



Floridians for Immigration Enforcement

When immigration is viewed only racially and culturally, limits and legality will never be imposed. The debate must focus on limitations and lawfulness, otherwise open borders will make the United States a marketplace instead of a country.

INFORMATION PACKET FOR FLORIDA SENATE IMMIGRATION HEARING

JANUARY 24, 2011

Floridians for Immigration Enforcement is a non-partisan citizens group that has very serious concerns regarding the economic impact of illegal aliens on our state, legal workers, and legal businesses. It is our mission to encourage state and local governments to protect their citizens by enacting and vigorously enforcing the Rule of Law.

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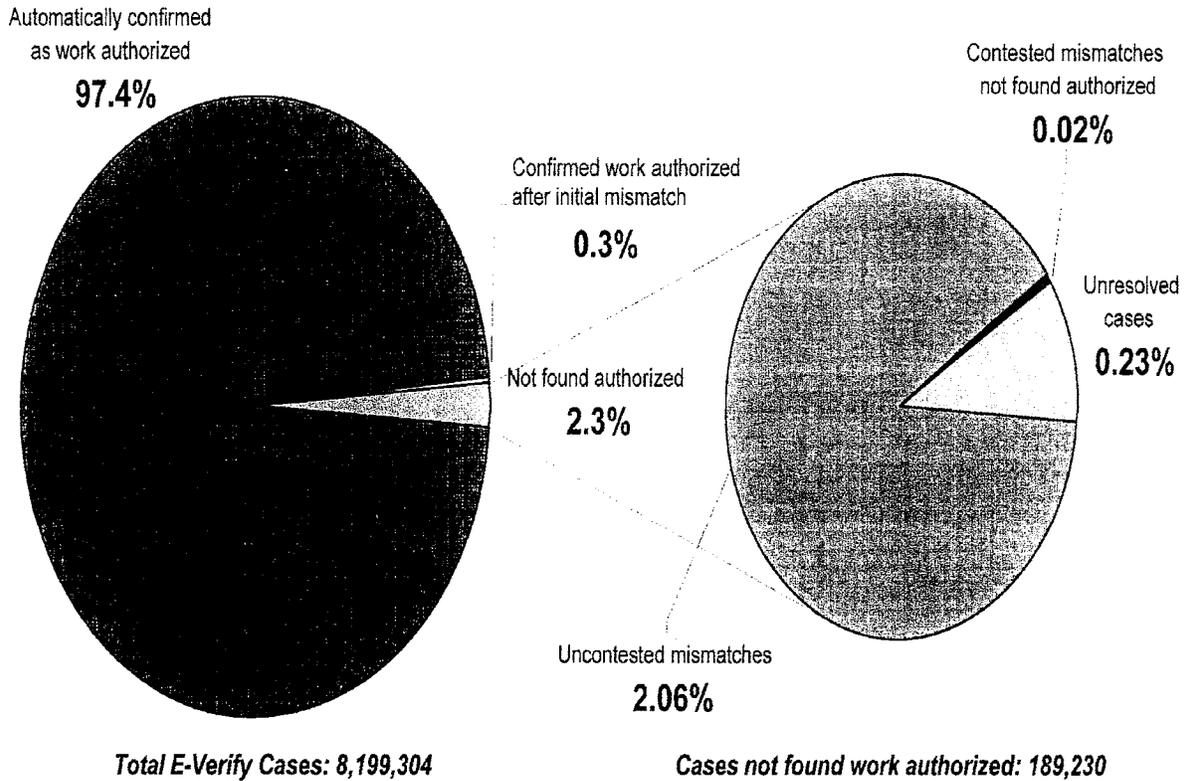
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U.S. Citizenship and Immigration Services

Statistics and Reports

Statistics



SOURCE: E-Verify Discrete Hiring Events Outcome Report for Fiscal Year 2009

These statistics are based on E-Verify cases in Fiscal Year 2009 (October 2008 through September 2009).

Most employees are automatically confirmed as work authorized.

- 97.4 percent of employees are automatically confirmed as authorized to work ("work authorized") either instantly or within 24 hours, requiring no employee or employer action.
- 2.6 percent of employees receive initial system mismatches.

