United States General Accounting Office

GAO

Report to the Congress

November 1987

IMMIGRATION REFORM

Status of Implementing Employer Sanctions After One Year

040663

GAO/GGD-88-14

GAO

United States
General Accounting Office
Washington, D.C. 20548

Comptroller General
of the United States

B-125051

November 5, 1987

President of the Senate and
Speaker of the House of Representatives

This is the first of three annual GAO reports required by section 101(a) of the Immigration Reform and Control Act of 1986. The act prohibits employers from knowingly hiring unauthorized workers. Noncompliance can result in penalties (sanctions). Our report describes the initial efforts to implement and enforce the employer sanctions provisions of the act.

The act requires us to review the implementation and enforcement of employer sanctions for the purpose of determining if such provisions (1) have been carried out satisfactorily, (2) have caused a pattern of discrimination against U.S. citizens or other eligible workers, and (3) have caused an unnecessary regulatory burden on employers. Since the act has not yet been fully implemented, this report presents information on actions to date and describes our plans to address these questions in our future work. In addition, we discuss several methodological problems that may preclude us from making conclusive determinations on these matters in our two subsequent reports.

Copies of this report are being sent to the Attorney General; the Secretary, Department of Labor; the Chairman, Equal Employment Opportunity Commission; the Chairman, U.S. Commission on Civil Rights; the Director, Office of Management and Budget; and other interested parties.

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Comptroller General

Executive Summary

Purpose

To reduce the flow of aliens illegally entering the United States to find work, Congress passed a law in 1986 prohibiting employers from hiring any alien not authorized to work. Employers who violate this law can be fined and/or imprisoned. The law requires GAO to issue three annual reports to Congress on its implementation and establishes procedures for Congress to repeal provisions of the act based on GAO's third report. This is the first report. (See p. 18.)

Background

During the past 15 years, Congress has been increasingly concerned that aliens not authorized to work were taking jobs away from authorized workers and adversely affecting the U.S. economy. In recent years the Immigration and Naturalization Service (INS) has been arresting thousands of aliens who were working in the country illegally. However, federal law did not provide penalties for employers who knowingly hired unauthorized aliens. GAO reported in 1985 that most countries that had enacted laws penalizing employers of unauthorized aliens believed that these sanctions were a deterrent to unauthorized alien employment. (See p. 8.)

On November 6, 1986, the Immigration Reform and Control Act of 1986 became law. This law (1) contains civil and criminal penalties for employers of unauthorized aliens and (2) requires all employers in the nation to complete an employment eligibility verification form (I-9) for each new employee.

Because of concern that employers—to avoid being sanctioned—would not hire "foreign-looking" U.S. citizens or legal aliens, Congress added a provision to the law that prohibits employers with four or more employees from discriminating on the basis of a person's national origin or citizenship status. This provision expanded the percentage of the nation's employers who could be charged with discrimination under federal law from about 13 to 48 percent. Employers who violate this provision can be fined.

The law and implementing regulations establish timetables for enforcement and related penalties. The implementation has three phases: a 6-month education period; a 1-year period during which warnings will be issued to first-time violators; and full enforcement of sanctions without a warning against those who violate the law. (See pp. 10 to 17.)

The law requires that each of GAO's annual reports review the implementation and enforcement of the employer sanctions law for the purpose of

determining whether (1) the law has been carried out satisfactorily, (2) a pattern of discrimination has resulted against authorized workers, and (3) an unnecessary regulatory burden has been created for employers. GAO will also attempt to determine if the anti-discrimination provision creates an unreasonable burden for employers.

The law states that Congress may use expedited procedures to repeal both the employer sanction and anti-discrimination provisions if GAO's third annual report finds a "widespread pattern" of discrimination caused "solely" by the sanctions provision. If GAO's third annual report finds "no significant discrimination," or alternatively finds an unreasonable burden for employers, the law provides expedited procedures for Congress to repeal the anti-discrimination provision. (See p. 18.)

Results in Brief

In GAO's opinion, the general approach followed during the first year to implement the law has been satisfactory. So far, the data on discrimination related to the law has not shown a pattern of discrimination or unreasonable burden on employers. However, because of the many factors involved, GAO may not be able to isolate and measure the effects of employer sanctions on any identified discrimination. Insufficient data exist for GAO to determine if the act's regulatory burden on employers is unnecessary and it is unlikely such data will be available.

Principal Findings

Satisfactory Progress in Educational Phase of Implementing New Employer Sanctions Law During First Year

INS efforts to implement the law have primarily focused on educating the public about the law to help assure voluntary compliance. Handbooks explaining the law have been mailed to the nation's estimated 7 million employers and INS has begun a national media campaign to educate the public. (See p. 23.)

Planned Enforcement Approach

INS plans to allocate about $60 million during fiscal year 1988 to implement the law's employer sanctions provision. With this amount, INS plans to target about 20,000 employers for compliance investigations. In addition, Department of Labor employees, who visit 60,000 employers annually to enforce various labor laws, began on September 1, 1987, to also inspect employers' I-9 forms for compliance.

As of October 7, 1987, two employers have been served notices under the law for knowingly hiring unauthorized aliens. (See pp. 27 to 29.)

No Pattern of Discrimination

As of September 1987, 67 alleged employer violations of the law's anti-discrimination provisions have been filed with federal agencies—44 are in process and 23 were closed.

The Equal Employment Opportunity Commission—the agency that administers title VII of the Civil Rights Act of 1964 prohibiting national origin discrimination—had received 52 charges related to employer sanctions. Most of these charges were still in process as of September 1987.

The Office of Special Counsel in the Department of Justice—responsible under the law for prosecuting discrimination charges—had received 15 charges related to employer sanctions. Two have been dismissed, one withdrawn, and the rest are under investigation. An additional 34 charges have been filed with four state and local government agencies. (See pp. 34 to 36.)

