

New Workers, Old Economy

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Arrival of immigrants raises legality questions.

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WHITESVILLE - Nearly 1,600 miles separates Boone County and the Mexican border, but it doesn't take a map to find Hispanics who are living in this southern West Virginia coalfields county.

All someone needs to do is walk into a local hardware store or gas station and ask a local. They'll talk about men living in second-floor apartments over pizza parlors and convenient stores. They'll even point out where the men hang out after work.

"I started noticing them about six months ago," said Roland Reynolds, who lives in Whitesville. "But there's never been a problem with them. Everyone here just kind of lets them live their lives. We live ours."

That changed a few weeks ago when one of those Hispanic workers, an alleged illegal immigrant named Christian Sanchez Rubio, was arrested and charged with a drunk driving collision that killed 4-year-old Tyler Evans.

But how did Rubio get from Mexico to Boone County? That's what Whitesville residents and Boone County Sheriff J. Rodney Miller are trying to determine

"We've been working with (federal immigration officials) in Charleston on this," Miller said. "It appears as though he was working for a contractor -- Minserco, which is out of Milwaukee, Wis. -- and had been working up at one of the mines. Apparently this company places people throughout the country in a working capacity."

According to the U.S. Census Bureau, West Virginia lags behind the rest of the nation when it comes to diversity. As a whole, it is a white state. Only 3 percent of West Virginians are African American. And less than 1 percent of residents are Hispanic. That's a huge shift from other states, where the Hispanic population is steadily growing,

But one of the biggest changes in the Hispanic population isn't necessarily the number of people moving in. Rather it is the jobs they are finding here. Instead of working in stereotypical agricultural jobs, the new Hispanic immigrants to West Virginia are finding jobs in some of the state's key economic sectors -- mining, construction, timbering and wood products.

"West Virginia has been a state of out-migration for years," said Steve White, president of the Affiliated Construct Trades Foundation. "And we've lost a lot of manufacturing jobs to overseas competition. But the one thing that helped us was you can't take coal mining overseas. The coal is here. Those jobs have to stay here. The same (is true) with timber and construction. ... So what they are doing is shipping the overseas people here. It's about cheap labor."

So how do the workers find their way to West Virginia?

Often they are brought here by employment agencies that specialize in placing Hispanic workers in skilled and unskilled jobs.

West Virginia is home to several of these types of businesses, including the Greenbrier County-based SpanForce Labor LLC. The company has offices in both Lewisburg and Terra Alta. It advertises itself on the Internet as a job placement agency for workers from throughout Central America and particularly Mexico.

This month, a free Spanish entertainment newspaper that circulates in Georgia, North Carolina and South Carolina highlighted the company.

"This company is looking for hundreds of workers. It's located in the beautiful mountains of West Virginia. Let's give a warm welcome to SpanForce!" Seth Mason, the editor of VivaLatina, wrote in his monthly letter to readers.

Several messages left at SpanForce's office in Lewisburg were not returned. When The State Journal called the company's Terra Alta number, a man answered the phone twice. Both times he said the number was for SpanForce, but he didn't speak much English and ended up hanging up.

And SpanForce is not alone. Progressive Employment Partners also is based in Lewisburg. Progressive allegedly placed Hispanic workers in a sawmill along the Mingo-Logan county line.

Calls to Progressive Employment Partners also were not returned

"What we have encountered is that these brokers have a connection in Mexico who hooks them up with workers," White said. "They also have connections with government workers who give them Visas and identification for the workers."

New Trend to Old Tide

Immigrants coming to America and West Virginia in search of a new life is nothing new. The nation was founded on weary masses sailing across oceans. Immigrants from eastern and southern Europe dug much of the coal mined in the state during the first part of the 20th century.

So why is this different or newsworthy?

In recent years, much of the work done by immigrants was written off as "the work Americans don't want to do," such as picking fruit and vegetable crops, plucking feathers off of chickens at poultry plants and working as janitors, hotel housekeepers and meat packers.

