

# OCTOBER, 2007



## H2AUSA.COM Newsletter

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### FROM: THE H2AUSA FRONT DESK: Legal Stay on "No-Match" Letters

U.S. District Judge Maxine M. Chesney in San Francisco, California issued a temporary restraining order against the government, stating that the court needed "breathing room" before issuing a permanent decision on the Department of Homeland Security's order involving sending out letters initially to 140,000 employers. These "no-match" letters are warnings to the employers that Social Security numbers belonging to their employees have discrepancies that need to be corrected, or that the employee would have to be terminated.

Failure to do so would result in employers having penalties—both financial and possibly criminal—levied against them.

Filed on behalf of the American Civil Liberties Union, and the AFL-CIO, as well as local labor interests such as the San Francisco Labor Council, the San Francisco Building and Construction Trades Council and the Central Labor Council of Alameda County, those groups were later joined by Unite Here and United Food and Commercial Workers Union. In total, 16 groups have joined as of the ACLU webpage accessed on Sept. 22, 2007.

The "no-match" policy would have begun on September 14, if the TRO (temporary restraining order) had not taken effect prior to it. As of now, a hearing is set before

*(see "No Match"-cont.pg.3)*

## Migrant Migration News

On September 2, Felipe Calderón, President of Mexico, decried the policy of the United States, namely to crackdown on the presence of illegal immigrants from that country. Calderón was calling for, quote, "An energetic protest against the unilateral measures taken by the Congress and the United States government that exacerbate the persecution and the vexing treatment against undocumented Mexican workers."<sup>1</sup>

This, he said in his annual address to the nation of Mexico and the audience in attendance gave him a standing ovation; these comments in regard to those same immigrants who were sending home to their families approximately \$20 billion a year, relieving Mexico from the burden of supporting their own people or seeing to their welfare and lifting their own corrupt government from the responsibility of helping those largely poor and uneducated migrants.

Meanwhile, it seems that some American farmers, fed up with the battle over immigration and farm workers are contemplating moving their operations to Mexico.

"Senator Dianne Feinstein, Democrat of California, displayed a map on the Senate floor in July locating more than 46,000 acres that American growers were

cultivating in just two Mexican states, Guanajuato and Baja California. 'Farmers are renting land in Mexico,' Ms. Feinstein said. 'They don't want us to know that.'"<sup>2</sup>

And what of the migrants, themselves? With the announced crackdowns (momentarily stopped by the temporary court injunction in California) they are seeking a way out. In the states where pressure has been applied, they are being squeezed out, state-by-state. Several examples are:

In Virginia, Prince William County Delegate, Jeffrey M. Frederick is trying to get passed legislation that would cut state funding to local governments that do not check on immigration status or residents who receive public assistance. Del. Frederick's mother is from Colombia.

The Georgia Security and Immigration Compliance Act that was passed in 2006, took effect on July 1, 2007. It bars illegal immigrants from obtaining social services and prohibit government contractors from hiring undocumented workers and requires random audits of every business in the state. Of the law, one observer reports:

"The immigrant community is very fearful and anxious," says Jerry Gonzalez, executive director of the Georgia Association of Latino Elected Officials. "People are selling their homes, liquidating their assets and emptying their bank accounts to

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## No Match

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another judge for October 1. At that time, either a permanent restraining order will be ordered or the matter dropped.

The policy of using Social Security numbers to enforce immigration policy is vehemently denounced by the ACLU and labor groups, as using one arm of the government to legislate another branch; namely, Social Security to drive Immigration policy. Also, because of clerical error, typos and fraud, honest citizens as well as illegal immigrants could be harmed by the measure, these groups contend.

Some government spokesmen counter by saying that the suit was brought by groups trying to forestall and eventually topple the whole system, and that they are using the court to stop immigration reform.

For now, we will have to wait until October 1<sup>st</sup> to find out which side will prevail.

## Latest on AgJobs and Dream Act

With 70% of the nation's migrant labor illegal, there is great interest in the AgJobs bill which will be making an appearance, probably appended to other legislative proposals, in order to make it more palpable to the American people.

AgJobs would give illegal workers who can prove a work background in agriculture for a certain period, legal status. It is



estimated that 1.5 would be immediately affected, and 1.8 more of their family members as well.

Optional proposals are being floated around Washington, D.C. at this time—ones in which a worker's visa might be changed. This might be a decent alternative to dumping several million illiterate peoples upon the already strained Social Services, schools, hospitals and law enforcement resources of this country which are already overstressed or going bankrupt.

The measure should show up in October, 2007.

The Dream Act was pulled from the Defense bill, in a shameful ploy to pass it, according to detractors. Illegals would be amnesty and assigned in-state tuition and federal grants, work-study loans and other benefits that even most American students are either unqualified or incapable of getting.

The Dream Act was an attempt to give educational benefits to illegals who had been in the country before the age of 16.

## Migrant Migration News

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ensure that they will be able to move on a moment's notice."<sup>3</sup>

In the Midwest:

"The Oklahoma Taxpayer and Citizen Protection Act of 2007 calls for more local enforcement of immigration laws, further restricts state issuance of identification and benefits and aims to crack down on harboring and hiring illegal aliens, among other restrictions."<sup>4</sup>

In a bold statement, Oklahoma State Republican Randy Terrill said, "I hope we export every illegal alien to surrounding states, if their state legislators don't have the backbone to fill the void left by the federal government."<sup>5</sup>

It is reported that tens of thousands are leaving Oklahoma at the present time.

In Arizona, illegal immigrants are starting to leave Arizona months in advance of a new state law that will require employers to verify the employment eligibility of their workers, to the tune by some estimates of one-hundred people per day.

Reports as to where they are going? Some say they are floating to nearby states, some report families returned to Mexico. One report however is catching the eye of many. It is this report from Windsor, Canada about a website that mistakenly offered 'refuge

forms,' which the immigrants have mistakenly thought offered amnesty. They are piling into Windsor now, overloading the social services there. Since the mix-up, the site has been re-posted, with the message that the refugee form does not assure the illegal migrants any status in Canada.

Come back for further updated postings on this subject.

<sup>1</sup>James C. McKinley, Jr., "Mexican President Assails U.S. Measures on Migrants," NYTimes.com, September 3, 2007. [http://www.nytimes.com/2007/09/03/world/americas/03mexico.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/09/03/world/americas/03mexico.html?_r=1&oref=slogin). (accessed 9-23-07.)

<sup>2</sup>Julia Preston, "Short on Labor, Farmers in U.S. Shift to Mexico," NYTimes.com, September 5, 2007. [http://www.nytimes.com/2007/09/05/us/05export.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/09/05/us/05export.html?_r=1&oref=slogin). (accessed 9/23/07.)

<sup>3</sup>Alyssa Abkowitz and Alejandro Leal, "Clamping down, Georgia's immigration law takes effect in July, but its ripples are already being felt," Creative Loading.com, May 9, 2007. <http://atlanta.creativeloading.com/gyrobase/Content?oid=oid%3A241607>. (accessed 9/23/07.)

<sup>4</sup>Laura Kellams, "Oklahoma Immigration Law puts new focus on immigration," NWAnews.com -Arkansas Democrat Gazette, Northwest Arkansas Edition, September 2, 2007. <http://www.nwanews.com/adg/News/200252/>. (accessed 9/23/07.)

<sup>5</sup>Kellams, Ibid.