The discrimination charges under investigation do not, in GAO's opinion, constitute (1) a pattern of discrimination or (2) an unreasonable regulatory burden for employers. INS has just begun to enforce the law's sanction provision. Thus, until now, employers have had little reason to not hire "foreign-looking" citizens or legal aliens to avoid being sanctioned. (See p. 38 and 47.)

Once full enforcement begins, GAO may still not be able to determine if any discrimination that does occur is caused "solely" by employers' fear of sanctions. Various federal officials with experience in discrimination cases said that normally judges' decisions in cases of discrimination do not specify what caused the discriminatory act. Furthermore, no data exist on the number of persons who applied for the estimated 67.5 million jobs filled each year who are not hired because of employers' fear of sanctions. Without this information, it may not be possible for GAO to determine what is a "widespread pattern" of discrimination versus "no significant" discrimination. (See p. 31.)

Data Limitations May Preclude Determining If an Unnecessary Regulatory Burden Exists

GAO believes that the ultimate test of whether the burden imposed on employers is worth the costs involved is the extent to which these activities are accompanied by and contribute to desired reductions in unauthorized alien employment and illegal immigration. Unfortunately, it will be extremely difficult, if not impossible, to conclusively establish such a cause/effect relationship. Further, even if no progress is realized, the employer requirements may still be a necessary part of a revised strategy.

GAO has selected three indicators of the law's effect on illegal immigration and will use these and other data in its subsequent annual reports. Although these indicators are the best available, they are difficult to measure and may be influenced by many factors other than employer sanctions. Therefore, it is likely that the results of GAO's future analysis of the law's effect on illegal immigration may be inconclusive.

Based on public comments, INS revised its regulations to reduce the burden on employers and placement agencies who recruit or refer job applicants to employers for a fee. (See pp. 39 to 48.)

Recommendations

Because the act has not been fully implemented, and limited data is available on many of its key features, GAO is not making recommendations in this report.

Agency Comments

To meet the mandated reporting date in the act, GAO did not obtain agency comments on the draft report. However, GAO discussed the contents of the report with officials from INS, Office of Special Counsel, Department of Labor, and the Equal Employment Opportunity Commission and included their comments where appropriate. These officials generally concurred with the report.

Contents

Executive Summary		:
Chapter 1 Introduction	The Immigration Reform and Control Act of 1986	1
Chapter 2 Objectives, Scope, and Methodology		1
Chapter 3 Implementing Employer Sanctions		2
	INS Actions to Implement Employer Sanctions	2
	DOL Actions to Implement Employer Sanctions	2
	Conclusions	3
Chapter 4 Discrimination and Employers' Fear of Sanctions		3
	One Employer Ordered to Reinstate Employees	3
	OSC Investigation Activities	3
	Charges Filed With EEOC	3
	State and Local Agencies' Activities	3
	Other Organizations Involved With Discrimination Charges	3
	Anti-Discrimination Burden on Employers	3
	Service Placement Rates and IRCA-Related Discrimination	3
	Alienage Discrimination Issue	3
	Conclusions	3
Chapter 5 Employer Sanctions' Burden on Employers		3
	Cost Associated With I-9	4
	Potential Indicators of Employer Sanctions' Effectiveness	4
	Regulatory Issue for States	4
	Conclusions	4
Appendixes	Appendix I: Fiscal Year 1987 and 1988 INS Budgets for Employer Sanctions	5
Tables	Table 4.1: Charges Filed With Selected Agencies	3
	Table 4.2: Puerto Rican Job Referral Data in New York City	3

Table 5.1: INS Cost Estimate 40
Table 5.2: SBA Cost Estimate 41

Figures

Figure 1.1: INS Apprehensions at U.S. Borders 8
Figure 5.1: Apprehensions Per Work Hour (Border Patrol) FY 1983-86 42
Figure 5.2: Illegally Employed Alien Arrests Per Work Hour 43
Figure 5.3: Nonimmigrant Visa Violations (By Country FY 1984-85) 44
Figure 5.4: Non-work Social Security Cards With Wages Reported the Previous Year for 1983-87 45

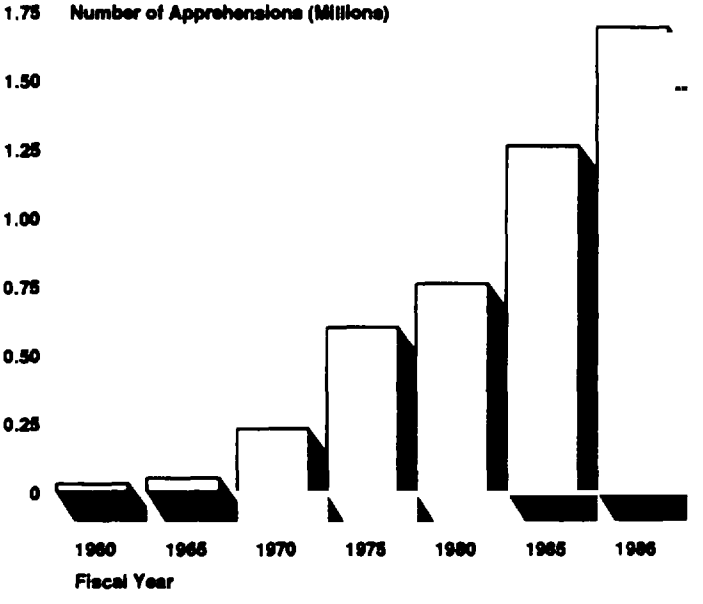
Abbreviations

DOJ	Department of Justice
DOL	Department of Labor
EEOC	Equal Employment Opportunity Commission
ELR	Employer and Labor Relations Division
FLSA	Fair Labor Standards Act
INS	Immigration and Naturalization Service
IRCA	Immigration Reform and Control Act of 1986
IRS	Internal Revenue Service
OFCCP	Office of Federal Contract Compliance Programs
OMB	Office of Management and Budget
OSC	Office of Special Counsel
SBA	Small Business Administration
SSA	Social Security Administration
WHD	Wage and Hour Division

