently enter Mexico or Canada so they would not have to present a passport every time they crossed the border. The card would include a biometric identifier.

Department of Homeland Security, Office of the Inspector General. A Review of USCIS Alien Security Checks. November, 2005.

Describes different security checks done by USCIS. USCIS reportedly plans to increase use of biometric identifiers in security checks, one recommendation of the OIG at DHS. Describes current biometric checks done, such as fingerprints and comparing photographs, but comments that too much reliance is placed on identifying information provided by the applicant that may not be genuine. Discusses obstacles to increasing use of biometrics, such as capacity of ASC's to collect the data, as well as the decentralized nature of security checks, in which USCIS, CBP, and ICE each have different areas of responsibility. USCIS is reportedly trying to shift over to a paperless system but has not yet done so.

Elsner, Alan. "Road to Digital Drivers' Licenses Chaotic." Reuters, Oct. 10, 2005.
<http://www.washingtonpost.com/wp-dyn/content/article/2005/10/10/AR2005101000761.html>.

Reports on the challenges of implementing the Real ID Act's new requirements for drivers licenses and the administrative and financial costs to states of complying with Real ID provisions.

Hite, Randolph. Director, Information Technology, Architecture and System Issues, GAO. Testimony before the House Judiciary Committee, Subcommittee on Immigration, Border Security, and Claims. March 18, 2004.

Report on GAO's analysis of US-VISIT. Hite characterizes the program as risky, both because of the type of program it is (i.e. large, complex, and multifaceted) and the way it is being managed.

Holmes, Allan. "Cheap, Fast, or Secure: Pick Two." CIO Magazine, Sept. 1, 2005.

Describes the development of U.S.-VISIT, questions of the effectiveness of the two-fingerprint scan, privacy issues, and the problem with making the exit part of the program work as well as the entry segment.

Homeland Security: Some Progress Made, but Many Challenges Remain on U.S. Visitor and Immigrant Status Indicator Technology Program. Washington, D.C.: GAO, Feb. 2005. GAO-05-202. <http://www.gao.gov/new.items/d05202.pdf>

GAO report analyzing DHS management and development of the US-VISIT program, identifies delays and lack of efforts to track progress compared to commitment as two challenges.

Homeland Security: Risks Facing Key Border and Transportation Security Program Need to be Addressed. Washington, D.C.: GAO, Sept. 2003.

Analysis of US-VISIT program, continued problems and risks associated with it.

Hostettler, John N. U.S. Representative, R-IL. Testimony before the House Judiciary Committee, Subcommittee on Border Security and Claims. March 18, 2004.

Includes Hostettler's introduction to the hearing, where he lists a number of accomplishments of US-VISIT, opening statements from other committee members, and testimonies. Testimonies are provided by Robert Jacksta, Executive Director of Border Security and Facilitation, CBP, Robert Mocny, Deputy Director of US-VISIT, Alfonso Martinez-Fonts Jr., special assistant to the secretary for the private sector, DHS, and Randolph Hite, Director of Information Technology Architecture and Systems Issues, GAO.

Hutchinson, Asa. Testimony before the House Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security, Jan. 28, 2004.

Testimony regarding the US-VISIT program in which Hutchinson describes the process for arriving visitors to the US, implementation of the program and its successes and goals.

Information Security: Challenges in Using Biometrics. Washington, D.C.: GAO, Sept. 9, 2003. GAO-03-1137T. <http://www.gao.gov/new.items/d031137t.pdf>

Analyzes the need to balance advances in biometrics and security concerns against cost and operational considerations and political and economic consequences.

Jernegan, Kevin. "Documentation Provisions of the Real ID Act." *Migration Policy Institute*, Immigration Backgrounder, Nov., 2005.

Lists standards for state-issued drivers' licenses and ID cards established by REAL ID, estimates on the cost of implementation, concerns and opposition to REAL ID.

Kavanaugh Ulku, Lorin. "Biometrics: A New Frontier for Global Border Security." *The Wall Street Journal*, Oct. 17, 2005.
<http://online.wsj.com/article/SB112653733258238045.html>.

Reports on e-passport program in which newly issued passports for a number of nations include a microchip which contains unique physiological traits of the bearer and concerns about privacy and information security that have arisen.

Krlev, Nicholas. "'Paperless' system set for visa applications," *The Washington Times*, Jan. 18, 2006, <http://www.washingtontimes.com/world/20060118-121118-1858r.htm>.

Reports on plan to create paperless online visa application system that will allow for electronic submission of applications and interviews via teleconference, as well as plans to create a new border crossing card for U.S. citizens who frequently enter Mexico or Canada.

Kozlowski, Rey. *Real Challenges for Virtual Borders: The Implementation of US-VISIT*. Washington, D.C.: Migration Policy Institute, 2005.

Describes the development of the US-VISIT program, its different components, other related programs for screening travelers, problems with the program, such as the limited effectiveness of the current two-fingerprint requirement, as well as problems with collecting exit data. Includes analysis of the use of biometrics and the privacy and security issues involved.

Lehman, Greta. "DoD Identity Systems." Presented at ITAA Identity Management Conference, Oct. 6, 2005.

Presentation on challenges of safeguarding identity, processes for ensuring people are who they claim to be, identity management, authorization and access. Includes samples of identity badges used by DoD, biometrics and other identifiers used, use of computer programs to identify individuals as authorized or unauthorized.

Lichtblau, Eric and John Markoff. "Accenture is Awarded U.S. Contract for Borders." *The New York Times*, June 2, 2004.

Report on the awarding of the US-VISIT contract to Accenture.

Mocney, Robert. "21st Century Identity Management: Responsible Use of Emerging Technologies." Deputy Director of U.S.-VISIT program, presentation given at ITAA Identity Management Conference, Oct. 7, 2005.

Includes description and goals of US-VISIT, use of biometrics in the program, its success in identifying people with criminal or immigration violations, the responsibility of using a biometric identification system, importance of inputting data accurately and securing it, privacy protection issues, the use of radio frequency identification technology, and new initiatives, such as a ten-finger scan.

"New Jersey ICE Agents Arrest Eight in Fraudulent Document Ring." ICE News Release, Sept. 27, 2005.

Reports on arrests made in a case in which individuals were providing fraudulent drivers licenses to unauthorized immigrants.

O'Harrow Jr., Robert and Scott Higham. "U.S. Border Security at a Crossroads: Technology Problems Limit Effectiveness of US-VISIT Program to Screen Foreigners." *The Washington Post*, May 23, 2005.

<http://www.washingtonpost.com/wp-dyn/content/article/2005/05/22/AR2005052200613.html>

Description of US-VISIT program and problems with its implementation, such as antiquated computer systems that it relies on and failure to link all relevant databases from different government agencies, as well as the unreliability of the fingerprinting process used. Also reports on Accenture, the company contracted to develop the US-VISIT system, and GAO analysis of the system.

Privacy International. *The Enhanced U.S. Border Surveillance System: An Assessment of the Implications of US-VISIT*, Sept. 28, 2004.

Critical analysis of US-VISIT from perspective of privacy concerns.

