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**SENATOR FOR A DAY PROGRAM**

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**SENATE BILL**

**NO. 10**  
**Session of 2020**

INTRODUCED BY \_\_\_\_\_ March 5, 2020

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REFERRED TO SENATE LABOR AND INDUSTRY COMMITTEE

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**Penalizing Those Employing Undocumented Workers**

Employers are required to validate employment eligibility before hiring and must submit documentation of eligibility to the Department of Labor and Industry.

Any commercial entity found to be employing undocumented workers is subject to fines up to \$15,000 per worker and the revocation of any licenses or permits as the Department of Labor and Industry determines.

This bill shall take effect immediately.

# Employers Struggle With Hiring Undocumented Workers: 'You Cannot Hire American Here'

August 21, 2019  
JOHN BURNETT

The lunch rush is over at a popular, cozy restaurant in a city somewhere in Missouri. The owner, Lynn, is sipping a glass of pinot grigio as her cooking crew cleans up.

Like thousands of other restaurants across America, Lynn's kitchen is staffed mainly with unauthorized Latino workers. She agreed to openly discuss this employment conundrum if NPR agreed not to give her last name, identify her restaurant, name the city, or even specify the type of cuisine. Like a lot of employers these days, she doesn't want to attract the attention of federal immigration agents.

When asked how many eating establishments have undocumented workers in the kitchen in her Midwestern city, Lynn states flatly: "A hundred percent. You cannot hire American here."

Across the country, immigrants who are in the country unlawfully often do manual, low-paying jobs, and employers say they have no choice but to rely on them. Meanwhile, the Trump administration has vowed to ramp up workplace raids targeting this shadow workforce.

Two weeks ago, Immigration and Customs Enforcement raided seven chicken processing plants in Mississippi. Agents rounded up 680 workers in one of the largest workplace enforcement actions in contemporary history. They were earning \$11 to \$12 an hour to dismember poultry — dangerous, brutal, repetitive labor.

The raids have resurrected an old debate: if not immigrants, then who will do the tough jobs in America?

Cooking chicken in Lynn's restaurant kitchen is not as hard as processing chickens in an agro-business plant, but nonetheless she says it's challenging finding workers.

"It's hard work," she says. "You have to be able to stand on your feet all day. It's not a good paying job."

She pays dishwashers \$11.50 an hour, \$16 for cooks. That's more than the federal minimum wage, but they get no insurance, vacations or sick pay.

The kitchen manager, Jaime, has been using a fake Social Security number since he came to the U.S. from Mexico 21 years ago. He says he paid an underground seller \$60 for it and didn't ask any questions.

"We had to pay to get a Social," he says. "We know [that] is illegal," he says, and added that "we don't have that, we not gonna have jobs." Jaime also agreed to speak frankly if his surname was not used.

Jaime stands in the kitchen wearing a black chef's uniform and an Adidas ball cap. His wife, also a cook, scrapes a pan next to him. He says every immigrant he knows is constantly fearful of ICE, and he spoke with NPR weeks before the high-profile chicken plant roundups.

"We just need [to be] careful about everything. If we do something not correctly, we're gonna have troubles."

Lynn maintains that Jaime and the rest of the staff, all of whom come from Central Mexico, are key to her restaurant's success. She says they're dependable, loyal and incredibly hard working.

"You cannot hire an American here that will show up to work. They will not be committed to their job. In America," she says, "restaurant work is not a serious profession."

President Trump, who signed the "Buy American and Hire American" executive order that led to a crackdown on visa fraud, frequently argues that unauthorized immigrants take jobs away from U.S. workers. By that logic, Jaime is taking a job away from a citizen who wants it, to which Lynn responds with a laugh.

"That is the biggest joke. I hear it all the time. We put ads on Craigslist, Facebook, in the window, in the newspaper," she says. "The people that come in and apply to take our jobs will show up for one shift. They will not be clean. They will not probably be sober. They will ask for their money at the end of the shift and then they will not be back for the second shift."

[The Pew Research Center estimates](#) there are 7.5 million unauthorized workers in the United States concentrated in agriculture, construction and the hospitality industry. In 2014, about 1.1 million, or 10%, of restaurant workers were unauthorized.