Of the 2.6% of employees who receive initial system mismatches:

- 0.3 percent are later confirmed as work authorized after contesting and resolving the mismatch.
- 2.3 percent are not found work authorized.

Of the 2.31% of employees not found to be work authorized:

- **2.06** percent of employees who receive initial mismatches do not contest the mismatch either because they do not choose to or are unaware of the opportunity to contest and as a result are not found work authorized. The E-Verify program closely monitors uncontested mismatches and actively reaches out to employers to ensure that they are aware of their responsibility to inform employees of the right to contest.
- **0.02** percent of employees who receive initial mismatches contest the mismatch and are not found work authorized.
- **0.23** percent of employees with initial mismatches are unresolved because the employer closed the cases as "self-terminated" or as requiring further action by either the employer or employee at the end of FY09.

Note: The statistics reported above differ from the 96 percent "accuracy rate" as reported by the Westat Corporation in "[Findings of the E-Verify Program Evaluation](#)," because Westat used E-Verify transaction data from April-June 2008 in a model to estimate accuracy rates.

E-Verify is regularly updated and enhanced to improve its accuracy and usability.

For a description of E-Verify program improvements, please see the [E-Verify History and Milestones](#) webpage.

Reports

In order to continue to improve E-Verify operations and efficiency, several government and independent reports are conducted to provide information to guide the direction of the program.

- [E-Verify Customer Satisfaction Survey, October 15, 2010](#)
- [GAO Report, December 2010](#)
 - [DHS Response to GAO-E-Verify Report](#)
- [Westat Evaluation of the E-Verify Program: USCIS Synopsis of Key Findings and Program Implications \(January 2010\)](#)
- [Findings of the E-Verify Program Evaluation \(December 2009\)](#)

Last updated: 01/19/2011

[Plug-ins](#)



U.S. Citizenship and Immigration Services

Photo Matching

E-Verify's photo matching is an important part of the employment eligibility verification process. It requires the employer to verify that the photo displayed in E-Verify is identical to the photo on the document that the employee presented for section 2 of Form I-9.

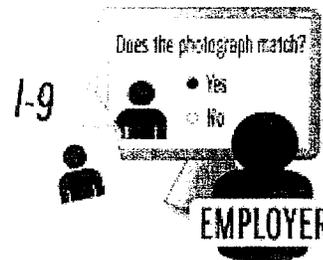


Photo matching is activated automatically if an employee has presented with his or her Form I-9 a:

- I-551, (Permanent Resident Card)
- Form I-766, (Employment Authorization Document), or
- U.S. passport or passport card

If no photo is available, the case will either automatically skip photo matching or “No Photo on this Document” may display in place of a photo.

Other documents with photos (such as a driver's license) will not activate photo matching.

Reminder: A photo displayed in E-Verify should be compared with the photo in the document that the employee has presented and not with the face of the employee.

Photo Matching Requirements

If an employee presents a Permanent Resident Card, Employment Authorization Document or U.S. passport or passport card as the verification document, the employer must make a copy of that document and keep it on file with Form I-9.

If the photo displayed on the E-Verify screen does not match the photo on the employee's document, the employee will receive a “DHS Tentative Nonconfirmation” (TNC) and must be given the opportunity to correct the problem. If the employee chooses to contest the TNC, the employer must either attach and submit electronically a copy of the employee's photo document or mail a copy of the employee's document to DHS via express mail at the employer's expense.

Avoiding Discrimination

Employees have the right to present any acceptable documentation to complete Form I-9. Employers may not require an employee to present a specific document. Employers must accept the documents the new employee chooses to present as long as they appear to be genuine and relate to the person presenting them. Otherwise, employers may violate federal law prohibiting discrimination in the verification process.

**Testimony of William R. Hawkins
Senior Fellow, U.S. Business and Industry Council
Before the
U.S. House of Representatives**

June 6, 2007

Though some business firms lust after cheap labor, in an advanced society such as ours, there is no such thing. There is only subsidized labor. When workers cannot earn a living wage, society steps in to make up the difference through a variety of transfer payments administered by governments at all levels and paid for by taxpayers. Society also provides a wide variety of "public goods" to all residents. That means our business owners, their employees and their customers – all of whom are substantial tax payers, are subsidizing those firms that are using "cheap" labor either to fatten their bottom lines or gain an edge over more responsible firms.