Introduction

During the past 15 years Congress has been increasingly concerned ove the inability to control the illegal flow of aliens across our borders and the economic consequences of aliens who are not authorized to work taking jobs away from authorized workers.[1] Figure 1.1 shows the increase in the number of aliens INS apprehended at U.S. borders as the tried to enter the country illegally. However, some research has also concluded that the presence of unauthorized aliens has aided the U.S. economy.[2]

Figure 1.1: INS Apprehensions at U.S. Borders



In 1978, Congress passed a law establishing the Select Commission on Immigration and Refugee Policy. The Commission's purpose included assessing the impact of legal and illegal immigrants on the United State

[1] Illegal Aliens: Limited Research Suggests Illegal Aliens May Displace Native Workers (GAO/PEMD 86-9BR, Apr. 21, 1986).

[2] Julian Simon, How Do Immigrants Affect Us Economically?, published by the Center for Immigrati Policy and Refugee Assistance of Georgetown University (1985); and The 1986 Economic Report of the President.

and recommending changes in immigration policy. Among the Commission's recommendations in its 1981 report was that Congress enact legislation making it illegal for employers to knowingly hire undocumented aliens (referred to hereafter as employer sanctions).[3]

In 1981, the U.S. Senate Committee on the Judiciary requested that we survey employer sanction laws in other countries. Our report[4] concluded that, at that time, such laws were not an effective deterrent to illegal employment in the countries surveyed for primarily two reasons. First, employers either were able to evade responsibility for illegal employment or, once apprehended, were penalized too little to deter such acts. Second, the laws generally were not being enforced because of strict legal constraints on investigations, noncommunication between government agencies, and lack of enforcement personnel.

In a subsequent 1985 report,[5] we surveyed some of the same countries. The situation had changed. Five of the eight countries reported that employer sanction laws were a moderate or great deterrent against illegal alien employment. The other three countries reported that their laws were less of a deterrent because of problems in their enforcement. Six of the eight countries reported that if they had not enacted employer sanction laws, the problem of aliens working illegally would be greater. All countries reported that little or no discrimination against citizens or legal aliens had resulted from employer sanction laws.

After a series of hearings in the 1980s, the Immigration Reform and Control Act of 1986 (IRCA) became law on November 6, 1986.

[3] U.S. Immigration Policy and the National Interest, U.S. House of Representatives and Senate Committees on the Judiciary, August 1981.

[4] Information On The Enforcement Of Laws Regarding Employment Of Aliens In Selected Countries (GAO/GGD-82-86, Aug. 31, 1982).

[5] Information on Selected Countries' Employment Prohibition Laws (GAO/GGD-86-17BR, Oct. 28, 1985).

The Immigration Reform and Control Act of 1986

IRCA affects each of the nation's estimated 7 million employers and the estimated 67.5 million people hired annually.[6] Specifically, the act's employer sanction provision prohibits employers from hiring persons who are not authorized to work in the United States, requires employers to verify the employment status of each new person hired, and prohibits employment discrimination based on national origin and citizenship status. IRCA establishes a new enforcement unit—the Office of the Special Counsel for Immigration-Related Unfair Employment Practices (OSC)—within the Department of Justice (DOJ) to prosecute complaints alleging national origin and citizenship discrimination and authorizes the Attorney General to designate administrative law judges to hear such cases.

The following section provides a brief introduction to the act's employer sanction provisions and INS' implementing regulations. For purposes of this report, we are defining an unauthorized alien as an alien who does not have proper documents to authorize employment in the United States. This definition includes aliens who enter the United States illegally as well as aliens who enter the country legally, but are not authorized to work (e.g., visitors).

Unlawful Employment Practices

The law states that it is unlawful to knowingly hire for employment any alien not authorized to work in the United States or to hire any person (including U.S. citizens) without verifying the person's legal employment status. It is also unlawful to knowingly continue to employ an alien who has become unauthorized to work or to knowingly obtain the services of an unauthorized alien through a contract. Noncompliance can result in civil and criminal penalties. However, the law permits employers to continue to employ unauthorized aliens hired before November 6, 1986, without fear of being sanctioned (i.e., "grandfathered" aliens). INS can deport "grandfathered" aliens who are in the country illegally.

IRCA places certain responsibilities on employers when hiring employees. Generally, for employees hired after November 6, 1986, IRCA requires employers to verify the employee's identity and their eligibility to work in the United States. Employers must complete the Employment Eligibility Verification Form (Form I-9) for each employee, certifying that documents used to verify their identity and eligibility were reviewed. They must retain the I-9 for at least 3 years from date of hire or 1 year after

[6]The number of employers is based on Internal Revenue Service data on organizations filing tax returns. The estimate of people hired annually is based on a study by Malcolm Cohen, Employer Service Potential (Institute of Industrial and Labor Relations: Ann Arbor, Michigan, 1979).

employment is terminated, whichever is later. INS and the Department of Labor (DOL) are responsible for inspecting the forms for compliance with the act's requirements.

Job applicants may use a number of documents to establish employment eligibility, some of which INS issues. To prove their identity, job seekers may furnish such documents as a driver's license or school identification card with a photograph. Further, some documents (e.g., U.S. passport) can be used to establish employment eligibility and identification. According to a Chamber of Commerce report, a combination of a driver's license and either a social security card or U.S. birth certificate are the documents likely to be used by most people. In signing the I-9, employers must certify that they "have examined the documents presented . . . [and] they appear to be genuine."

