

*This article describes some progress on the I.D. front. It is reprinted by permission from the October 31, 1995 edition of The Orange County Register. Our thanks to reader Richard Gausewitz for drawing our attention to this development.*

# INS Pilot Project for Verification

By Tony Saavedra and Guillermo X. Garcia

Santa Ana [California] is the primary testing ground for a nationally watched computer project that allows employers to instantly verify immigration papers — a system that many say is crucial to keeping undocumented workers off U.S. payrolls.

About 200 Southern California businesses — more than half in Santa Ana — were recruited for the pilot project being unveiled today by Immigration and Naturalization Commissioner Doris Meissner.

The INS also is sending 18 new agents to investigate employers in Santa Ana and Industry — creating an intense double-punch strategy that if successful could spread nationally, officials said.

"If we can do it in cities like Santa Ana and Industry, we can (try) with the other districts," said Richard Rogers, director of the agency's seven-county Los Angeles district.

The combination will bring an unprecedented level of scrutiny to Santa Ana businesses. Typically, only 35 agents are assigned to check employers from San Luis Obispo to San Clemente.

Immigrant advocates questioned whether the INS' database can be trusted, and whether the effort is fair.

"My fear is it's going to be discriminatory because they are not going to do it for the white Canadians, just the brown Mexicans," said Tustin immigration lawyer Kathryn Terry.

They left in busloads, 203 workers carted away by immigration agents in 1993 because Vans Inc. in Orange couldn't distinguish between real and bogus green cards.

Now the company has help. With the tap of a computer keyboard, Vans can link into an Immigration and Naturalization Service database and verify the papers in seconds.

"We're not losing sleep anymore saying, 'Gee, I wonder if I made the wrong call on this document and if the INS audits us, how many are going to come back bad?'" said Craig Gosselin, vice president and general counsel for the 1,100-employee shoe

manufacturer. "It takes the guesswork out of a very difficult process of reviewing scores of documents."

There are concerns, however. Civil-rights groups and minority leaders nationwide have long argued that the automated system would violate the privacy of job applicants and rely on a notoriously backlogged computer database.

## System Frees Investigators

INS officials say the online service would help employers who want to comply with hiring laws, but are baffled by more than 29 documents that can be offered as proof of eligibility, such as passports and work permits. The system also would free INS investigators to concentrate on companies that knowingly hire illegal workers.

"This pilot is an attempt to keep unauthorized workers from taking jobs from Americans or from workers who have the legal right to be here and be employed," said Bob Bach, INS associated commissioner for policy and planning in Washington, D.C.

Immigration chief Doris Meissner is scheduled to unveil the pilot project today in a news conference at a Santa Ana bicycle factory. If successful, the program, which costs less than \$750,000, would be expanded next year to 1,000 firms in other immigration-heavy states and could ultimately form the groundwork for a national system, officials said.

The project focuses mostly on Orange County and Industry, primarily because of their large populations of immigrant workers and past problems with illegal hiring, officials said. Many of the firms involved have been raided or audited by the INS. And many complained they had been duped by counterfeit documents.

The project is an outgrowth of a nine-company verification system tested two years ago, using a device made for checking credit cards. It uses INS-issued software to link by modem into a 50-million-document database stored at Lockheed Martin Corp. in Orlando, Fla.

After a noncitizen worker is hired, his immigration number, his first initial and the month and year of his birth are entered into the computer. If the data is not confirmed, further INS databases are checked within three days.

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If verification still does not arrive, the worker is told to report to the local INS office within 30 days to clear up the problem.

### **Safeguards Built In**

Built into the project, the INS says, are safeguards to ward against discrimination and invasion of privacy: the documents are checked only after the worker has been hired, and he remains employed throughout the process.

And the database has been re-tooled to make information easier to find, officials add.

"The critics can fire away and the burden is on us. But it's not that we've made mistakes, it's that we haven't been able to find the (records) fast enough," said John Nahan, an INS director involved in the project.

Critics, however, point to one lawsuit alleging that the agency misplaced records for thousands of political-asylum applicants.