Public CIO. "DHS Completes Foundation of Biometric Entry System." Jan. 2, 2006.

<http://www.public-cio.com/newsStory.php?id=2006.01.02-97728>.

Reports on completed installation of US-VISIT technology at all U.S. land ports of entry open to US-VISIT travelers.

Ragsdale, Jim. "Illegal Workers Create ID Crisis." *The Pioneer Press, St. Paul, MN*. Jan. 7,

2006, <http://www.twincities.com/mld/pioneerpress/news/local/13569267.htm>.

Reports on large numbers of immigrants in Minnesota meat processing industry who purchase the documents of another person and work under their name, and the confusion and problems that this type of identity theft can cause.

Redpath, Jillyanne. "Biometrics and International Migration." *International Migration Law 5*. Geneva: IOM, 2005.

Includes a section with general information on biometrics, and the use of biometrics for migration management and security. Describes recent biometric initiatives undertaken. Also discusses the human rights implications of biometrics in migration management, including privacy issues, the need for international standards to govern biometrics, databases, information collected, and the implications for the ability to move freely and lawfully. Includes appendices detailing the use of biometrics in migration management by different countries, and bibliography with other documents on biometrics.

Secure ID News. "US VISIT deploys biometric entry procedures at more land border ports," Oct.

6, 2005. <http://www.secureidnews.com/news/2005/10/06/us-visit-deploys-biometric-entry-procedures-at-more-land-border-ports/>.

Reports on scheduled expansion of US-VISIT to additional land ports of entry.

Seghetti, Lisa and Stephen Viña. "U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) Program." Congressional Research Service, Feb. 23, 2005.

Includes current developments, volume of entries, the arrival-departure record used in the past (the I-94), related laws, and the mandate to create a new entry-exit system sine IIRIRA. Looks at modifications and enhancements to the entry-exit system, related requirements such as machine-readable passports, biometric identifiers, and technology standards. Also discusses the current status of US-VISIT, implementation phases, the process of going through the system, and related issues such as the visa waiver program, privacy concerns, and training and technology needs.

Seper, Jerry. "US-VISIT Shows Unprecedented Results." *The Washington Times*, May 20, 2005. <http://www.washingtontimes.com/national/20050519-114437-1824r.htm>

Reports on successes of US-VISIT at identifying criminals and others who attempt to obtain visas or enter the United States. Based on statistics from ICE.

Strohm, Chris. "Homeland Security to Expand Biometric Visitor Tracking System," GovExec.com, Oct. 25, 2005, http://www.govexec.com/story_page.cfm?articleid=32658&dcn=e_gvet.

Describes DHS plans to upgrade US-VISIT.

US-VISIT Program, Increment 1, Privacy Impact Assessment, Department of Homeland Security, Dec. 18, 2003.

Analysis of US-VISIT focused on first phase, collecting entry and exit information on foreign visitors. Includes information on how data would be collected, shared, and secured, and potential privacy threats.

Vaughn, Jessica. *Backgrounder: Modernizing America's Welcome Mat: The Implementation of U.S.-VISIT*. Center for Immigration Studies, August, 2005.

Provides a general background on the US-VISIT program and recommendations for improving it, such as including Mexicans and Canadians in it.

Wal-Mart

AFX News Limited. "Wal-Mart Can Pay Feds in 21 Minutes," March 18, 2005.

Reports that Wal-Mart's settlement of \$11 million with the government amounted to 21 minutes of sales in 2004. Case seen as positive for government in light of Tyson loss, and as possibly deterring other businesses from hiring unauthorized workers.

Armour, Stephanie and Donna Leinwand, "120 Arrested on Immigration Violations at Wal-Mart Site," *USA Today*, Nov., 18, 2005, http://www.usatoday.com/money/industries/retail/2005-11-17-wal-mart-usat_x.htm.

Reports on ICE raid on the construction site of a Wal-Mart distribution center in Pennsylvania. The workers arrested were employees of a subcontractor.

Axtman, Kris. "Wal-Mart Raids Send Signals to Other Firms, Intentional or Not." *The Christian Science Monitor*, Oct. 27, 2003.

Describes role of Wal-Mart raids in drawing attention to worksite enforcement issues.

Barbero, Michael. "Wal-Mart to Pay \$11 Million." *The Washington Post*, March 19,

2005. <http://www.washingtonpost.com/wp-dyn/articles/A48612-2005Mar18.html>

Reports on Wal-Mart's agreement to pay \$11 million to settle the federal investigation into the hiring of undocumented janitors by its contractors.

Bartels, Chuck. "No Charges in Wal-Mart Case; Company Fined in Immigrant Query." *The Associated Press*, March 18, 2005.

Report on how Wal-Mart avoided criminal penalties but agreed to pay an \$11 million fine in a civil immigration case to end the investigation into the use of unauthorized workers to clean its stores. A dozen contractors who hired the workers pled guilty to criminal immigration charges and agreed to pay together about \$4 million.

Bartels, Chuck. "Wal-Mart Starting to Look at all its 1.1 Million U.S. Workers." *The Associated Press*, Oct. 24, 2003.

Wal-Mart asserted that it would review the records of all its employees and fire anyone who wasn't authorized to work.

Bartels, Chuck. "Wal-Mart Knew of Illegal Workers." *The Associated Press*, Oct. 24, 2003. <http://www.washingtonpost.com/wp-dyn/articles/A11056-2003Oct24.html>

Reports on Wal-Mart raids and claims by federal authorities that they had evidence that Wal-Mart knew that the workers cleaning the stores were unauthorized.

Brown, Katie. "Wal-Mart Work Starts up Again." *The Bismarck Tribune*, Oct. 26, 2005.

Reports on suspension of construction work on new Wal-Mart sites in order to check documentation of all contractors, following the arrest of eight unauthorized individuals who had been working at one of the sites.

Gold, Russell, and Ann Zimmerman, "Papers Suggest Wal-Mart Knew of Illegal Workers," *The Wall Street Journal*, Nov. 5, 2005. <http://online.wsj.com/article/SB113115662479389147.html>.

Reports on documents from a federal investigation into wage and hour violation for Wal-Mart workers, a case separate from that dealing with illegal workers, that suggests that executives did in fact know that janitorial contractors hired undocumented workers.

Greenhouse, Steven. "Illegally in U.S., and Never a Day off at Wal-Mart." *The New York Times*, Nov. 5, 2003.

Reports on working conditions faced by the undocumented janitors who cleaned Wal-Mart stores, such as being forced to work seven nights a week and being paid no overtime. Also discusses the practice of using contractors to do janitorial work, and the conditions endured by other immigrant workers employed by contractors.

Greenhouse, Steve. "Wal-Mart Raids by U.S. Aimed at Illegal Aliens." *The New York Times*, Oct. 24, 2003. <http://www.nytimes.com/2003/10/24/national/24IMMI.html>

Reports on Wal-Mart raids, and also past cases involving Wal-Mart violating wage and hour laws.

Hegstrom, Edward. "Agents Raid Two Wal-Mart Stores." *The Houston Chronicle*, Oct. 24, 2003. <http://www.chron.com/cs/CDA/ssistory.mpl/nation/2176257>

Reports on raids on Wal-Mart stores, and provides history of previous incidents in which Wal-Mart contractors were found guilty of alien smuggling.

