



Floridians for Immigration Enforcement

www.flimen.org

ENACT E-VERIFY THIS SESSION!

April 20, 2011

Dear Floridian:

This information is being provided by Floridians for Immigration Enforcement. Our efforts are on behalf of the 76% of Floridians who identify illegal immigration as a serious issue that needs to be addressed. Your help is needed NOW to get E-Verify legislation passed in both the House and Senate, and on to the Governor's desk to be signed into law.

Florida has an opportunity during the 2011 Legislative Session to establish the principle that Florida must transition to a legal work force. The best solution to do so is E-Verify because it focuses on the root cause - The Job Magnet. Floridians must demand that both the Senate and the House adopt the common sense, effective E-Verify provisions in [HB7089](#) so it is important that you visit or call your [Senator](#) and [Representative](#).

Because **E-Verify addresses the job magnet as the root cause of illegal immigration, E-Verify is the best method to curtail illegal immigration now and in the future.** The state of Florida has the obligation to protect legal workers and law-abiding businesses from the unfairness of illegal hiring. E-Verify can be readily enforced by the State of Florida through the management of business licenses independently of the federal government.

E-Verify should be demanded by all Floridians regardless of political, economic, cultural or racial conditions because it will create a level playing field for all on the basis of legality, not on any other factor. E-Verify is culturally and racially non-discriminatory as the employment eligibility of all new hires would require legal status verification. E-Verify protects law-abiding businesses from the current, unfair practice of using cheap, illegal labor to undercut law-abiding businesses.

Florida's traditional media outlets have almost exclusively presented the illegal immigration bills in terms of racial and cultural considerations by endlessly expounding on ethnic group protests and alleged racial profiling. **The real social issue should be whether low skilled workers have job opportunities currently held by upwards of 825,00 illegal aliens.** By maintaining the status quo of illegal hiring, many of the estimated 1.1 million unemployed Floridians will remain dependent on government assistance programs to survive.

The dream of upward mobility should be provided to Florida's legal workers on a level playing field. E-Verify for Florida will help alleviate the hopelessness and despair of the unemployed and underemployed. **Missing so far in the debate on E-Verify passage is the transition to a legal work force in Florida that would disproportionately benefit black and Hispanic Americans, women, youth and legal immigrants in all industries, especially agriculture. It should be clear that the awful exploitation of farm workers will never end until the agricultural industry transitions to a legal work force.**

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The Florida Legislature has the responsibility to protect law-abiding businesses and legal workers, not to protect illegal alien workers. Over the past three years the Florida Legislature has blocked 26 immigration bills. Florida's State Senators and Representatives are overdue in taking seriously their responsibility to protect legal workers and law-abiding businesses from the unlawful practice of hiring illegal alien workers.

Representatives should support the E-Verify language of HB 7089. In the Senate, [SB2040](#) fails to protect legal workers and legal businesses from illegal hiring. Senators should support the E-Verify language of HB 7089. Economic interests that profit from illegal hiring are aggressively seeking exemptions. It is imperative that all industries use the same verification procedure in E-Verify. **Industry exemptions must be rebuffed.**

E-Verify is about protecting the jobs of legal workers, so there are really only two sides to this issue. Elected officials support the hiring of illegal aliens or the hiring of fellow citizens. Many Floridians and their families are hurting. They have lost their jobs, they have lost their health insurance, and they have lost their homes. At the end of the day, if elected officials are unwilling to protect our jobs, then maybe it's time that those elected officials lost their jobs.

Jack Oliver, FLIMEN Legislative Director

E-Verify Summary:

1. E-Verify is a highly successful federal program where employers are required to confirm the legal status of new hires.
2. E-Verify effectively addresses the main enabler of illegal immigration -- The Job Magnet.
3. E-Verify has been successfully utilized in about 15 states, many municipalities and more than 238,000 employers who voluntarily enrolled.
4. E-Verify is highly accurate at 98.3%.
5. E-Verify is totally non-discriminatory as all new hires are verified.
6. E-Verify applies the pro-enforcement principal of 'Attrition by Enforcement' which means illegal aliens will self-deport when they cannot hold jobs here. It is also a deterrent to potential illegal entrants seeking jobs.
7. E-Verify covers only new hires which allows employers to phase into legality without drastic upheaval to the employer or industry.
8. E-Verify has improved significantly and will continue to be improved.