But now, suddenly, the jobs immigrants are being hired for are the economic backbone of the state -- mining jobs, construction jobs, wood products jobs. Jobs people want. Jobs you can raise a family on.

And that's what has some people nervous.

Plus, in the old days, most immigrants arrived here legally. Now, no one can be sure. Even when workers have documents proving they are here legitimately, computers and technology have made making forged documents incredibly easy.

"Right now on my computer I could make an ID that could be used to get a job," White said.

Employers' Responsibility

But should employers be expected to verify that every one of their employees is a legitimate member of the American work force? The federal government says no.

Attorney George Carenbauer of Steptoe & Johnson in Charleston said federal law currently tells employers to accept identification without question, unless it's obvious the documents have been falsified.

"The law says it is unlawful for employers to knowingly accept forged or invalid documents or identification," he said. "Knowingly' is the key word. So if a document looks OK, then the employer has to accept it."

In fact, on the U.S. Citizenship and Immigration Services Web site, it specifically answers the question whether an employer has to make sure documents are authentic.

"You must examine the document(s) and, if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them," the Web site advises. "To do otherwise could be an unfair immigration-related employment practice."

And even if an employer discovers a worker is undocumented, White said, the federal Immigration and Customs Enforcement offices appear to be so swamped with different tasks that no one has the time or manpower to enforce the law..

"We've called ICE so many times that we've stopped calling," White said.

White said as long as that lackluster type of non-enforcement continues, companies will continue to take advantage of the system -- and of workers.

"As long as employers are able to bring in workers with no fear of prosecution, they'll do it," White said. "Enforcement by agencies is nonexistent."

Old Employers, New Workers

Lots of questions still surround the case of Rubio, the immigrant worker who has been charged in the Evans child's death.

Is he really in the country illegally? If so, how did he ever get hired on as a worker with an established mining contractor? And how did he end up in Boone County?

Several calls to Minserco's South Milwaukee headquarters were not returned.

Minserco was in Boone County installing a new dragline at Massey Energy's Progress surface mine near Twilight, according to Massey spokesman Jeff Gillenwater.

He said Massey had no control over who Minserco hired to do the contract work. He said Rubio did not work for the company directly.

"The only immigrant workers we have, as far as I know, came in with the contractor to install the new dragline," he said.

Chris Hamilton, senior vice president of the West Virginia Coal Association, said he is not aware of any coal companies in West Virginia who are hiring immigrant workers. At least not yet.

"But there are some companies that are looking into it because of a real -- not just perceived -- labor shortage within the industry," he said. "A lot of companies are going to military bases to recruit retiring military personnel who have 20 years of service but are still relatively young. ... And there are a number of companies that are considering looking outside of the state's boundaries and outside of the nation's boundaries for workers."

White said the claim that there aren't enough workers to fill open jobs is utterly ridiculous.

"We have people here willing and able to do the work," he said. "But they won't do it for \$6 an hour. But that's what some of these companies want to pay."

Mining for Workers

Like Reynolds, Robert Peters of Whitesville also said he started noticing more Hispanics living in his Boone County community about six months ago. He heard they were working in one of the local mines.

"You couldn't hardly go to the store without seeing them," he said.

But while some people in the community started to complain about the new neighbors, Peters said he didn't really see anything wrong with them coming in to find jobs -- but only if they are in the country legally.

"Immigration is how this country and the county got started," he said. "I have no qualms with people moving here from foreign countries to try to make a better life. We're a free-enterprise country."

White also said he's not against immigrants or immigrant laborers. But he is outraged by the idea of companies employing workers who came into the country illegally and then not face punishment by the government.

"I'm not vilifying the guy who traveled 2,000 miles to feed his family," he said. "I'm complaining about the placement companies who make money by bringing these people in and the companies that make money by paying these workers lower wages. You can't feed a family on \$6 per hour. These are the jobs that are the bedrock of the community. They are hard jobs. Workers need to be compensated for it."

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