MacPherson, James. "Wal-Mart Halts Construction Statewide on Stores." *The Associated Press*, Oct. 25, 2005.

Reports on Wal-Mart's decision to shut down all construction sites in North Dakota to check that contractors had not hired unauthorized workers to work on the sites.

Maiello, Michael. "Why Wal-Mart Can't Clean Up." *Forbes*, Oct. 10, 2005. http://www.forbes.com/business/2005/10/10/lawsuit-immigration-wmt-cz_mm_1010walmart.html.

Reports on judge allowing suit brought by unauthorized workers against Wal-Mart on grounds of underpayment of wages and poor treatment.

Rubinkam, Michael. "Wal-Mart Arrests are a Warning, Feds Say." *The Associated Press*, Nov.

19, 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/19/AR2005111900371.html>.

Reports on arrest of unauthorized workers at a construction site for a Wal-Mart in Pennsylvania.

Seper, Jerry. "Wal-Mart Pays \$11 Million to Settle Alien Case." *The Washington Times*, March 19, 2005.

Reports on Wal-Mart settlement with government for \$11 million to close investigation into the hiring of unauthorized workers.

Shellem, Pete. "Firms Plead Guilty in Immigrant Case." *The Patriot-News*, April 26, 2005. <http://www.pennlive.com/business/patriotnews/index.ssf?/base/business/11450740386550.xml>

Reports on guilty plea entered by the janitorial contracting companies who provided undocumented workers to clean Wal-Mart stores.

Union Leader, "Wal-Mart to Pay \$11 Million," March 19, 2005.

Reports on Wal-Mart agreement to pay \$11 million settlement in civil immigration case regarding hiring of unauthorized workers at Wal-Mart stores, a record amount. The government also collected \$4 million from contractors who had hired many of the workers.

"Wal-Mart Stores, Inc. Agrees to Pay a Record \$11 Million to ICE to Settle Nationwide Worksite Enforcement Investigation." ICE News Release, March 18, 2005.

Report on record settlement amounts paid by Wal-Mart and by subcontractors, called the most significant employer sanctions actions taken by the government since IRCA went into effect.

Zavala v. Wal-Mart. U.S. District Court for the District of New Jersey, Decided Oct. 7, 2005.

Suit brought under RICO by a group of the unauthorized workers apprehended in Operation Rollback. Workers claimed that Wal-Mart conspired with hiring agencies to recruit and hire unauthorized workers as part of an "exploitative criminal enterprise," in which workers were underpaid and denied benefits to which they had a right.

Worksite Enforcement and Employer Sanctions

Associated Press. "Seven Illegal Aliens Arrested." Oct. 6, 2005. <http://cnews.canoe.ca/CNEWS/Canada/2005/10/06/1250847-ap.html>.

Reports on arrest of illegal workers at an air force base in Idaho.

Bartels, Lynn. "Bill targets businesses that employ illegals." *The Rocky Mountain News*, Jan. 14, 2006. http://www.rockymountainnews.com/drmn/government/article/0,2777,DRMN_23906_4388042,00.html.

Reports on bill in Colorado state legislature that would open up the employers of unauthorized workers to lawsuits for actions taken by these workers off the job, such as getting in car accidents or committing assaults or other crimes. It has been decried as unconstitutional and anti-business by its opponents.

Bean, Frank D., Georges Vernez, and Charles B. Keely. *Opening and Closing the Doors: Evaluating Immigration Reform and Control*. RAND Corporation and Urban Institute, 1989.

Billeaud, Jacques. "Government Gets Poor Marks in Deterring Illegal Hiring." *The Associated Press*, Dec. 5, 2005. <http://www.law.com/jsp/article.jsp?id=1133517912003>.

Reports on recent ICE investigations, current status of worksite enforcement.

Brownell, Peter. "The Declining Enforcement of Employer Sanctions." *Migration Information Source*, Sept. 1, 2005. <http://www.migrationinformation.org/Feature/display.cfm?id=332>

Reports on history of employer sanctions, research and analyses done by government and GAO, and changes in sanctions over time based on the Performance Analysis System and LYNX.

Bunis, Dena. "Employers Lag on Immigration Enforcement." *The Orange County Register*, Sept. 22, 2005.

Reports on results of GAO study on worksite enforcement.

Burdeau, Cain. "Illegal Workers Allegedly Hired for Recovery Work at Naval Base." *The Associated Press*, Oct. 21, 2005. <http://www.tuscaloosaneews.com/apps/pbcs.dll/article?AID=/20051021/APN/510210502&cachetime=3&template=dateline>.

Reports on the detention of unauthorized workers who had been employed by a Halliburton subcontractor to do Hurricane Katrina recovery work.

Calavita, Kitty. "Employer Sanctions Violations: Toward a Dialectical Model of White-Collar Crime." *Law and Society Review* 24 (4): 1990.

Studies violations of employer sanctions laws as a case study in white collar crime, looks at a number of employers in Southern California.

Cobb-Clark, Deborah, Clinton R. Schiells, and B. Lindsay Lowell. "Immigration Reform: The Effects of Employer Sanctions and Legalization on Wages." *Journal of Labor Economics* 13 (3): July, 1995, 472-498.

Crane, Keith, Beth J. Asch, Joanna Zorn Heilbrunn, and Danielle C. Cullinane. *The Effect of Employer Sanctions on the Flow of Undocumented Immigrants to the United States*. RAND Corporation and the Urban Institute, April, 1990.

Dinan, Stephen. "Homeland Security Action Against Illegals Lacking." *The Washington Times*, Sept. 22, 2002.

Article on GAO report regarding worksite enforcement.

Donahoe, Brian. "Immigrant Influx Leads to Tension with Unions." *The New Jersey Star Ledger*, Oct. 2, 2005.

<http://www.nj.com/news/ledger/jersey/index.ssf?/base/news-1/1128229659104780.xml&coll=1>.

Reports on apparent use of false SSN's and union membership cards by a group of immigrant workers hired by a contractor to work on a union construction job.

Echaveste, Maria. "Target Employers." *The American Prospect Online*. Oct. 23, 2005.

Discusses need for effective worksite enforcement, and an employer sanctions regime to discourage illegal immigration.

Finn Bennett, William. "Businesses Take Pledge Not to Hire Illegal Immigrants." *The North County Times*, Aug. 28, 2004.

http://www.nctimes.com/articles/2004/08/29/news/top_stories/17_17_018_28_04.txt

Describes California business association that promotes its members as having committed to not hire unauthorized workers. Discusses issue of worksite enforcement.

Finn Bennett, William. "Employer Fines Plummet for Hiring Illegals." *The North County Times*, Aug. 21, 2004.

http://www.nctimes.com/articles/2004/08/22/news/californian/18_53_328_21_04.txt

Recent statistics on numbers of businesses fined, especially in California, for hiring unauthorized workers.

Fix, Michael and Paul T. Hill. *Enforcing Employer Sanctions: Challenges and Strategies*. RAND Corporation and the Urban Institute, May, 1990.

