

IN 2009, OBAMA ADMINISTRATION CHANGES IMMIGRATION POLICY TOWARD EMPLOYERS AND UNDOCUMENTED WORKERS.

The Obama Administration has implemented a number of significant changes in immigration policies previously followed by the Bush Administration toward undocumented workers.

Most importantly, President Obama decided to drop its no-match letter regulations, announced last year by the Bush Administration. The SSA's no match letters were sent to employers when the payroll information reported by them did not match the department's information regarding a certain social security number. The Bush Administration had proposed requiring employers to terminate employees in such situations where the employee could not prove his or her right to work.

On the other hand, the Department of Homeland Security announced that it was expanding the eVerify program, an automated system for verifying a potential employees' right to work. The program is now mandatory for all companies with federal government contracts. Future expansion of the program is likely.

President Obama has stopped the frequent raids on workplaces carried out by ICE under Bush. For example, in February, Secretary of Homeland Security Janet Napolitano reversed past ICE policy in the handling of a raid on an industrial employer in Washington state. When she learned of the raid after the fact, Napolitano released the arrested illegal immigrants, gave them temporary status and work permission, and enlisted them to testify against the company that employed them.

This represents a new tactic in the handling of such raids by the federal government. During the 8 years of the Bush Administration, undocumented workers were almost always arrested in raids and subsequently deported, some after being prosecuted for identity theft for using others' social security numbers.

Instead of raids, the Obama Administration has announced an aggressive new audit initiative, intended to address the employment of undocumented immigrants another way.

In July, the agency issued Notices of Inspection (NOIs) to hundreds of businesses exceeding in one month the number ICE issued throughout all of last fiscal year. The notices alert business owners that ICE will be inspecting their hiring records to determine whether or not they are complying with employment eligibility verification laws and regulations.

The inspections reflect the Obama Administration's increased focus on holding employers accountable for hiring practices that violate immigration laws.

"ICE is committed to establishing a meaningful I-9 inspection program to promote compliance with the law. This nationwide effort is a first step in ICE's long-term strategy to address and deter illegal employment," said Department of Homeland Security Assistant Secretary for ICE John Morton.

ICE issued new guidelines earlier this summer calling for more severe fines and criminal prosecution against employers found to violate these laws. The directives instruct ICE field offices and agents to focus on employers and supervisors. Moreover, they suggest the approach used in Washington may be employed more often: use the workers themselves to help prosecute their bosses.

These new tactics are consistent with Obama's campaign promise to attack illegal immigration by focusing on employers of undocumented workers.