Opponents to mandatory E-Verify have made a number of false claims that are easily refuted:

- Not accurate. Actually 98.3% percent of employees are automatically confirmed as authorized to work. For additional information see “*Statistics (USCIS)*” at <http://www.flimen.org/EnactE-Verify.pdf>.
- Massive New Burden on Employers. Remember that all employers are already required by federal law to complete the I-9 process. E-Verify is but an incremental enhancement that uses electronic technology rather than an antiquated paper process so there is no additional burden.
- Difficult to use. Actually E-Verify has the highest customer satisfaction rating of any Federal program (82%), customer support approval of 89%. Can you name one federal or state program that matches these high standards? For additional information see “*E-Verify Gets High Marks from Employers in Customer Satisfaction Survey (USCIS)*” at <http://www.flimen.org/EnactE-Verify.pdf>.
- Fundamentally flawed. This allegation relates to the major problem of Document Security that has existed for decades because our federal government has allowed counterfeit documents to proliferate unabated. While FLIMEN and others acknowledge the possibility that E-Verify can be circumvented by fraudulent documents, the fraudulent document problem plagues many other areas in our nation including financial fraud. Of course those who would profit by the status quo insist that the answer is to scrap E-Verify. But consider this:
 - An immediate solution improvement, now in operation, is the USCIS Photo Matching capability that goes a long way to address the issue of counterfeit documents. This feature is now in place and further improvements are planned . For addition information see “*E-Verify Photo Matching (USCIS)*” at <http://www.flimen.org/EnactE-Verify.pdf>.
 - The ultimate solution is to address document insecurity via aggressive enforcement at the federal and state level. FLIMEN has requested Florida Attorney General Bondi to aggressively and visibly enforce [F.S. 817.568](#) and [F.S. 322.212](#) but she has not responded. Georgia’s recent tough immigration bill included anti-document fraud enforcement but Florida has not addressed this major issue.
 - Business interests that profit from illegal alien workers claim a 54% inaccuracy rate. The 54% figure is an estimate from a 2008 sample and the estimate could be less now because of the many improvements within E-Verify, namely Photo Matching which is now a functional feature. When the percent of unauthorized workers who are incorrectly authorized due to document fraud is applied to the entire set of queries, the figure is 3.3% per USCIS data. For additional information see:

<http://www.numbersusa.com/content/learn/enforcement/workplace-verification/e-verify-setting-record-straight.html>

<http://usgovinfo.about.com/od/immigrationnaturalization/a/Accuracy-Of-Federal-E-Verify-Program.htm>

- Agriculture Will Collapse. Agricultural interests have for many decades exploited farm workers and it is time for that exploitation to end. Farm workers have been exploited in many ways including wage theft, intolerably overcrowded housing, and unsafe working conditions such as unsafe pesticide application. All the while the social costs are passed on to taxpayers at state and local levels.

If they are required to operate legally, agricultural interests can be profitable as demonstrated by J & J Producers. See “*Business keeps sprouting for Loxahatchee grower*” at <http://www.flimen.org/EnactE-Verify.pdf>.

If exploited agricultural workers received a fair wage, the increased cost to the American family would be a mere \$9 a year. This is because wages account for a very small portion of retail prices. See “*The Wages of Agricultural Worker*” at <http://www.flimen.org/EnactE-Verify.pdf>.

Also, see the enlightening *Illegal Immigration and Agribusiness* at

http://www.fairus.org/site/DocServer/agribusiness_rev.pdf?docID=5541

No program is perfect, but E-Verify is the best possible long-term solution for Florida and it far outweighs the unacceptable status quo of the huge negative impacts of illegal hiring.

With the recent enactment of a tough immigration law in Georgia, Florida will be overrun by illegal aliens unless E-Verify is enacted.

This is not a complicated issue; it's about the rule of law. You decide... Is it right for Florida legislators to put the interests of illegal aliens and the employers that openly violate federal law ahead of the interests of law abiding citizens and taxpayers of Florida? If you agree, then you should visit or call your [Senator](#) and [Representative](#) to demand enactment of E-Verify without industry exemptions and to be effective immediately.

This information including the addendums referred to above is available at:
<http://www.flimen.org/EnactE-Verify.pdf>