The kind of economic progress that leads to higher living standards needs to be the objective of U.S. policy. To keep on that upward path, the flood of unskilled and impoverished aliens needs to be halted before they further drag down American living standards. National legislation, and its enforcement, must overrule the short-sighted inclinations of some in the business community who would push off on others the true cost of their operations.

Firms that hire illegal workers for lower wages, fewer (if any) benefits, and sometimes off the books entirely, do so to gain a competitive advantage against firms that obey the laws and only hire within the legal labor market. Honest business owners are placed in the difficult position of having to choose between emulating the unlawful behavior of rivals or risking the survival of their own companies. No one should condone a system that creates this kind of ethical dilemma.

To read the full testimony go to:

<http://judiciary.house.gov/hearings/June2007/Hawkins070606.pdf>

ARE ILLEGAL IMMIGRANTS REALLY "DOING WORK AMERICANS WON'T DO?"

Center for Immigration Studies

Dropping Out

Immigrant Entry and Native Exit

From the Labor Market, 2000-2005 March 2006

Conclusion of a 37 page report

The findings of this report call into the question the idea that America is desperately short of less-educated workers. In 2005, there were 3.8 million unemployed adult natives (18 to 64) with just a high school degree or less and another 19 million not in the labor force. Moreover, between 2000 and 2005 there was a significant deterioration in the labor market prospects of less educated adult natives. The labor force participation has fallen significantly for both natives without a high school degree and those with only a high school degree. Had it remained the same in 2005 as it had been in 2000, there would have been an additional 450,000 adults without a high school degree in the labor force and 1.4 million more adult natives with only a high school degree in the labor force. This decline is particularly troubling because these workers already have lower labor force participation and higher unemployment than more educated workers. They also tend to be the poorest Americans. Among teenage natives (age 15 to 17), labor force participation has also declined. At the same time that natives have been leaving the labor market, the number of immigrants with a high school degree or less in the labor force increased by 1.6 million. Wage growth among less-educated adult natives has also lagged well behind more-educated workers. The argument that America needs illegal aliens and high levels of legal immigration only makes sense if one ignores the plight of less-educated native-born Americans. We find little evidence that immigrants only do jobs natives don't want. Detailed analysis of 473 separate occupations shows that there are virtually no jobs in which a majority of workers are immigrants, let alone illegal aliens. The overwhelming majority of workers in almost every single occupation, even the lowest-paid, are native-born. We find some direct evidence that immigration has adversely impacted natives. In areas of the country with the largest increase in the number of less-educated immigrant workers, less-educated natives have seen the biggest decline in labor force participation. Native unemployment also tended to be the highest in occupations with the largest influx of new immigrants. While it would be a mistake to assume that every job taken by an immigrant represents a job lost by a native, it would also be a mistake to think that dramatically increasing the number of less-educated immigrant workers has no impact on less-educated natives. This study calls into the question the wisdom of proposals to allow illegal immigrants to remain in the country, or to increase legal immigration still further. The plight of less-educated Americans has generally not been an important consideration for most political leaders in the ongoing debate over immigration. The findings of this report suggest that it should be.

THE WAGES OF AGRICULTURAL WORKERS

Proponents of a new temporary worker program argue that increased immigration enforcement would lead to fewer illegal agricultural workers and, as a consequence, the American consumer would face a major increase in the cost of food. This is factually incorrect according to experts. Dr. Philip Martin, a leading academic authority on agricultural labor, notes that American consumers now spend more on alcoholic beverages on average than they spend on fresh fruits and vegetables.¹

An average household currently spends about \$370 per year on fruits and vegetables. If curtailing illegal alien agricultural labor caused tighter labor conditions and a 40 percent increase in wages, the increased cost to the American family would be \$9 a year, or about 2.4 cents per day. Yet for the farm laborer, the change would mean an increase in earnings from \$8,800 to \$12,350 for each 1,000 hours of work (25 weeks if the worker worked 40-hour weeks). That increase would move the worker from beneath the federal poverty line to above it.²

According to Dr. Martin, "...consumers who pay \$1 for a pound of apples, or \$1 for a head of lettuce, are giving 16 to 19 cents to the farmer and 5 to 6 cents to the farm worker."³ Therefore, a 40 percent increase in the 5 to 6 cents a pound that the farm worker receives would amount to an increase of about 2 cents per pound that would probably be passed on to the consumer.