Employers may be exempted from completing the I-9 if they use the services of state employment agencies who choose to do the verification for job applicants they refer to employers. These agencies may elect to provide job applicants they refer to employers with a certification of employment eligibility. An employer who hires such a person does not have to complete an I-9 form but does have to retain the state employment certificate and present it for inspection if requested. According to INS regulations, employers who hire persons with employment certificates generally cannot later be sanctioned for hiring them if INS determines that such employees are unauthorized workers unless INS proves the employer was not acting in good faith.

Timetable for Employer Verification Requirements

The law and implementing regulations establish timetables for enforcement of the law and related penalties. The implementation is generally divided into three phases: a 6-month education period; a 1-year period during which warnings will be issued to first-time violators; followed by full enforcement of sanctions against those who violate the law.

- From December 1, 1986, through May 31, 1987, the act established a public education period for the publication of regulations and dissemination of forms and information to the public. During this period, employers could not be sanctioned for noncompliance with the act.
- From June 1, 1987, through May 31, 1988, employers can receive citations (warning notices) for first offense violations. During this 1-year period INS will work with groups, such as employer associations and labor unions, to provide assistance in understanding the law, develop

voluntary cooperation, and encourage efforts to hire authorized employees. The warning citation that is issued explains the nature of the violation. For subsequent or repeated violations, civil or in some cases criminal penalties can be imposed. When INS imposes a penalty, it issues a Notice of Intent to Fine.

- First Violation: Not less than $250 and not more than $2,000 for each unauthorized employee.
- Second Violation: Not less than $2,000 and not more than $5,000 for each unauthorized employee.
- Subsequent Violations: Not less than $3,000 and not more than $10,000 for each unauthorized employee.

Criminal penalties can be imposed on employers engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized employees (except for grandfathered aliens). Employers convicted for having engaged in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens after November 6, 1986, may face fines of up to $3,000 per employee and/or up to 6 months imprisonment. Criminal sanctions will be reserved for serious or repeated violations. Also, persons who use fraudulent identification or employment eligibility documents, or documents that were lawfully issued to another, or who make a false statement or attestation for purposes of satisfying the employment eligibility requirements may be imprisoned for up to 5 years, or fined, or both.

Employers who fail to properly complete, retain, and present for inspection the Form I-9 as required by law may face civil fines of not less than $100 and not more than $1,000 for each employee for whom the form was not completed, retained, or presented. In determining penalties, consideration shall be given to the size of the business, good faith efforts to comply, the seriousness of the violation, and whether the violation involved unauthorized employees.

- After June 1, 1988, the act will be fully enforced.[7] Citations will no longer be issued for first violations. Employers who violate the law may face the civil or criminal penalties described above.

[7]Employers of seasonal agricultural workers cannot be sanctioned until December 1, 1988. However, they are prohibited from recruiting unauthorized aliens residing outside the country.

Recruiters for a Fee

The new law also applies to those who recruit or refer persons to potential employers in return for a fee. Unions using hiring halls to refer members or dues-paying nonunion individuals to employers are not considered to be "recruiters or referrers for a fee."

Recruiters and referrers for a fee are not required to verify the status of persons referred between November 6, 1986, and May 31, 1987. Starting June 1, 1987, they are required to complete a Form I-9 when a person they refer to an employer is hired by that employer. Generally, the form is to be completed within 3 business days of the hire.

Recruiters and referrers may designate agents to complete the verification procedures on their behalf, such as national associations or employers. If the employer who hires the referred individual is designated as the agent, the employer needs only to provide the recruiter or referrer with a photocopy of the Form I-9. Recruiters or referrers who designate someone to complete the verification procedures on their behalf are still responsible for compliance with the law and may be found liable for violations of the law.

Recruiters and referrers must retain the I-9 for at least 3 years after the date the referred individual was hired by the employer. They must also present I-9s to an INS or DOL officer after 3 days advance notice.

The civil and criminal penalties described above apply to instances of recruiting and referring unauthorized employees for a fee occurring on or after June 1, 1987.

Unlawful Discrimination

The new immigration law also prohibits discrimination. Under this law, employers with four or more employees may not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, recruiting or referring for a fee because of that individual's national origin or, in the case of a citizen or intending (prospective) citizen, because of his or her citizenship status.

Title VII of the Civil Rights Act of 1964 and the remedies against discrimination it provides remain in effect. Title VII prohibits discrimination on the basis of national origin in hiring, discharging, recruiting, assigning, compensating, and other terms and conditions of employment. Charges of national origin discrimination against employers with 15 or more employees are generally to be filed with the Equal Employment Opportunity Commission (EEOC).

Under the new immigration law, charges of national origin discrimination against employers with 4 through 14 employees and charges of citizenship discrimination against employers with 4 or more employees are to be filed with OSC. This office began operations in April 1987. It has set up a toll free "800" telephone number to provide information on the law's provisions. Final regulations implementing the office's responsibilities under IRCA were issued on October 6, 1987. The regulations discuss the standard of proof OSC will use in deciding discrimination cases. According to OSC officials, the law prohibits only knowing intentional discrimination (i.e., disparate treatment on the basis of national origin and citizenship). OSC's regulations state that an employer's act of discrimination may be shown by direct, circumstantial, or statistical evidence.

Discrimination charges may be filed by persons who believe they were discriminated against in employment on the basis of national origin or citizenship status (or by an authorized representative on their behalf) or by INS officers who believe that discrimination has occurred. Discrimination charges that are filed with OSC must be filed within 180 days of the discriminatory act. After investigating the charge, OSC may file a complaint with an administrative law judge. If the Special Counsel does not file a complaint within 120 days of receiving the charge, the person making the charge (other than an INS officer) may file a complaint directly with an administrative law judge.