Would they choose another line of work if they had green cards and work authorization?

"I like to cook and I like to work," says Jaime. Pressed about whether he would work somewhere else if he were a lawful permanent resident, Jaime says, "I would like to do something else, I don't know, something different." He doesn't say what work he might choose if he had papers, and the fact is there's no path to citizenship for him.

ICE typically targets large employers with hundreds of unauthorized workers for its splashy enforcement actions. In the hypothetical, what would happen to Lynn's restaurant if every unauthorized worker in her city were deported tomorrow?

(The prospect of undocumented labor disappearing overnight has been spoofed in [the 2004 cult movie](#), *A Day Without A Mexican*.)

"We'd close," she says matter-of-factly. "I'd sell everything for whatever we could get for it and we would close. Because there's not enough talented people who really do know how to cook."

But administration hard-liners say the law is the law.

"Whether you're talking about a chicken plant with 200-plus illegal workers or a little restaurant that has half a dozen illegal workers, the issue's the same," says Mark Krikorian, executive director of the Center for Immigration Studies, a Washington, D.C., think tank that favors lower immigration. Krikorian insists there are U.S. citizens who will take these unattractive jobs, and he cheers on Trump's ICE raids.

"And if that means a little restaurant somewhere ends up closing, that's unfortunate. I wish that on no one. But restaurants close every day," Krikorian says. "And if the labor market is tighter, what that means is restaurants that do come up with a way of recruiting and retaining legal workers will have a competitive advantage."

In light of the Mississippi raids, Lynn says she's not really afraid of immigration agents targeting her tiny restaurant kitchen.

"What I am worried about," she adds, "is the cost of chicken going up."

# The feds should punish people who employ illegal immigrants

By Kevin D. Williamson

If a child trespasses onto a property, lured by an abandoned car or swimming pool, say, then it is the property owner's responsibility to remove the temptations and secure the area.

This is the law of the “attractive nuisance” — something that is dangerous and attractive to children who do not appreciate its danger.

In the same way, the United States has created an attractive nuisance for desperately poor people from Latin America and elsewhere.

After declining for years, illegal border crossings are sharply up at the moment.

Here the Trump administration is a victim of its own good fortune: With the US economy booming, illegal immigrants have a wider choice of work options — and more lucrative ones, too.

Not every illegal immigrant coming to the United States is seeking a job (or is attached to a job-seeker), but employment is overwhelmingly the most important reason they are lured here.

This problem can be mitigated. The federal government can and should mandate the use of E-Verify or another system to ensure legal eligibility to work in the United States and hold employers accountable to whatever degree of severity proves necessary.

The Trump administration could, if it so chose, order federal prosecutors to go after companies (and individuals) who employ illegal immigrants.

Deporting a few illegals, many of whom will only turn around and reenter the United States illegally once more, will not accomplish very much.

Putting a couple of dozen crooked contractors and meat-packing executives in a federal penitentiary for a good long spell would.

Removing the nuisance is one part of the solution. Securing the property is the other.

While additional border barriers would be useful in some places, as the current rush across the border makes so dramatically clear, the Trump administration's monomania for wall-building is inadequate to the actual job at hand.

For a long time, visa overstays — rather than Mexican border crossers — have been our most major source of illegal immigration.

People hate the term “comprehensive immigration reform” because it is often used as a euphemism for amnesty.

But effective enforcement will in fact have to be comprehensive: border control, visa control, and employment enforcement — and we'll probably need some changes in areas that few people are talking about, such as banking, too.

It is remarkable that some legal businesses (e.g., marijuana-oriented concerns in states where they are permitted) have a more difficult time accessing financial services than do illegal immigrants, who are able to maintain bank accounts and take out mortgages, among other things.

Most illegal immigrants are not children.

They are adults and responsible for their own decisions. But as long as the promise of relatively well-paid work in the United States is enabled by a regime that can be charitably described as “lax,” it's certain that many poor and unhappy people will risk coming to the United States and working illegally.

There is much that we could do to improve the economic and social situations in Mexico and Latin America, and we should do all that we can — if only out of self-interest. But there are narrow limits to what we can accomplish in other countries.

Which is why we should start with our own.