Although this recent finding about agricultural labor and produce costs may not have been known by those making the alarmist statements about rising market costs, they certainly should have known better on the basis of earlier studies. For example, in 1996 the Center for Immigration Studies published a study by another academic expert that reported similar results.⁴ That study found that, "The removal of illegal workers from the seasonal agricultural workforce would increase the summer-fall supermarket prices of fresh fruits and vegetables by about 6 percent in the short run and 3 percent in the intermediate term. During the winter-spring seasons, prices would rise more than 3 percent in the short term and less than 2 percent in the intermediate term."⁵

An example of the misleading information used to bolster efforts of agricultural labor employers to obtain greater access to cheap, exploitable foreign workers may be seen in a research study published by Arizona State University that estimated that wages would have to rise by 41.7% to replace an estimated 60% of agricultural workers who are illegal aliens and that this could cost an additional \$8.84 billion annually to be absorbed by the consumer or the producer.⁶

What is misleading about such claims is that they ignore that there is a visa program for foreign agricultural workers that allows an unlimited number of annual entries of legal workers if the employer first tries to find American workers, complies with protections for the foreign workers, and pays wages high enough to not undercut wages for American workers. This program assures that employers could replace illegal foreign workers with legal ones without the major wage and cost increases estimated by the researchers. But, because it is cheaper for the employer to hire illegal workers, the program has been underused. In fiscal year 2004, there were 22,141 legal entries by agricultural workers using H-2A visas.

It is also useful to keep in mind that seasonal crop agriculture is only a small share of the value of the country's overall agricultural production. In 2004, livestock production accounted for 51.2 percent of total agricultural production while crops accounted for the balance. Among the crops, vegetable production accounted for 7.2 percent of total agricultural production and fruits accounted for 6.4 percent. Mechanized crops, such as corn, soybeans, wheat, hay, and cotton, accounted for a larger share of the value of agricultural production than fruits and vegetables.⁷ And even among the fruit and vegetable crops, some are harvested mechanically rather than by seasonal crop laborers.

Why then couldn't the agricultural employers use the legal temporary worker program to meet their need for workers rather than hiring illegal aliens? They could, and some do already. However, the protections in that system for both American workers - so that it can be used only if there are not American workers available, and to prevent the program from undercutting wages - and for the foreign temporary workers - setting requirements for housing and wages - make it more expensive for employers than hiring on-the-spot illegal workers.

The lack of enforcement against employers who employ illegal alien workers has allowed so many employers to hire so many illegal workers that wages in seasonal crop agriculture have decreased over recent decades after adjustment for inflation. As a result those employers who want to have a legal workforce are at a serious competitive disadvantage if they insist on hiring only legal workers. This situation will not be reversed until enforcement measures are comprehensively and effectively administered to restore a level playing field in the seasonal crop agricultural sector.

Since 1986, immigration enforcement authorities have been effectively barred from entering the property of an agricultural employer without a warrant to determine whether workers are illegal aliens.⁸ Although an employer could give consent to an enforcement operation without a warrant, an employer of illegal aliens is unlikely to do so because an investigation could result in disruption of a harvest and possible liability for hiring illegal alien workers.

The enforcement provisions in both the immigration reform bill passed by the House of Representatives in December 2005 (H.R.4437) and by the Senate in May 2006 (S.2611) would require employers to verify the legal work status of employees. These provisions, if enacted into law, would not, however, limit the ability of an agricultural employer to employ workers off of the books and avoid detection because of the limitation on investigations in the open field.