Government Accountability Office. *Immigration Enforcement: Weaknesses Hinder Employment Verification and Worksite Enforcement Efforts*. Washington, D.C.: GAO, Aug., 2005. www.gao.gov/cgi-bin/getrpt?GAO-05-813.

Report evaluates current employment authorization verification system and its weaknesses, problems with document and identity fraud, the Basic Pilot program and the feasibility of expanding it, the low priority that worksite enforcement appears to be for ICE, and ICE's lack of outcome goals for worksite enforcement.

Gorman, Anna. "Employers of Illegal Immigrants Face Little Risk of Penalty." *The Los Angeles Times*, May 29, 2005. <http://www.latimes.com/news/printedition/la-me-employers29may29,1,5136348.story>

Describes how employers hire unauthorized workers, use of fraudulent identification, lack of enforcement.

Guy, Colin. "Expert Predicts Crackdown on Immigration Could Hurt Restaurant Industry." *The Midland Reporter-Telegram (TX)*, Oct. 17, 2005.

Reports on comments made by the CEO of the Texas Restaurant Association that a crackdown on the hiring of unauthorized workers by restaurants would make it hard for the industry to fill positions.

Hedges, Michael. "Feds Plan to Get Tough on Hiring Illegal Workers." *The Houston Chronicle*, Dec. 2, 2005.

Reports on announcement by Chertoff on plan to get tougher on hiring of illegal immigrants, and the proposed rule changes that are being reviewed by ICE.

Hegstrom, Edward. "60 Illegal Workers for Contractor are Arrested." *The Houston Chronicle*, May 21, 2005.

Reports on apprehension of unauthorized workers in Texas working for a contractor that provides maintenance services to heavy industries.

Howe Verhovek, Sam. "Illegal Immigrant Workers Being Fired in INS Tactic." *The New York Times*, April 2, 1999.

Reports on dismissal of hundreds of packinghouse workers in Yakima, WA, after the INS audited company hiring records and told managers to dismiss unauthorized employees.

"ICE Arrests 14 Illegal Aliens Working at Logan Airport." ICE News Release, March 25, 2005.

Reports on arrest of unauthorized Brazilian immigrants who worked for a janitorial service at Logan.

"ICE Investigation Leads to Arrest of a Cleaning Service Operator and 57 Illegal Aliens."

ICE News Release, March 17, 2004.

Reports on arrest of Brazilian man alleged to have knowingly hired unauthorized individuals to work for his cleaning business, and to have attempted to bribe an ICE official to secure their release.

“ICE Worksite Enforcement: Fact Sheet.” June 21, 2005.

<http://www.ice.gov/graphics/news/factsheets/worksite031805.htm>.

Basic details on ICE focus on national security sites, traditional worksite enforcement, and investigations of violators. Also includes a list of recent worksite enforcement actions.

Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist.

Report to Congressional Committees. Washington, D.C.: GAO, April, 1999.

GAO/GDD-99-33. <http://www.gao.gov/archive/1999/gg99033.pdf>

A compilation of different data collected by the GAO since IRCA regarding the effectiveness of worksite enforcement and obstacles, such as the use of fraudulent documents and insufficient interior enforcement budget, that make worksite enforcement ineffective. Also points out shortcomings of pilot programs enacted by the INS and failure to enroll the desired number of participants, and failure to reduce the number of documents acceptable to prove work authorization.

“Illegal Aliens Nabbed at Nuclear Plant.” *The New York Jewish Times*, Sept. 28, 2005.

<http://nytimes.com/cover/09-28-05/IllegalAliensNabbedAtNukePlant.htm>.

Reports on detention of three unauthorized individuals at a nuclear power plant in Blair, NE, who had been hired by a contractor to perform maintenance work.

“Illegal Workers Arrested at Fort Calhoun Plant.” *The Omaha, NE Channel*. Sept. 15,

2007. <http://www.theomahachannel.com/news/4978814/detail.html>.

Reports on arrest of three unauthorized workers at a nuclear power plant.

Immigration Enforcement: Preliminary Observations on Employment Verification and

Worksite Enforcement Efforts. Statement of Richard Stana, Director, Homeland

Security and Justice, before the Subcommittee on Immigration, Border Security

and Claims, Committee on the Judiciary, House of Representatives. Washington,

D.C.: GAO, June 21, 2005. GAO-05-822T.

Analysis of the current worksite enforcement program, the basic pilot program, and challenges and problems with the system.

Jacoby, Tamar. “An Idea Whose Time Has Finally Come? The Case for Employment Verification.” *MPI Insight*, no. 9, Nov., 2005.

Overview of past leading up to employer sanctions, IRCA, problems with the I-9 system, Jordan Commission, current situation of Basic Pilot—virtually unfunded. Suggests that the technology is there to have a universal employment authorization verification program, such as a ‘swipe card,’ that verification should be made mandatory for all employers, and that the system must include enforcement mechanisms. Also suggests phasing in the program and instituting privacy and discrimination protections. Explores obstacles in areas of technology, resources, business compliance, and the issue of a national ID.

Jacoby, Tamar. “Let’s Put This ID Plan to Work.”

Editorial on the issue of worksite verification, a national ID card, and steps that need to be taken to better enforce immigration laws.

Jernegan, Kevin. “Eligible to Work? Experiments in Verifying Work Authorization.”
MPI

Insight, no. 8, Nov., 2005.

Includes history of work authorization, IRCA, and the verification pilot programs mandated by IIRIRA. These were: the basic pilot program; the citizenship attestation verification pilot, which required electronic verification only for non-citizens and was found to be ineffective and discriminatory; and the machine-readable document pilot, in which employers installed software and a card reader to check eligibility of all new hires. It was instituted in Iowa, the only state that issued IDs suitable for the pilot, and was found to be discriminatory as well to non-citizens since SSA data was not always up to date. Describes current scope of Basic Pilot, numbers of participants, industries involved, the web-based process of doing an initial verification (including images of web pages), statistics on the submissions to the program, and cost issues. Basic Pilot is run within SAVE (Systematic Alien Verification for Entitlements) program. Describes problems with data at SSA and USCIS in verification process and database limitations. Persistent problems mentioned include discrimination, employer noncompliance, and continued vulnerability of the program to identity theft.

Lezon, Dale. “Mexican Workers Risk Arrests in Crackdown.” *The Houston Chronicle*, April 27, 2002.

Reports on warnings made to Mexican workers at Houston airports regarding upcoming raids as part of Operation Tarmac.

Lipton, Eric. “New Checks Planned for Illegal Workers and Their Employers.” *The New York*

Times, Dec. 2, 2005.

Reports on Chertoff and DHS's plans to make worksite enforcement more effective by possibly reforming the SSA no-match letter system or expanding the Basic Pilot.

McCall, Joe. "Thirty-Two Workers Charged as Undocumented Immigrants." *The Morning Call* (Allentown, PA), Oct. 13, 2005.

Reports on arrest of about 30 unauthorized workers at a PA factory. Article suggests that a raid was carried out under the authority of the District Attorney, who investigated the work authorization of the employees following receiving a tip.