The administrative law judge will conduct a hearing and issue a decision. The Department of Justice appointed the first administrative law judge to hear IRCA-related cases on August 2, 1987, and has approval to hire up to eight judges, if needed. IRCA requires that the administrative law judges have special training in employment discrimination. The Chief Administrative Hearing Officer said that the Office of Personnel Management agreed to provide administrative law judges from other agencies, if needed. He added that 35 judges from other agencies received the required training. According to Justice officials, regulations implementing the judge's responsibilities under IRCA had not been published as of October 1, 1987.

According to EEOC officials, although the anti-discrimination provisions of IRCA were intended to be distinct from, and a complement to, the provisions of title VII, there are some categories of discrimination charges over which EEOC and OSC appear to have overlapping jurisdiction. IRCA,

however, prohibits charging parties from filing charges of discrimination arising from the same set of facts with both EEOC and OSC. A charging party is thus forced to elect a forum. According to EEOC officials, if the charging party elects the less favorable forum, or the one in which no remedy is available, the charging party may not be able to make a second filing, with the appropriate agency, before the statute of limitations has run out. In order to avoid having such a situation prevent a charging party from exercising his/her rights, EEOC and OSC are currently negotiating a memorandum of understanding to resolve statutes of limitations problems and to ensure that charges are processed by the appropriate agency.

Employers found to have engaged in unfair immigration-related employment practices under the new immigration law will be ordered to stop the prohibited practice and will be subject to certain legal remedies. They may be ordered to (1) hire, with or without back pay, individuals directly injured by the discrimination; (2) pay a fine of up to $1,000 for each individual discriminated against (up to $2,000 for each such individual in the case of employers previously fined); and (3) keep certain records regarding the hiring of applicants and employees. If the judge decides that the losing party's claim had no reasonable basis in law or fact, the judge may require the losing party to pay the prevailing parties' (other than the United States) reasonable attorney fees.

INS Investigators Primarily Responsible for Enforcement of Employer Sanctions

The implementation of employer sanctions is primarily the responsibility of INS' investigative work force. According to an INS official, as of October 1, 1987, INS had 758 investigators on duty in its headquarters, four regional offices, and 33 districts. Investigators conduct various types of investigations, such as those involving entitlement fraud, and apprehend deportable criminal aliens. INS has requested an additional 500 investigator positions for employer sanctions. These staff increases began in fiscal year 1987 and continue into 1988 as the new investigators are hired and receive the required training before being assigned to their new duty stations.

In addition to carrying out its responsibility of apprehending persons illegally crossing our nation's borders, the Border Patrol will also assist in implementing employer sanctions. INS has requested 135 additional Border Patrol positions for fiscal years 1987 and 1988 to inspect I-9 forms and help to educate employers about the law's requirements.

INS' requested budget for fiscal year 1988 for employer sanctions is about $60 million, or 6 percent of its proposed $1 billion budget. INS' budget also requests 1,237 positions, or 8 percent of its workforce for employer sanctions (see app. I for INS' complete employer sanctions budget).

Two Labor Offices Will Inspect Employers' Records

The two offices within DOL that are responsible for conducting employer inspections are components of the Employment Standards Administration: (1) the Wage and Hour Division (WHD) and (2) the Office of Federal Contract Compliance Programs (OFCCP).

WHD administers and enforces a wide range of laws that establish standards for wages and working conditions. These laws cover virtually all private sector employment. Additionally, a 1985 Supreme Court decisior extended the Fair Labor Standards Act (FLSA) coverage to most employees of state and local governments.

WHD's administrative and compliance enforcement officials are located in the national office in Washington, D.C., in 10 regional offices, 63 area offices, and 261 field stations throughout the United States. These area and regional offices and field stations have a nationwide staff of about 900 compliance officers and supervisors responsible for enforcing the Fair Labor Standards Act, the Service Contract Act, and the Migrant anc Seasonal Agricultural Worker Protection Act. During WHD investigations compliance officers have the responsibility, under IRCA, of carrying out I 9 inspections. WHD plans to conduct 51,000 on-site visits during fiscal year 1988.

The OFCCP administers a number of statutes including Executive Order 11246 that prohibits federal contractors from discriminating on the basis of race, color, religion, sex, or national origin. OFCCP's administrative and enforcement officials are located in the national office in Washington, D.C., in 10 regional offices, 37 area offices, and 21 field offices throughout the United States. These offices have a nationwide staff of over 460 equal opportunity specialists. OFCCP plans to inspect I-9s when conducting about 6,400 on-site visits during fiscal year 1988.

DOL officials stated that DOL did not request funds for inspecting employ ers' I-9 forms in its fiscal year 1987 or fiscal year 1988 budget submissions. The 1987 budget did not contain funds because the budget was submitted to Congress before IRCA was enacted. A DOL official said that $1.5 million in fiscal year 1987 funds was reprogrammed to pay for

training DOL employees on its IRCA-related responsibilities. DOL officials said that the 1988 budget did not include funds because of incomplete information on how to inspect employers' I-9 forms when the budget was submitted.

Subsequently, DOL requested an amendment to the fiscal year 1988 budget. The amendment, if approved by Congress, would provide an additional $3.8 million and 68 additional positions to conduct compliance inspections: WHD with $3.19 million and 58 positions and OFCCP with $610,000 and 10 positions.