Would an American family be willing to contemplate an additional cost in agricultural produce of about a quarter of a dollar a day - considerably less than a beer? Would most Americans support such a change if it meant getting effective control over illegal immigration and bringing wages for seasonal crop laborers above the poverty line? It seems unlikely that many Americans would say no to either question.

1. Martin, Philip, PhD., Professor of Agricultural and Resource Economics, University of California-Davis,
- 2.
- 3.
4. "How we Eat: 2004," Rural Migration News Vol. 13 No. 4, January 2006.
5. Ibid.
6. Ibid.
7. Huffman, Wallace, Ph.D. and Alan McCunn, "How Much Is that Tomato in the Window? Retail Produce Prices Without Illegal Farmworkers," Center for Immigration Studies, February 1996.
8. Ibid.
9. "Economic Impact of Restrictions on Foreign Labor and the Produce Industry," NFAPP #05-01a, Arizona State University, February 2005
10. Statistical Abstract of the United States: 2005-2006, Table 801, U.S. Department of Commerce.
11. INA Sec. 287(e) provides that, "...an officer or employee of the [immigration] Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.

HERE IS AN ARTICLE ABOUT A PROSPEROUS LOCAL GROWER THAT IS FOLLOWING THE LAW!

Business keeps sprouting for Loxahatchee grower

By AUSON SALISFURA

Palm Beach Post Staff Writer

Thursday, November 22, 2007

LOXAHATCHEE — While Florida agriculture may be shrinking overall, that's not true for J&J Produce Inc., a Loxahatchee-based vegetable concern whose sales have tripled over the past five years.

"We're growing like crazy," said Brian Rayfield, 38, vice president of sales and marketing.

J&J is one of about 25 firms in Palm Beach County that grow, pack, ship or market vegetables from two distinct farming regions: the Everglades Agricultural Area and the coastal sandlands, such as Loxahatchee and areas west of Delray Beach and Boynton Beach.

J&J expects to ship more than 5 million 25-pound crates of fruits and vegetables this year to 48 states and some foreign markets. That's a 20 percent increase over last year, Rayfield said.

The company's Loxahatchee packinghouse, a former citrus facility off Seminole Pratt-Whitney Road it bought from Callery-Judge Grove in 2004, is undergoing an expansion - expected to be complete next month - to 125,000 square feet from 80,000 square feet.

In 2005, J&J started its own trucking company. This year it has a new joint venture with Alico Inc. (Nasdaq: ALCO, \$43.67), a La Belle-based agribusiness firm that is a major Florida landowner.

But you won't find Jim Erneston, the 63-year-old president of J&J, readily offering that information because he isn't one to brag.

Erneston wants it made perfectly clear that he credits God with the company's success. J&J's business cards feature a New Testament verse, John 14:6 ("I am the way, the truth and the life").

"I want to continue to be good stewards of what God has allowed us to have," he said. "God has allowed us to get to this point, no doubt about it."

Erneston comes from a West Palm Beach family that's been in the produce business since 1923, when his grandfather, Chris Erneston, started Erneston Produce, a wholesale produce company still in business today.

Erneston founded J&J in 1980 with his twin brother Jerry, who now operates the company's packing house in Immokalee.

The company began simply buying and selling but now has farms totaling 3,500 acres in five Florida counties - including Palm Beach and Hendry - as well as in Georgia, North Carolina and Tennessee.

On a recent morning, Erneston stood outside the packinghouse beside half a dozen huge plastic bins, each holding more than 1,000 peppers, zucchini and squash, waiting their turn to be forklifted to the automated packing line.

As the produce traveled down the line Friday, workers checked each jumbo bell pepper for defects, discarding any that were not perfect. An automated stainless steel sizer sorted the peppers into one of six sizes.

"The retailers want the big ones, jumbo or extra large," Erneston said while watching a steady flow of peppers go down the line.

To make sure it hires only legal workers, J&J employs 150 people from Mexico at the packinghouse through the federal H2B program. It's expensive, with the company providing transportation, housing and other benefits that must meet government standards, Erneston said.

This season, J&J has more than tripled its Florida acreage to almost 2,000, from 500. Much of that is through a new joint venture with Alico.

