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Stockton study says businesses are being held more responsible to verifying their foreign workers

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By MICHAEL MILLER, Staff Writer |

For example, the rules restrict overnight working hours for student workers and ban certain types of jobs the government deems hazardous, she said.

Overdevest Nurseries in Hopewell Township traditionally relies on dozens of foreign workers for part of the year.

"The Stockton brief points to many of the inconsistencies of current immigration policy," owner Ed Overdevest said. "For a wide variety of industries, the current requirements boil down to a Catch-22 proposition."

Overdevest said employers are obligated to scrutinize the legitimacy of worker documents under threat of federal sanctions while crossing the fine line into discrimination under threat of federal sanctions.

"Added to that is the fact that what looks legitimate might not be and what looks illegitimate might also not be," he said.

He used his well-preserved Social Security card as an example.

"It's hand-typed on nondescript paper issued in an age when none of this was a concern," he said. "If I presented this to an employer, they would think it was bogus."

Businesses that knowingly hire undocumented workers can be fined up to \$2,200 per worker and \$5,000 to \$10,000 per worker for subsequent offenses. But businesses that make an effort to comply with documentation requirements generally can establish a good defense.

Immigration and Customs Enforcement has a program called E-Verify to help businesses vet the employment status of their work force. Last year, 156,000 businesses nationwide took part.

This year the agency is letting foreign workers use E-Verify to determine whether they meet all work-eligibility rules so they can address any mistakes or discrepancies proactively.