Objectives, Scope, and Methodology

IRCA requires that we issue three annual reports on the employer sanctions provision each November 6. Specifically, the act requires us to describe the results of our review of the implementation of employer sanctions for the purpose of determining whether such provision has (1) been carried out satisfactorily, (2) caused a widespread pattern of discrimination, and (3) created an unnecessary regulatory burden. The act also says that if we find that employer sanctions have caused a widespread pattern of discrimination, Congress can expedite the repeal of the employer sanctions provision if it concurs with our conclusions.[1] In addition, if we determine and report that no significant discrimination has resulted from employer sanctions or that an unreasonable burden has been created for employers, Congress can repeal the anti-discrimination provisions using the same expedited procedures.

IRCA's legislative history does not provide guidance on the meaning of such terms as "satisfactorily," "widespread pattern of discrimination," "unnecessary regulatory burden," and "unreasonable burden." Without such guidance, we analyzed the available data to help us draw conclusions that could address these questions. However, data limitations, partly related to the act's newness, and methodological problems caused us to qualify our answers to the mandated questions. These problems may well persist into the subsequent two reports causing us to qualify those results too. Moreover, the act has not been fully implemented. As a result, little data regarding IRCA's impact exists. For example, INS and DOL are just initiating their review of employer compliance with I-9s, and INS as of October 7, 1987, had issued two notices of intent to fine employers hiring unauthorized workers.

With respect to discriminatory hiring practices, not enough time has passed for us to obtain the results of many of the charges filed with OSC EEOC or others (e.g., unions). Since INS and DOL are just starting to determine employers' compliance with the I-9 requirements, information regarding the regulatory burden on employers associated with their preparation and retention of the I-9s is not yet known. Also, methodological problems exist in determining if employer sanctions caused discrimination. The act requires us to determine whether a pattern of discrimination was actually caused by employer sanctions, but as yet no sufficient data exists (see chap. 4).

[1]Congress established procedures to expedite the repeal of employer sanctions (sec. 101) and/or the anti-discrimination (sec. 102) provisions. Based on the conclusions in our third report, these sections would be repealed if Congress enacted within 30 days of our report a joint resolution stating in substance that it approves our findings.

Our ability to answer the questions may be affected by several issues. First, changes in alien employment and flow may be caused by factors other than employer sanctions, which we may not be able to account for in our analysis. Second, data that are necessary to address the three questions may not exist. For example, we may not be able to identify when persons who are discriminated against because of employer sanctions decide for various reasons not to file a charge with a federal or state agency. EEOC officials believe many acts of discrimination may not be reported because of the victim's reluctance to come forward and file an official charge. Therefore, our estimate of IRCA-related discrimination may be less than has actually occurred. Third, the 3 years provided in IRCA for us to measure the law's effect may not be sufficient. For example, employer sanction laws in two countries showed that the laws were in effect for 3 years or more before these countries believed they had become a deterrent to illegal employment of aliens.[2] Our evaluation will cover the 3 years from November 1986 to November 1989 and will consist of three major tasks:

- Gather and analyze data from the various federal agencies—INS, DOL, OSC, EEOC, the Small Business Administration (SBA)—and nonfederal state, and local agencies. We did our work at these agencies mainly in Chicago, Houston, Los Angeles, Miami, and New York City, where we believe the law could have a disproportionate effect because of the large number of resident aliens. In addition, we did work at the headquarters of various agencies in Washington, D.C.
- Develop indicators of the illegal flow of aliens into the country and the employment levels of unauthorized aliens. To identify and refine our list of indicators, we (1) reviewed prior GAO, INS, Bureau of the Census, and EEOC reports; (2) obtained comments from officials with INS, OSC, as well as advocacy groups; (3) met with public interest groups; (4) participated in an immigration seminar with employers; and (5) asked experts with experience in immigration issues to critique our indicators.
- Develop a questionnaire on the act's implementation to send to a stratified random sample of U.S. employers in late 1987 and early 1989. The results could provide data to address the three questions.

IRCA also requires the President to issue reports related to employer sanctions, some of which relate to the three questions we will address.

[2]Information On the Enforcement of Laws Regarding Employment of Aliens in Selected Countries (GAO/GGD-82-86, Aug. 31 1982) and Illegal Aliens: Information on Selected Countries' Employment Prohibition Laws (GAO/GGD-86-17BR, Oct. 28, 1985).

We plan to review and analyze these reports and use the data in doing our work over the next 2 years.

For this report, we concentrated our audit work on (1) validating and field testing the methodology to be used in the next two reports, (2) establishing working relationships with federal agencies and private organizations that will be affected by the act, (3) monitoring INS' and DOL's implementation and enforcement of the act, and (4) identifying potential data sources we could use to address each question.

To validate our overall audit approach, we developed our methodology with help from experts in immigration and discrimination; from various organizations within government (e.g., Bureau of the Census, Bureau of Labor Statistics); and outside government (e.g., the Chamber of Commerce and selected unions). In addition, we discussed our methods at IRCA-related employer conferences.

To determine if the implementation of employer sanctions are being carried out satisfactorily, we

- interviewed officials from INS, DOL, the Social Security Administration (SSA), the Bureau of the Census, industries at which INS had previously apprehended unauthorized workers, public interest groups, and immigration experts;
- analyzed INS' and other agencies' budget justifications and requests;
- reviewed INS efforts to complete all IRCA-mandated administrative actions including the requirement to educate employers about their responsibilities under the act;
- reviewed INS regulations on how employers and state employment services should verify if persons are authorized to work;
- reviewed INS' and DOL's strategy for implementing employer sanctions; and
- accompanied INS officials on visits to employers to explain the law.

To determine if implementing the law is resulting in a pattern of employment discrimination, we (1) interviewed officials at INS, the Department of Justice, EEOC, state employment service offices, public interest groups and (2) obtained and analyzed data on discrimination related to national origin and citizenship. We plan to also use available discrimination data to determine if the anti-discrimination provisions created an unreasonable burden from persons filing lawsuits to harass employers.