"We want to be more involved in produce," said John Alexander, Alico's chief executive officer. "J&J is a premier packer, shipper and marketer of quality produce. When we team up with somebody, we want to be with the best."

Eva Webb, the Florida Farm Bureau Federation's assistant director of field services, said the vertically integrated J&J is a prime example of what it takes to succeed in agriculture today.

"They are the future of agriculture. This is what everybody is going to have to aspire to. This is the only way they will be able to stay profitable and stay competitive," Webb said.

"J&J Produce grower's business practice of only using legal workers hired through the federal government's H2B visa program clearly demonstrates that businesses do not need to depend on illegal alien workers to prosper in the market place.*"

* Statement from Jack Oliver, Board Member of Floridians for Immigration Enforcement



Matt Reed: Fearmongering on E-Verify

January 18, 2011

Would you rather have a population of 675,000 illegal immigrants in Florida, as estimated by the Pew Hispanic Center, or 364,000?

Would you prefer 12.2 percent official unemployment in Florida, or 9.3 percent?

Should we spend \$300 million a year or more on health care, schools and incarceration for illegal immigrants? Or \$150 million?

The lower numbers represent the likely worst-case scenario for what the federal E-Verify database system could do in Florida if all employers used it -- and that's assuming you buy critics' references to its "54 percent inaccuracy rate." That damning figure comes from a consultant's audit, released last January, based on one month of data from 2008.

But the exact same audit shows that the colorblind E-Verify system cut illegal hiring in half, where used. And where jobs have dried up, entire populations of illegal immigrants have plummeted, even with no new police activity, the Pew data show.

Among those arguing against mandatory use of E-Verify in Florida: Republicans from farming areas, liberal writers, business lobbyists suspicious of its costs and libertarians who fear a national ID-card system. All support the status quo, by default.

That's unacceptable. And shortsighted.

System failure?

The most damning problem reported with E-Verify? For the 6.2 percent of "unauthorized" workers screened by the E-Verify system in 2008, the database deemed slightly more than half of them "confirmed" after they presented fake green cards or stolen Social Security numbers to employers.

That's way too many. But note that it's about 3.3 percent of all workers screened in the U.S., as the audit by Maryland-based Westat reported.

Yet simultaneously, about 2.9 percent of all workers were sent packing by companies that used E-Verify, leaving thousands of jobs open for others in

restaurants, manufacturing, trucking and property maintenance.

Almost all people who should have been confirmed by E-Verify and hired, were, the audit found.

And in the year since the audit became public, the Department of Homeland Security has begun issuing new hard-to-counterfeit "green cards" and has added algorithms to E-Verify to spot fraud.

It also has added hundreds of thousands of photographs from redesigned U.S. visas and is uploading millions of passport photos and images from state driver-license databases.

So, if a new hire shows up with Jane Doe's ID numbers, she'd better look just like Jane Doe.

"Employers using E-Verify were generally satisfied with the program and indicated that it was not burdensome," the same critical audit report says.

E-Verify also reduced discrimination against foreign-born legal workers, the audit found.

Quiet clampdown

Homeland Security has not published a new "inaccuracy rate" to replace the number from 2008.

Also unclear what sort of legislation might emerge from recent immigration hearings in Tallahassee, Gov. Rick Scott ordered agencies under his control to use E-Verify and to require it of contractors and

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Mom Dilemma #36:
Your daughter insists on wearing her princess costume to the grocery store. Allow it or not?

YES, it's just a dress!

NO, I have some rules!

moms **me**

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subcontractors.

Arizona requires employers to use the system for new hires as a condition of keeping their business licenses. State or federal agents can stop by with laptops, request a company's E-Verify confirmation printouts and do spot checks. Any company busted twice for failing to verify its employees loses its license for good.

Sounds scary, but costs little.

The alternative in Florida: Talk tough, target Latino-looking people and spend billions on raids and deportation.

Advertisement



Mom Dilemma #36:
Your daughter insists on wearing her princess costume to the grocery store. Allow it or not?

YES, at least she's dressed!

NO, I have some rules!

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