

A spiral-bound notebook with a light beige, textured cover and a dark brown border. The spiral binding is on the left side. The text is centered on the cover.

# Immigration Issues

NM/TX Dairy Highlights

Clovis, New Mexico

October 11, 2006

# Dairy in New Mexico and West Texas

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- NM is now 6th in Production
- TX is 9th and soon 8th
- Together would be 3rd
- Approximately 7000 jobs on the farm
- Mostly Hispanic

A graphic of a spiral-bound notebook with a brown cover and a white page. The spiral binding is on the left side. The word "Result" is written in red at the top left of the page. Below it is a horizontal line, and then a single bullet point is listed.

# Result

- A growing and continuing need for workers in the regional Dairy Industry

# Dairy farms and Immigration

## What we know

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- Virtually all are of Hispanic origin
- Virtually all have as immediate family members, immigrants or are immigrants themselves
- Virtually all speak Spanish as first language or only language

# Dairy farms and Immigration

## What “they” think

- Virtually all dairy employees are suspect of being undocumented alien workers
- Virtually all dairy farmers are suspect to employing or harboring illegal aliens.

# The Risk to Dairy Farmers

- It is against the law to employ or harbor aliens who did not lawfully enter the US
- Civil or administrative enforcement
- Criminal enforcement
- Forfeitures of property

# What is a dairyman to do?

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- Employee the “safe harbor” protections of the INS regulations

# The Safe Harbor stated simply

Promptly and completely complete I-9

- Employee fills out the Section I "Employee information and verification"
- Receive Documents
- Employer complete Section II
- Personally review the documents
- All Within 3 days

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# Document the documents

- Identity and eligibility documents
- Identity only documents
- Eligibility only documents

# Identity and eligibility documents

US Passport (expired or not)

- Alien Registration Receipt Card or Permanent Resident Card, Form I-551
- Unexpired foreign passport *with* temporary I-551 stamp
- Unexpired Employment Authorization Document issued by INS containing photograph
- Unexpired foreign passport with Form I-94

# For Identity Only

- Drivers license or ID with photograph
- Drivers license or ID with name, DOB, sex, height, color of eyes, address
- School ID with photo
- Voter's registration card
- US military card or draft record
- Military dependents ID card
- Canadian driver's license
- Minors and handicapped have special rules

# Employment authorization only

- Social Security Card without "not valid for employment purposes"
- Certification of Birth Abroad
- Original or certified birth certificate
- Native American tribal document
- US Citizens ID Card
- Resident citizen ID Card
- Unexpired employment authorization document by INS

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# Keep the documents

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- I-9
- Copies of the documents?



# But be careful!

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- No more documents than necessary
- Constructive knowledge
  - No match letters
- Reckless disregard of facts
- Actual knowledge

# Future Legislation

- Ag JOBS S. 1161, the “Agricultural Job Opportunity, Benefits, and Security (AgJOBS) Act of 2001
  - Pilot program allowing those who have worked in agriculture for 3 to 5 years to get green cards and ultimately citizenship.
  - Passed Senate, but not House

# Future Regulations

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- Changing the “safe harbor” to require timely and proper response to “no match” letters from SSA and IRS

A graphic of a spiral-bound notebook with a brown cover and a white page. The spiral binding is on the left side. The page contains the title 'Future Enforcement' in red and a single bullet point in black.

# Future Enforcement

- Use of the “reckless” standard for enforcement to void the safe harbor

# What is the problem

- **“To bring it into sobering focus, please understand that 20 million illegal aliens crossed into America in the past 20 years without any kind of health screening. They work picking our food, washing our dishes in restaurants and, as is the norm in Third World countries, rarely if ever wash their hands after using the toilet. Additionally, most of them suffer functional illiteracy. They do not practice personal hygiene or health habits most Americans assume as a normal aspect of living.”**
- **Frosty Wooldridge newswithviews.com 9/21/2006**

## What's a dairyman to do?

- Follow the safe harbor provisions carefully
- If have actual notice of illegal alien status, terminate
- Do not talk about the status of your employees to others

# You may contact me

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