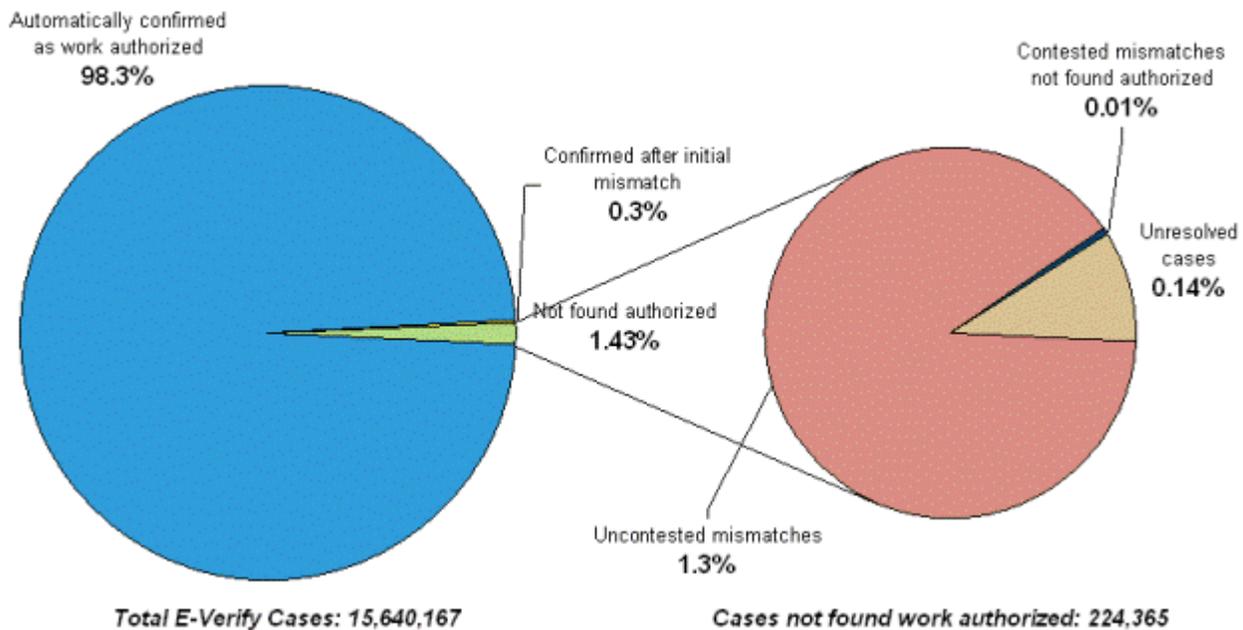
ENACT E-VERIFY THIS SESSION!

E-Verify, it's Fast, Accurate and Free to use.

Mission statement by U.S. Citizenship and Immigration Services:

E-Verify is currently the best means available for employers to electronically verify the employment eligibility of their newly hired employees. E-Verify virtually eliminates Social Security mismatch letters, improves the accuracy of wage and tax reporting, protects jobs for authorized U.S. workers, and helps U.S. employers maintain a legal workforce.²

Statistics



These statistics are based on E-Verify cases in Fiscal Year 2010 (October 2009 through September 2010). Statistics may not appear to sum to 100 percent (or to the subtotals listed below) due to rounding.

Most employees are automatically confirmed as work authorized.

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

Of the 1.7% of employees who receive initial system mismatches:

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

Of the 1.43% of employees not found to be work authorized:

- 1.3 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.

- 0.01 percent of employees who receive initial mismatches contest the mismatch and are not found work authorized.
- 0.14 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 FY10.

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.

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=7c579589cdb76210VgnVCM100000b92ca60aRCRD&vgnnextchannel=7c579589cdb76210VgnVCM100000b92ca60aRCRD>

E-Verify Gets High Marks from Employers in Customer Satisfaction Survey

E-Verify received an exceptionally high overall customer satisfaction score – 82 out of 100 the American Customer Satisfaction Index scale – compared to the government’s overall satisfaction score of 69. One of the aspects of E-Verify that respondents liked the most was its customer support, which received a score of 89 – based significantly on enhancements to the system made under the Obama administration

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a6adb46adba9d210VgnVCM100000082ca60aRCRD&vgnnextchannel=de779589cdb76210VgnVCM100000b92ca60aRCRD>

[Improvements cited in recently released GAO Report](#)

The Government Accountability Office (GAO) recently reviewed USCIS’ progress on E-Verify and analyzed results of E-Verify queries for fiscal year 2009. **GAO reports a significant reduction of mismatch rates, privacy and discrimination concerns, and the program’s vulnerability to fraud.** GAO also cites E-Verify’s improvements in monitoring, employer compliance plus USCIS and Social Security Administration (SSA) preparedness for mandatory implementation. View these and other program highlights in [GAO's report](#). Also view [USCIS's response](#) to the GAO report View these and other program highlights in [GAO's report](#). <http://www.gao.gov/products/GAO-11-330T>

E-Verify Photo Matching (USCIS)

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.

<http://www.flimen.org/BusinesskeepssproutingforLoxahatcheegrower.htm>:

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

Business keeps sprouting for Loxahatchee grower

By [SUSAN SALISBURY](#)

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.

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

"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.*"

http://www.fairus.org/site/PageServer?pagename=iic_wagesofagworkers:

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.

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1. Martin, Philip, Ph.D., Professor of Agricultural and Resource Economics, University of California-Davis, "How we Eat: 2004," Rural Migration News Vol. 13 No. 4, January 2006.
 2. Ibid.
 3. Ibid.
 4. Huffman, Wallace, Ph.D. and Alan McCunn, "How Much Is that Tomato in the Window? Retail Produce Prices Without Illegal Farm Workers," Center for Immigration Studies, February 1996.
 5. Ibid.
 6. "Economic Impact of Restrictions on Foreign Labor and the Produce Industry," NFAPP #05-01a, Arizona State University, February 2005
 7. Statistical Abstract of the United States: 2005-2006, Table 801, U.S. Department of Commerce.
 8. 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."