Morris, Ruth. "Federal Crackdown on Illegal Workers Could Cripple Building, Farming Industries." *The South Florida Sun Sentinel*, Dec. 20, 2005. <http://www.sun-sentinel.com/news/local/southflorida/sfl-cworker20dec20,0,5046625.story>.

Article on Florida employers' response to the passage of the Sensenbrenner bill, importance of unauthorized workers in Florida agriculture and construction industries.

Nash, James. "Immigration Agents Posing as OSHA Trainers Arrest Workers." *Occupational Hazards*, Aug. 2005: 9.

Reports on ICE agents arresting unauthorized workers after luring them to a 'mandatory' safety training meeting in North Carolina, without the knowledge of DOL or OSHA itself, who feared such tactics would damage the trust OSHA has built with Hispanic workers, who have high rates of injuries and fatalities on the job.

News Tribune (Tacoma). "Fruit Company Pays Settlement Over Immigrants to Avoid Legal Fees," Dec. 31, 2005. <http://www.thenewstribune.com/news/northwest/story/5430754p-4904789c.html>.

Reports on settlement reached by the executives of Zirkle Fruit for \$1.3 million to settle claims that they had conspired to hire unauthorized workers to keep wages low.

Pagán, José. "Employer Sanctions on Hiring Illegal Labor: An Experimental Analysis of Firm Compliance." *Journal of Economic Behavior and Organization* Vol. 34 (1998): 87-100.

Study conducted that suggests that employers are more likely to be fully compliant with IRCA if they have perfect information on employment eligibility status. Suggests that effective worksite enforcement therefore requires that the

information asymmetry that employers face be overcome, and that tamper-proof identification documents be introduced.

Patrick, Michael. "Developments in Employer Sanctions," *New York Law Journal*, May 22, 2000.

Discusses possible penalties and legal approaches to dealing with hiring paperwork violations, document abuse, or requesting additional documentation from non-citizens for the purpose of discrimination

Perotti, Rosanna. "Employer Sanctions and the Limits of Negotiation." *Annals of the American Academy of Political and Social Science* Vol. 534 (July, 1994).

Overview and assessment of IRCA and employer sanctions.

Pritchard, Justin. "Despite Wal-Mart Raids, Crackdowns on Illegal Workers are Rare." *The Associated Press*, Nov. 30, 2003.

Article on the decline in employer sanctions and raids.

Rolph, Elizabeth and Abby Robyn. *A Window on Immigration Reform: Implementing the Immigration Reform and Control Act in Los Angeles*. RAND Corporation and Urban Institute, August, 1990.

Rosenblum, Marc. "Immigration Enforcement at the Worksite: Making it Work." *MPI Policy Brief*, no. 6, Nov., 2005.

Provides overview of current system, process of sanctions enforcement, flaws in the existing system, and potential reforms. The reforms discussed are: improve document security through anti-fraud measures and REAL ID Standards; document consolidation, ie fewer documents acceptable for I-9 and the possibility of a one-card system; mandatory electronic screening, including a reformed Basic Pilot and use of electronic verification to target employers; increase staffing devoted to employer sanctions, including increasing ICE agents and either shifting enforcement to DOL or creating an ICE-DOL task force to do it; increase penalties associated with illegal employment; increase worksite access for investigations into violations, such as by allowing access without a warrant. Also discusses possibility of centralized screening and a job holder database, timeline for potential reforms including ID's, database creation, and staffing.

"Selected Recent ICE Worksite Enforcement Cases: Fact Sheet." March 18, 2005.
http://www.ice.gov/graphics/news/factsheets/worksite_cases.htm.

Lists recent raids on worksites.

Seper, Jerry and Stephen Dinan. "Verification Rules for Workers Eased." *The Washington*

Times, Sept. 9, 2005. <http://www.washtimes.com/national/20050909-121039-7838r.htm>.

Reports on suspension of I-9 regulations for 45 days following Hurricane Katrina.

"Six Arrested in ICE Operation Targeting Unauthorized Workers at Fort Irwin." ICE News Release, Aug. 26, 2005.

Reports on arrest of construction subcontractors doing work on US Army base Fort Irwin in Barstow, CA.

Smith, Alison. "Unauthorized Employment of Aliens: Basics of Employer Sanctions." *CRS*, June 29, 2005.

Review of employment verification laws, sanctions, unfair employment practices, and document fraud.

Smothers, Ronald. "New Tactic is Tested on Illegal Immigrants." *The New York Times*, Sept. 26, 1995.

Reports on raids carried out under Operation South PAW (Protecting American Workers), in the Southeast, in which INS agents apprehended unauthorized individuals, then worked with employers to fill vacancies with U.S. citizens whose names appeared on lists at local employment offices.

Stern, Ray. "Hiring of Illegals Goes Unpunished in State." *The East Valley Tribune*, Nov. 19, 2003. <http://www.aztrib.com/index.php?sty=13281>

Reports on lack of worksite enforcement as ICE focuses on terrorism issues and criminal aliens.

"Tucson ICE Agents Apprehend Nine Illegals Working at National Defense Subcontractor." ICE

News Release, March 21, 2005.

Reports on arrest of unauthorized workers working for a janitorial subcontractor that provided services to a number of firms in the Tucson area.

"Two Charged in Illegal Employment Conspiracy." ICE News Release, March 14, 2005.

Reports on investigation into a Texas employment agency accused of providing unauthorized workers to Asian restaurants in the Midwest.

U.S. Department of Labor and U.S. Department of Justice. *Immigration Reform and*

Control Act: I-9 Inspection and Issuance of Warning Notice. February, 1993.

U.S. Department of Labor. *Employer Sanctions and U.S. Labor Markets: First Report.*
Bureau of International Labor Affairs, 1991.

U.S. Department of Labor. *Employer Sanctions and U.S. Labor Markets: Second Report.*
Bureau of International Labor Affairs, 1991.

US Labor Law Enforcement

Department of Labor:

Employment Standards Administration: Wage and Hour Division:

<http://www.dol.gov/esa/whd/>

- Statistics Fact Sheet on 2005 Enforcement Efforts:
<http://www.dol.gov/esa/whd/statistics/200531.htm>
- Laws and Standards Enforced:
 - Minimum wage: Provides that all non-exempt employees be paid at least the federal minimum wage of \$5.15 per hour and be entitled to overtime pay of time-and-a-half for hours worked over 40 per week. Tipped employees may be paid \$2.13 per hour, but the employer must make up the difference if employees do not make at least \$5.15 with tips.
 - Youth employment: Regulates the jobs youth can do and the hours they may work.
 - Family and Medical Leave Act—covers all employers with over 50 employees and requires them to provide up to 12 weeks of unpaid leave each year to employees for the birth or adoption of a child, to care for a child, spouse, or parent with a serious health condition, or due to the employee's own serious health condition.
 - Migrant and Seasonal Agricultural Worker Protection Act—requires that employers pay workers wages when due, follow state and federal guidelines for housing, use properly ensured and licensed vehicles for worker transportation, and provide written disclosure of the terms of employment.
 - Davis-Bacon—payment of prevailing wage on federally funded projects.
 - Wage and Hour may review I-9 forms collected by employers.
 - Enforce labor standards for H-1B, H-2A, and H-2B workers.