Finally, to review whether implementing the law is creating an unnecessary regulatory burden, we (1) interviewed officials at INS, SBA, employer organizations, the Office of Management and Budget (OMB) and (2) obtained and reviewed SBA's and INS' analysis of estimated paperwork costs for employers.

Data sources, such as state employment agencies, categorize job applicants into racial or ethnic groups—Blacks, Whites, etc. To determine if employers are not hiring job applicants or firing employees who may appear "foreign-looking" to avoid sanctions, we selected two groups for analysis that we believe have a greater likelihood of being discriminated against—Hispanics and Asians.

While both the public and private sectors are required to comply with the employer sanctions of IRCA, we did not review IRCA's effects on federal, state, or local government employment practices. Rather, we decided to focus on the private sector where we believe, on the basis of reviewing immigration literature, that most unauthorized aliens are employed. Due to time constraints, we did not verify the data provided by others given the numerous data sources reviewed. Except as noted above, our work was conducted between November 1986 and October 1987 in accordance with generally accepted government auditing standards.

Implementing Employer Sanctions

Congress' objective in prohibiting employers from hiring unauthorized aliens was to eliminate an incentive that it believed was attracting alie to this country—jobs. Achieving this objective will depend, to a large extent, on two factors: employers' willingness to comply with the law and INS' and DOL's employer education and enforcement activities. This objective may not be realized until employer sanctions have been fully implemented and, even if employers comply, unauthorized aliens may continue to find jobs through use of fraudulent documents.[1] In this cha ter, we describe INS' and DOL's actions to implement the law. These actions seem reasonable.

INS efforts to implement employer sanctions have focused on educating the public and particularly employers about the law's requirements. Handbooks explaining the law were mailed to over 7 million employers Further, INS has begun a national media campaign to educate the public As of September 23, 1987, INS had contacted over 242,000 employers to explain the law's requirements. According to available INS data for 22,570 contacts made during September 1987, 65 percent of the employ ers were aware of the law's requirements and 99 percent expressed the intent to comply.

During fiscal year 1988, INS plans to focus more effort on enforcement. INS expects to allocate about 60 percent of its employer sanctions resources to investigations of suspected violators and the remaining efforts to a random selection of employers. As of October 7, 1987, INS issued 12 warning notices for employing unauthorized workers and two notices of intent to fine (sanction) to employers of unauthorized workers. Also, 75 warning notices to employers were issued during this period for not complying with the Form I-9 requirements. An additional 26 warning notices were issued for both employing unauthorized workers and I-9 violations.

Since November 1986, DOL has trained about 1,500 of its employees in the inspection of I-9 forms. DOL began inspecting I-9 forms in September 1987 and expects to complete about 60,000 inspections during fiscal year 1988. DOL plans to notify INS of the results of all inspections, includ ing employers whose I-9 forms are not in compliance or who are suspected of employing unauthorized aliens. According to a DOL official, as of September 14, 1987, the results of the DOL inspections were not available.

[1] Immigration Reform: A New Role For The Social Security Card (GAO/HRD-88-4).

INS Actions to Implement Employer Sanctions

Following the law's enactment, INS took a series of actions to educate employers of the law's requirements. When the 1-year citation period began on June 1, 1987, INS continued its educational efforts and began phasing in a 3-part enforcement strategy designed to encourage employers' voluntary compliance: (1) an initial contact will be made with employers to provide continuing education about the law; (2) during a second visit, employers who are not in compliance with the act may receive a warning notice; and (3) during a third INS visit, employers who are not in compliance may be fined. On subsequent visits, the employer is subject to the graduated schedule of civil and criminal penalties as provided in the law. INS may make an exception to the above procedures if in its opinion the employer willfully and knowingly shows wanton disregard for the law.

INS Actions to Educate the Public

The first element of INS' strategy is to educate the public and particularly employers about the law's requirements to gain their cooperation. INS has taken the following four steps to achieve this objective:

1. Employer Handbook

A handbook explaining the law's requirements and containing a copy of the I-9 form was mailed to over 7 million employers during June, July, and August 1987 according to INS officials. The handbook explains:

- why employers must verify employment eligibility,
- when and how to complete the I-9 form,
- the civil and criminal penalties for violations of the law's requirements, and
- the new unlawful employment discrimination practices.

The handbook also contains photographs of some of the various documents that employers can rely on to complete the I-9 form (e.g., passport, social security card) and a list of INS offices to contact for more information.

INS officials told us that the I-9, along with the handbook, was not mailed by June 1, 1987, because INS decided more time was needed to revise the I-9 form to incorporate the public's comments. INS also experienced a delay in arranging the mailing with the Internal Revenue Service. As a result of concerns that employers were not fully aware of IRCA's requirements, congressional conferees agreed to include language

in the report that accompanied INS' fiscal year 1987 supplemental appr· priations act that delayed for 3 months (June 1 to September 1, 1987) the INS regulation requiring employers to complete I-9s.

2. National Media Campaign

On April 6, 1987, INS awarded a $5 million contract to The Justice Group, a consortium of three organizations, for a nationwide advertisin and public relations campaign on IRCA-related activities, including employer sanctions. According to an INS official, as of October 25, 1987. $1.8 million was spent on the employer sanctions program. Specifically. $213,933 was spent on television advertising, $498,100 on radio, and $1,072,451 on print media.

Together with the Justice Group, INS launched an employer sanctions advertising campaign in June 1987 with half-page newspaper advertise ments in eight major newspapers throughout the country. The advertise ment featured a full-sized Form I-9 and an explanation of the law's requirements. The newspapers were the New York Times, USA Today, the Wall Street Journal, the Washington Post, the Miami Herald, the Houston Chronicle, the San Francisco Examiner, and the Los Angeles Times. An INS official said that these newspapers were selected because of their large circulation, diverse readership, and nationwide availability.

