

EMPLOYERS GIVING REFERRALS TO WORKERS SEEKING DEPORTATION DEFERRALS FACE RISK OF ACCUSATIONS OF HIRING ILLEGAL WORKERS



Farmers in California's lush farms have often complained to the government that they need more legal immigrant workers to work on their farms, as many a time they can harvest only a portion of their farms as working hands are not available. These jobs are usually done by Latino immigrants and farms in these areas have been facing a worker shortage for well nigh three decades, with the shortage getting worse with each passing year. When President Obama announced his amnesty scheme for children of undocumented workers earlier this year, it ushered in a wave of joy and relief amongst farmers, who felt that they would now have an abundance of workers and not have to surreptitiously rely on immigrant workers who were in the country illegally. According to the Migration Policy Institute, a research group, about 740,000 immigrants eligible for deferment are working illegally on farms and small-businesses. However, it has brought one problem in its wake and legal advisors are telling farmers and small-business employers to be very careful about what they do. Immigrants applying for two-year deportation deferrals have to show they are residing in the country for at least five years. One way of doing this is by attaching a referral from their employers. However, employers in haste to ensure that they retain their workers, give such referral without realizing that they are virtually giving it in writing that they consciously hired an unauthorized worker, which is a violation of federal law. This information could one day return to haunt the employers who could be prosecuted by enforcement authorities. "If you have actual knowledge that an employee is not authorized to work, you can't employ them," said Greg Siskind, an immigration lawyer in Memphis. The immigration agency fully aware that farmers relied on immigrant labor, which was cheap, sturdy, willing and uncomplaining, for their businesses, issued new guidelines asking businesses to provide verification without fear of reprisal. They assured them that the information would not be shared with the enforcement authorities, "unless there is evidence of egregious violations of criminal statutes or widespread abuses." Farmers however, say that they cannot be trusted. Mr. Cunha, the president of the Fresno, Calif. Nisei Farmers League said that the Department of Homeland Security was not sympathetic to their cause. "We have seen agriculture being audited and targeted. For the workers, after two years this program could end. And then the agency could go after the employers for hiring illegal aliens," he said. Tamar Jacoby, president of ImmigrationWorks USA said, "That's a safety net with a lot of holes in it." Moreover, those who are seeking deferrals are confessing that they are illegally in the country and that they are working unlawfully. Even though they may eventually get a permit to work legally; the employer will have to relinquish their services until they get the legal permission. Peter Boogaard, a Department of Homeland Security spokesman's statement that the agency would focus on threats to public safety and would scrutinize applicants to check "widespread patterns and practices of unlawful hiring" or "abusive employers who are violating other criminal laws." Department of Homeland Security officials said that they "are not conferring immunity on anyone," but it would not be used to seek out individuals who have infringed on fed laws by employing undocumented workers.