OSHA

<http://www.osha.gov/>

- Enforce the Occupational Safety and Health Act of 1970

- Since 1970, OSHA has brought about various changes in industrial safety regulation:
 - Guards on all moving parts
 - Permissible exposure levels to toxins, etc.
 - Personal protective equipment
 - Lockout/Tagout
 - Confined space—buddy system when working inside tanks, manholes, etc.
 - Hazard communication/ right to know about hazardous chemicals at worksite.
 - Process safety management to reduce industrial accidents
 - Bloodborne pathogens—protect health care workers
- State and local agency enforcement and cooperation—many states have state occupational health and safety agencies as well.
- Statistics and data on enforcement efforts:
<http://www.osha.gov/oshstats/index.html>

Fair Labor Standards Act

<http://www.dol.gov/esa/whd/flsa/>

<http://www.dol.gov/esa/regs/statutes/whd/FairLaborStandAct.pdf>

- Key provisions of FLSA
 - Governs minimum wage and overtime standards, record-keeping, and child labor. Also establishes equal pay and prohibits wage differentials based on sex (enforced by EEOC).
- Enforcement responsibility—Wage and Hour division

National Labor Relations Board (NLRB)

<http://www.nlr.gov/nlr/home/default.asp>

Description of NLRB—independent federal agency charged with upholding the NLRA

- National Labor Relations Act—protect the right of the employees of all employers engaged in interstate commerce to organize, except railroad, airline, agriculture, and government. Ensures right to self-organization, right to join labor unions, right to bargain collectively through chosen representatives, right to engage in other protected activities/ collective action, and the right to refrain from participating in any of these activities.
- 5-member board, and General Counsel, appointed by the President.
- Union elections—NLRB oversees secret ballot elections, when either the union or employer request an election and show that at least 30% of the workforce wants an election.
- Unfair labor practices—NLRB remedies ULPs committed by either employers or unions.
- Processing of ULP cases by the NLRB—NLRB only investigates ULP charges filed with the board in one of its regional, subregional, or resident offices. It does not initiate investigations without a charge being filed.

Equal Employment Opportunity Commission (EEOC)

<http://www.eeoc.gov/>

- Enforcement of federal EEO laws—EEOC enforces all federal laws dealing with equal pay and non-discrimination in the workplace.
- Five commissioners and a General Counsel appointed by the President and confirmed by the Senate.
- Discrimination laws and issues
 - Title IV of the Civil Rights Act of 1964
 - Equal Pay Act of 1963
 - Age Discrimination in Employment Act of 1967
 - Title I and Title V of the Americans with Disabilities Act of 1990
 - Sections 501 and 505 of the Rehabilitation Act of 1973
 - Civil Rights Act of 1991
- Enforcement efforts—EEOC enforces all of these laws, and also provides oversight and coordination of all federal equal opportunity regulations.
- Enforcement statistics: <http://www.eeoc.gov/stats/enforcement.html>
- Coverage: different laws cover different groups of workers: http://www.eeoc.gov/abouteeo/overview_coverage.html
- Process for filing charges with EEOC: http://www.eeoc.gov/charge/overview_charge_filing.html
- Annual reports: http://www.eeoc.gov/abouteeoc/annual_reports/index.html

Department of Agriculture

[http://www.usda.gov/wps/portal/!ut/p/s.7_0_A/7_0_1OB?navtype=MA&navid=AGENCIES OFFICES](http://www.usda.gov/wps/portal/!ut/p/s.7_0_A/7_0_1OB?navtype=MA&navid=AGENCIES_OFFICES)

- Unclear which, if any, agency or office of the USDA deals with labor standards?

Other Publications of Interest:

Bean, Frank D., Barry Edmonston, and Jeffrey S. Passel. *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*. RAND Corporation and the Urban Institute, 1990.

Bernstein, Nina. "Most Mexican Immigrants in New Study Gave up Jobs to Take Their Chances in the U.S." *The New York Times*, Dec. 7, 2005.

Report on PHC research, surveys of illegal Mexican migrants.

Cornelius, Wayne and Jessa Lewis, Eds. *Impacts of U.S. Immigration Control*

Measures on Mexican Migration: The View From Sending Communities. UCSD Center for Comparative Immigration Studies. Boulder, CO: Lynne Reinner Publishers, 2005--forthcoming.

Includes: profiles of research communities, the contemporary migration process, impact of U.S. immigration policies on migration behavior and settlement, gender and generational differences in migration, migration and local development, and migration and political involvement.

Dougherty, Jon. "Poll: Make Employers Verify Immigration Status." *World Net Daily*, Oct. 20, 2005. http://worldnetdaily.com/news/article.asp?ARTICLE_ID=46928.

Reports on a poll conducted in Arizona. Results suggest that Arizonans support an increased role for employers in verifying work authorization.

Fears, Darryl. "Study: Illegal Immigrants not Drawn by Jobs." *The Washington Post*, Dec. 7, 2005.

Reports on PHC report that majority of recent Mexican migrants left a job in Mexico when they came to the U.S.

Government Accountability Office. *Taxpayer Information: Options Exist to Enable Data Sharing Between IRS and USCIS But Each Present Challenges.* Washington, D.C.: GAO, October, 2005.

Reviews possibilities for improved data sharing between USCIS and IRS to ensure that businesses sponsoring immigrants for visas, and the sponsors of immigrants petitioning for a visa are complying with tax payment.

Harrington, Caitlin, and Benton Ives-Halperin. "Auditors Find Security Holes in Secret Service, CBP Computer Systems." *The Congressional Quarterly*, Oct. 25, 2005.

Reports on weaknesses found in security systems for computers used by the Secret Service and CBP. Systems were not secured against hackers and the agencies did not conduct routine audits or tests to identify security holes and install needed patches.

Heenan, David. *Flight Capital: The Alarming Exodus of America's Best and Brightest.* Davies-Black Publishing, 2005.

Jakes Jordan, Lara. "Study: Border Security Woes Warrant Merger." *The Associated Press*, Nov. 8, 2005. <http://www.washingtonpost.com/wpdyn/content/article/2005/11/08/AR2005110801184.html>

Reports on study finding ICE and CBP dysfunctional and recommending their merger. DHS strongly disagreed with the findings.

Jacobson, Louis. "Immigration is Poised to Become a Hot Topic for 2006 Races." *Roll Call*, Nov. 16, 2005.
<http://www.rnha.org/News/Immigration/immigration%20a%20hot%20topic%20in%202006.htm>.

Commentary on the impact of immigration on recent and upcoming election campaigns, including candidates and elected officials who have faced challenges regarding their opinions on immigration issues.

Sharn, Lori, and Emily Heil. "Bush to Reinstate Contractor Wage Laws in Gulf States." *Govexec.com*, Oct. 26, 2005.
http://www.govexec.com/story_page.cfm?articleid=32667&dcn=e_gvet.

Reports on Bush administration re-instatement of Davis-Bacon law in Gulf states on Nov. 8th.