"We get so many errors generated by their computer system... it's broken all the time, it's always down," said Tustin immigration attorney Kathryn Terry.

More than half of the companies testing the system are in Santa Ana, where minorities — primarily Hispanics — make up 77 percent of the population and counterfeiters hawk fake immigration documents for \$100.

The city will soon come under the most intense scrutiny ever in Southern California. Along with the computer project, the INS has brought in 18 new agents to focus on hiring practices in Santa Ana and Industry. That is nearly 10 times the scrutiny typically focused on all of Orange County.

Bill Harris invites the attention. Harris said his company, Fireplace Manufacturers Inc. in Santa Ana, has paid thousands of dollars in INS fines for having incomplete records.

"(Now) we can quickly, effectively and cheaply get it checked out — it removes the burden from us having to determine if the document is legal or counterfeit," said Harris, who volunteered the firm for the pilot project.

Not everyone was so open. A spokesperson for the Employer's Group, which represents more than 1,000 Orange County companies, said most members balked at participating because they don't trust the INS. "They don't want to be exposed to compliance issues and there is no guarantee that they would not be," said consultant Elizabeth Winfree Lydon.

But the INS plan was backed by Mike Potts, executive secretary of the 100,000-plus member Los Angeles/Orange County Building and Construction Trades Council.

Potts said intensified screening will spare workers from having to compete with illegal immigrants, and protect legitimate contractors from those who cut costs by paying illegal workers under-the-table wages.

"It makes it more fair for the legitimate contractor who follows the rules," Potts said, "and weeds out the scum buckets." ■

[Orange County Register staff writer Martin C. Evans contributed to this report.]

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Carl Shusterman is a specialist in immigration and nationality law. From 1976 to 1982 he served the Los Angeles office of the Immigration and Naturalization Service. This report is reprinted with permission from U. S. Immigrant: A Current Review & Analysis of Immigrant Rights, Vol. 3, No. 5, 1995.

# INS to Waive Naturalization Interviews

By Carl Shusterman

One year ago, the number of applications for naturalization received by the INS office in Los Angeles was a "mere" 500 per day. By the fall of 1994, daily receipts had increased to over 1,000. Now, the number of receipts is 2,500 per day and growing.

## Why This Avalanche of Applications?

What accounts for this exponential rate of growth? In part, it is fear caused by the passage of Proposition 187 and various bills proposed in Congress which would cut off a number of federal benefits to lawful permanent residents. However, most of the new applicants are persons who obtained their green cards in 1989 and 1990 through the amnesty program. In addition to the 800,000 persons who are granted permanent residence in any given year, during those years, an extra three million persons became permanent residents through amnesty. Over one-third of the total were residents of Southern California.

Given present trends, the number of naturalization applications filed daily could have reached over 5,000 by the end of 1995. Presently, INS has the capability to interview only 500 to 600 applicants per day.

## Lack of Funding Leads to Change in Policy

The present waiting time from submission of a naturalization application to interview averages between eight and ten months. Another two or three months are required before the applicant is naturalized by a Federal Court judge. If present trends continue the waiting times could quickly increase to two or three years.

Congress failed to appropriate any additional funds for the naturalization program proposed by INS

Commissioner Doris Meissner. Therefore, INS decided to reconsider all aspects of the naturalization program and devise a way to cope with the growing backlogs without a huge infusion of money.

Commissioner Meissner announced that INS's Los Angeles office would be allocated an additional 100 positions for immigration examiners. In addition, INS is considering eliminating the interview requirement in five major cities, including Los Angeles and Miami, for applicants whose applications are clearly provable. The English and the history and government tests will be administered by private agencies for an additional fee. INS will still send each applicant's fingerprints to the FBI to check for any criminal record.

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***"...INS is considering eliminating the interview requirement ...tests will be administered by private agencies ... 75 percent of the total will be sworn in as U.S. citizens without the necessity of undergoing an interview."***

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However, those applicants who are obviously eligible for naturalization, approximately 75 percent of the total, will be sworn in as U.S. citizens without the necessity of undergoing an interview. It is hoped that this new system will enable INS to keep backlogs from increasing without compromising the quality of their adjudications. ■