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Area illegal employees a problem

Undocumented workers are a growing concern

BY ERIC BOWEN The Dominion Post

Last October, 22 people police believed were Mexican nationals were found in two rooms of a hotel in Morgantown after being turned in by a hotel housekeeper.

Some of the men arrested said they were headed for construction jobs in the area, before moving on to work in other parts of the country.

Hiring undocumented workers is illegal in the United States. But the workers arrested in Morgantown are a sign of a growing concern among law enforcement and labor leaders that illegal aliens are being hired at jobs sites and taking jobs away from local workers.

It's hard to pin down how many workers in construction are undocumented, but the numbers are on the rise, said Steve White, director of the Affiliated Construction Trades Foundation, which represents union construction workers.

According to a Feb. 6 story in Time magazine, 700,000 undocumented immigrants from around the world enter the United States every year. Many migrants come in on tourist visas or illegally across the border from Mexico or Canada.

The construction industry is changing as workers often follow jobs from state to state, and it has become increasingly difficult for law enforcement to identify if someone is working illegally, White said. He said his members have found out about cases where workers will falsify green cards or Social Security numbers in order to work in the country.

But construction companies sometimes don't try very hard to check whether their workers have documents, White said. For those companies, it's just the cost of doing business.

"It's not uncommon to get a company from Texas or California ... (to) come into town, and they figure they will just not comply with the regulations," White said. "There is very little penalty for not complying."

According to the U.S. Immigration and Customs Enforcement, penalties for companies that knowingly hire illegal workers ranges from \$200 for a paperwork violation to \$10,000 per hiring violation. Employers can also face prison sentences.

Investigating undocumented workers is often difficult, said Al Kisner, chief deputy with the Monongalia County Sheriff's Department. It's hard to identify workers who lack proper permits, and police have little ability to arrest workers on construction sites because that is the jurisdiction of federal forces.

When the Sheriff's Department receives a call about suspected illegal workers, deputies try to find out whether the workers have documentation, Kisner said. If they don't, deputies refer any information they have available to ICE for more action.

But because of staffing shortages, ICE rarely investigates cases with few illegal workers, Kisner said. Even when large numbers of illegal aliens are discovered, as in the case of the people found in the hotel, the workers are often released on bond before a hearing. Sometimes they don't come back to face trial.

"They're processed through immigration and customs," Kisner said. "They take them to Pittsburgh, identify them and issue them citations to show up for a hearing at a later date. Most of them never show up for the hearing."

Mike Gilhooly, northeast region communications director for U.S. Immigration and Customs Enforcement, said his agency does have some illegal immigrants who don't appear for their hearing. But a person who leaves the area without going to the hearing becomes a fugitive, and will be detained if caught again.

Most do go to their hearings, however, Gilhooly said. Some undocumented workers are released on their own recognizance, while others have to post a bond.

"It behooves individuals who can make a case to a judge to stay in the United States to go to court," Gilhooly said.

"We have fugitive operation teams around the country who spend all of their working time looking for people who don't show up to court."

Some state lawmakers are trying to improve the enforcement of the state's immigration laws.

A new bill introduced this session would increase penalties for contractors that hire undocumented workers. And the bill would make a general contractor responsible if a subcontractor hires illegal workers.

State Sen. Edwin Bowman (D-Hancock), who is one of the sponsors of the bill, said that companies that hire illegal workers take jobs away from local residents who are looking for work.

Though he doesn't have hard numbers on how many workers are illegal, he said hiring of illegal workers is on the rise, especially in his Northern Panhandle district. The sheriff's office in his area has caught several illegal workers, sometimes riding in vans with other undocumented workers in search of a job.

“This was a problem that has been occurring throughout the state of West Virginia,” Bowman said. “Many of the contractors are hiring illegal aliens at a much reduced pay. We haven’t seen numbers, although we know it occurs.”

Contractor groups are fighting Bowman’s legislation, or at least trying to limit its effects.

The industry’s argument is that contractors can’t be responsible for the actions of a subcontractor, said Mike Clouser, executive director of the Contractors Association of West Virginia.

Many jobs will have several subcontractors, many of which are hired by other subcontractors. The multiple layers of responsibility make it hard for a general contractor to know who is working on the job site.