Think AZ. "What are Arizona Voters Thinking About Illegal Immigration?" October, 2005.

Paper based on telephone surveys to Arizona voters with questions on the individuals' opinions on undocumented workers, the impact of immigration on them personally, and best options for enforcement and control. Some results: almost half of respondents did not believe that illegal immigration affected them personally, most thought the U.S. and Mexico were doing a bad job at controlling illegal immigration, and few had a positive image of undocumented workers. Voters agreed most with the creation of an employment eligibility verification system to control illegal immigration.

U.S. Commission on Immigration Reform. *U.S. Immigration Policy: Restoring Credibility*. Report to Congress, 1994.

Wasem, Ruth Ellen. *Hurricane Katrina-Related Immigration Issues and Legislation*, Congressional Research Service, Sept. 19, 2005.

Addresses debate of whether Congress should have relaxed immigration laws for foreign nationals who were victims of Katrina. Report focuses on four immigration policy implications of Katrina: 1) issues of employment verification and documentation, 2) noncitizen eligibility for visas, 3) loss of life/ livelihood and eligibility for immigration benefits, and 4) relief from removal options for Katrina victims.

Immigration, Interior and Worksite Enforcement in Europe

1. Europe and EU
2. France
3. Germany
4. Spain
5. Other EU countries
6. UK, including Ireland

Europe and EU

Arbuthnott, Tom. "Migration in an Expanding EU." *BBC*, April 8, 2002.
<http://news.bbc.co.uk/1/hi/world/europe/1912956.stm>.

Article on concerns of EU countries regarding East-West migration from new members.

Barter, Sheila. "Europe Gripped by Migrant Myths." *BBC*, June 19, 2002.
<http://news.bbc.co.uk/1/hi/world/europe/2052298.stm>.

Article describing European migration patterns and discussing myths about migration that exist in Europe.

Echikson, William, Katharine Schmidt, Heidi Dawley, and Anna Bawden. "Unsung Heroes:

Immigrant Entrepreneurs are Creating Thriving Businesses in Europe—and Thousands of Jobs." *Business Week*, March 6, 2000.

Describes experiences of various immigrant entrepreneurs in Europe, demand for the types of businesses they open.

European Commission, Note regarding biometrics, Nov. 24, 2005.

Reports on EC proposal to develop a program similar to US-VISIT to register the biometric identifiers of arriving non-EU nationals.

Feld, Serge. "Labor Force Trends and Immigration in Europe." *International Migration Review* 39, iss. 3 (Fall, 2005): 637-664.

Examines labor force trends in EU through 2025 to determine if current migrant flows will be enough to counter labor force stagnation. Looks at total European population trends, labor force rate of growth, and disparities in trends in different countries.

Geddes, Andrew. "Europe's Ageing Workforce." *BBC*, June 20, 2002.
<http://news.bbc.co.uk/1/hi/world/europe/2053581.stm>.

Article on the aging of Europe's population and the need for additional workers to sustain growth, and retirees.

Geddes, Andrew. *Immigration and European Integration: Towards Fortress Europe?* Manchester University Press, 2000.

Melis, Barbara. *Negotiating Europe's Immigration Frontiers*. Kluwer Law International, 2001.

Miller, Mark. "New Citizenship: Refugees and the Undocumented in the European Space and new Citizenships and Territory: Towards Recomposing the Local and National: French Institute of International Relations, April 2000 and January 2001." *The International Migration Review*, Fall, 2001.

Conference report that includes input from various countries on immigration policy issues, such as asylum, legalization, and integration. Participant comments are recorded from Belgium, Italy, Britain, Spain, France, and on the issue of Muslim migration and communities in Europe.

Reynolds, Paul. "Fortress Europe Raises the Drawbridge," *BBC News Online*, June 18, 2002. <http://news.bbc.co.uk/1/hi/world/europe/2042779.stm>.

Describes increasing efforts to control migration and trends in European public opinion regarding migration and immigrants.

Samers, Michael. "Here to Work: Undocumented Migration in the United States and Europe." *SAIS Review* XXI, no. 1 (Winter-Spring 2001).

Explores similarities and differences in political economy of undocumented immigrants in the U.S. and Europe, including immigrant participation in the informal economy. Looks at various opinions on immigration policy in the EU.

Schiffere, Steve. "Analysis: Who Gains from Immigration?" *BBC*, June 17, 2002.

Article that looks at the scale of immigration to Europe, its impact on wages, taxes and benefits issues, as well as the potential for a great deal of migration from new EU members of Eastern Europe, and perspectives on long-term impacts.

France

Martin, Phillip, and Mark Miller. *Employer Sanctions: French, German, and U.S. Experiences*. Geneva: ILO, International Migration Papers #36, 2000.

General conclusions drawn from case studies: employer sanctions are necessary and somewhat effective, but not effective enough, sanctions have become less effective due to growing use of fraudulent documents, demand for labor, and developing opposition to sanctions by labor and other organizations, and sanctions enforcement is unique from the enforcement of other labor laws and demands a different approach. Describes evolution of employer sanctions, current situation and recommendations for each country.

Miller, Mark. "Towards Understanding State Capacity to Prevent Unwanted Migration: Employer Sanctions Enforcement in France, 1975-1990." *West European Politics*, April, 1994, Vol. 17, iss. 12.

Chronicles implementation of employer sanctions in France, analyzes effectiveness and state capacity. Evidence suggests that employer sanctions are not as controversial in Europe, are generally supported, and have not been studied as much as they have in the U.S. Includes statistics on enforcement actions through the 1980s and timeline of legislation and policies on worksite enforcement and illegal employment.

Moore, Molly. "France Weighs Immigration Controls After Riots," *The Washington Post*, Nov. 30, 2005.

Reports on French plans to tighten the immigration system and limit the numbers of foreign students and family members of immigrants in France who can enter the country. It was also suggested that all immigrants should learn French before they can bring their families to join them, and that there should be a crackdown on polygamy, which is illegal in France but tacitly tolerated in many immigrant communities.

Germany

Fleishman, Jeffrey. "Slammed by an Open-Door Policy; Germany's popular foreign minister is

under fire for a program that let thousands of illegal immigrants into the nation." *The Los Angeles Times*, March 3, 2005.

Article on opposition to Joschka Fischer due to his role in a poorly regulated visa program that allowed many illegal immigrants, including many Eastern European prostitutes, to enter Germany. In 2000, Germany had loosened visa requirements, especially in the Ukraine, which resulted in very high numbers of applications and a denial rate of only about 10%.

Karapin, Roger. "The Politics of Immigration Controls in Britain and Germany: Subnational

Politicians and Social Movements." *Comparative Politics* Vol. 31, no. 4 (July, 1999), 423-444.

See UK.

Marshall, Barbara. *The New Germany and Migration in Europe*. Manchester University Press, 2000.

Martin, Phillip, and Mark Miller. *Employer Sanctions: French, German, and U.S. Experiences*. Geneva: ILO, International Migration Papers #36, 2000.

See France.

Rotte, Ralph. "Immigration Control in United Germany: Towards a Broader Scope of National Policies." *International Migration Review*, Summer, 2000.

Presents German immigration policy since reunification as an essentially effective immigration control policy by the government. Provides background on migration to Germany, the motives of current German immigration policy, problems of unemployment and xenophobia/ anti-immigrant activities, looks at immigration policy toward different groups, ie ethnic Germans, EU citizens, etc. Non-EU residents must apply separately for residence and work permits to gain work authorization and legal status in Germany, a so-called "double regulation." Includes description of work permits available. Includes a section on immigration prevention, which discusses measures to discourage migration and control it, such as temporary work programs and intra-EU migration. In the section on migration controls, discusses border control, asylum law reform, and cooperation with sending countries. The section on settlement prevention includes mention of employer sanctions and combating illegal employment.

Vogel, Dita. "Migration Controls in Germany and the United States." *International Migration Review*, Summer, 2000.

Analyzes immigration control measures and the tradeoffs of different policies in Germany and the U.S. Looks at differences, such as the fact that the U.S. has a lot of illegal residents that pay taxes and Germany does not. Looks at general aspects of immigration and control in the two countries, and agencies involved. Then looks at migration controls such as visa policy, pre-entry controls, at-entry controls, asylum procedures, border control policies and prevention of undocumented entries. Discusses eligibility checks during residence to determine access to employment and benefits and section on employment eligibility begins on pg. 407. In Germany, the employer registers employees with the local social security office. Use of a fraudulent number is therefore virtually impossible. Data is cross-checked with immigration records on a quarterly basis and employers are sent letters if there is a problem. The employer is unlikely to be fined for a first-time violation, but employers all know that unauthorized work

will be detected in the system. There are no anti-discrimination laws in Germany and employers are encouraged to check the documents of foreign-looking or sounding people more carefully, a practice that is often discriminatory. Provides additional information on police rights to request documentation (national ID), worksite raids conducted for tax compliance, generally focused on the construction sector. Finally, discusses exit controls and removals and deportations.

Spain

Agence France Presse, "Spain the Doorway to Crisis as Immigration Assails the EU," Dec. 28, 2005.

Article on role of Spain as a gateway for illegal migration and the international response to migrants' attempts to enter Spain and Europe via Ceuta and Melilla. Also suggests that Spain's legalization program for 700,000 illegal migrants may have encouraged further migration.

Agence France Presse, "Spanish Amnesty for Immigrant Workers Expires After 700,000 Apply," May 7, 2005.

Reports on closing of three-month registration window for irregular migrants in Spain to apply for a regularization program. Applicants had to prove that they had resided in Spain for at least six months before the program took effect, and had to have a least a six month work contract.

Crawford, Leslie. "Spain Flies the Welcome Flag for Immigrant Workers." *The Financial Times*, Oct. 14, 2004.

Describes legislative plans in Spain to grant residence and work permits to illegal immigrants, as Spain becomes increasingly dependent on their labor and spending power.

Fraerman, Alicia. "Aznar Moves to Beef up Immigration Law." Inter Press Service, May 19, 2003.

Reports on Aznar's plans to reform Spain's immigration system. Reforms included combining the multiple steps to get work authorization in Spain into one, and strengthening the sanctions framework for illegal immigrants.

Hughes, Stuart. "Spain's Immigration 'Stepping Stone.'" *BBC*, May 28, 2002.
<http://news.bbc.co.uk/1/hi/world/europe/2012940.stm>.

Article on problem of illegal immigrants attempting to reach the Spanish territory of Ceuta on the Moroccan coast en route to Europe. Use of Ceuta as a stop over point has increased.

Other EU Countries

Expatica News, "Work Permit Abuse Leads to Tighter Foreign Labor Laws," Dec. 23, 2005.

Reports on decision pending in Belgium to tighten labor laws and require foreign workers to register with regional labor market authorities.

Financial Times. "Immigrant Workers Apply for Legal Status," Jan. 15, 1998.

Article on Greek program to allow illegal immigrants to apply for work permits.

UK, including Ireland

Birmingham Evening Mail, "Swoop on Illegal Workers at Farm," Oct. 17, 2003.

Reports on dawn raids in the Midlands in which dozens of illegal workers were detained and faced deportation.

Birmingham Post, "Immigrant Worker Warning for Bosses," July 12, 2001.

Reports on efforts to educate employers about proper hiring procedures in the West Midlands engineering sector. Employers should request documents proving UK citizenship or work authorization and copy or record the details of the documents for all employees.

Browne, Anthony. "Has the Government Given up on Illegal Immigrants?" *The Times of London*, July 26, 2003.

Article on problems with immigration enforcement in Britain. Cites various sources to suggest that the government does not have control over illegal immigration or illegal work.

Cowell, Alan. "Britain Joins Others in Europe in Limiting Immigrant Workers." *The New York Times*, Feb. 24, 2004.

Report on Britain's decision to join other EU countries in imposing restrictions on the employment of new EU members in Eastern Europe and their access to benefits.

Doyle, Michael. "ID Cards for Refugees," *The Mirror*, Dec. 28, 2005

Article on provisions in pending legislation that would create ID cards for refugees that include a computer chip with their identifying information and biometrics such as a fingerprint.

Irish Times. "Non-Europeans Left Out in the Cold with New Permit Rules," Dec. 21, 2001.

Describes new system in Ireland under which an employer must prove that an EU resident could not be found to fill a job before a permit to hire from outside the EU is issued. At the time, Latvia, Lithuania, and Poland, not yet EU members, had the largest number of citizens in Ireland on work visas.

Karapin, Roger. "The Politics of Immigration Controls in Britain and Germany: Subnational

Politicians and Social Movements." *Comparative Politics* Vol. 31, no. 4 (July, 1999), 423-444.

Explores economic grievances and national political factors in the development of immigration controls, subnational politicians and social movements (ie anti-immigrant groups). Suggests that anti-immigrant rhetoric develops first on a social scale and is expressed by local politicians before national ones, who fear sounding xenophobic. Looks at migration from Britain from the Caribbean and Southeast Asia, and asylum seekers in Germany and reactions in the countries. Nothing on worksite enforcement.

O'Reilly, Ronan. "Crackdown on Bosses Over Illegal Migrants," *The Sun*, April 3, 2002.

Reports on new restrictions in Ireland on hiring anyone from outside of the European Economic Area (the EU plus Norway, Iceland, and Lichtenstein) unless they have a work permit. Reasons for the change included the possible exploitation of the workers, and the fact that employers gained a comparative advantage by paying them less than Irish or EU workers.

Seenan, Gerard. "Scotland Launches Drive to Draw in Foreign Workers," *The Guardian*, Feb. 26, 2003.

Reports on efforts by Scotland to attract foreign workers, students, and encourage them to stay, as Scotland's population has been dropping in recent years. Some say that the entrepreneurial spirit of new immigrants could jump start business start-ups in Scotland as well.

Sullivan, Kevin. "East to West Migration Remaking Europe," *The Washington Post*, Nov. 28, 2005.

Chronicles story of a Latvian worker who immigrated to Ireland, his attempts to find work, and his experiences.