3. Half of Available Staff to be Devoted to Employer Information Contacts

According to the Commissioner's June 8, 1987, memorandum to INS regional offices, about half of the available investigative time as of June 1, 1987, will be allocated to employer information contacts for the 1-year period ending June 1, 1988. The purpose of these information contacts is to promote voluntary compliance by explaining the law's requirements and providing copies of the I-9 forms and handbooks to employers. This responsibility is in addition to other investigative duties, such as the apprehension of criminal aliens and detection of fraudulent schemes to obtain immigration or federal entitlement benefits. An INS official said that it was within the discretion of the district directors to use noninvestigative resources to satisfy the 50 percent allocation and that resources added after June 1, 1987, do not count towards the 50 percent allocation.

Each INS district under the direction of the regional commissioners decides how to select employers to be contacted. INS officials said that some districts selected past employers of unauthorized aliens and other districts sent investigators door-to-door in commercial areas. For example, according to a Los Angeles District official, they are concentrating on employers with fewer than 50 employees. New York District officials said they are focusing on employers with 20 or more employees.

INS' goal is to contact 1 million employers by telephone or in person no later than June 1, 1988. As of September 23, 1987, INS had contacted 242,118 employers. INS had data on the results of 22,570 in-person contacts.[2] These contacts showed that:

- 36 percent of the employers responding had received the handbook containing copies of the I-9 form,
- 65 percent of the employers responding were aware of IRCA's requirements, and
- 99 percent of the employers responding expressed their intent to comply with the law.

We also obtained some data from the Western Region for the week ending September 4, 1987. Of the 321 employers contacted in person during that week, 128 or 40 percent were not aware of IRCA's requirements.

INS' planned allocation of investigative time to employer information contacts may affect INS' ability to carry out its other investigative duties. For example, an INS Miami office official said that as a result of spending its staff time on educating employers, other investigative areas were not staffed. The INS Los Angeles District Office has implemented employer sanctions in part using investigators previously assigned to other units, such as criminal alien investigation. According to a district official, these other units' activities have been reduced. According to an INS official, data on the specific effects of the planned allocation of investigative time to educational contacts were not available when our work was completed. An INS official said that any adverse impact on its other investigative duties is temporary because additional staff are being hired.

[2]According to an INS official, the data for these contacts are from those offices in the Eastern and Southern regions for which data was provided to INS headquarters for September 1987. The Western and Northern regions had not reported their analyses to INS headquarters as of October 9, 1987.

4. Employer and Labor Relations Division Established

An Assistant Commissioner for the Employer and Labor Relations Division (ELR) was appointed in January 1987, by the Commissioner of INS. This new office is responsible for educating employers about their IRCA responsibilities and providing employers with information about hiring legal workers. According to an INS official, as of October 1, 1987, 71 ELR positions were authorized, and 67 personnel were assigned. This INS official stated these personnel will be located in each of INS' 33 district offices as well as in Washington, D.C. Training sessions for new ELR staff were conducted in July and September 1987.

Educational efforts will be directed at, among others, new businesses created after IRCA was passed and at those employers identified as not fully understanding the law's requirements. In addition, ELR staff is developing and will administer the Legally Authorized Worker program, which according to an INS official is designed to help employers find U.S. citizens and legal aliens to fill job openings formerly held by unauthorized aliens. ELR staff will encourage employers to fill job openings by contacting organizations, such as the local State Employment Service office, to identify qualified legal job applicants. Employer participation in this program is voluntary. As of September 14, 1987, there were no data available because according to an INS official, the program is in the planning stages.

Additional INS Actions to Educate the Public

Since IRCA was enacted in November 1986, INS has taken the following additional educational actions:

- An "800" telephone number information system with recorded messages explaining various provisions of IRCA, including the employer sanctions program, has been introduced. As of August 31, 1987, INS had received 625,263 calls, of which 77,167 callers requested messages related to the employer sanctions provisions.[3]
- Over 800 copies of video tapes on requirements of employer sanctions have been distributed to INS offices and major employer and labor groups.
- INS representatives have appeared on radio and television talk shows and at over 1,000 public meetings and press conferences to explain IRCA, including employer sanctions.

[3]According to an INS official, data were only available for calls requesting English language messages and not for those in Spanish.

Compliance Inspections of I-9 Forms

The review of I-9 forms and assessment of employer compliance with the law is the second element of INS' enforcement strategy. The compliance inspections program is designed to enable INS to (1) monitor employer compliance among various segments of the economy, (2) encourage employers to complete the forms, and (3) plan an enforcement strategy for the future.

INS' fiscal year 1988 budget provides for 500 authorized investigator positions for employer sanctions that INS officials believe should be filled by the end of the fiscal year. INS officials expect to allocate about 40 percent of the staff years available for employer sanctions enforcement in fiscal year 1988 to compliance inspections. About half of these resources will be directed at inspecting randomly selected employers within industries which, in the past, have employed significant numbers of unauthorized aliens. INS refers to this as the Special Emphasis Inspections Programs. The remaining half of the compliance inspections resources will be allocated to inspecting a representative sample of employers who are selected from a list of the nation's employers.[4] INS refers to this as the General Inspections Program. According to an INS official, INS headquarters will provide field offices with lists of employers to be inspected. INS plans to begin the compliance inspection program in December 1987.

According to its fiscal year 1988 budget request, INS expects to conduct about 20,000 I-9 inspections in fiscal year 1988 using staff from Investigations and Border Patrol. This would be an inspection rate of about one-third of 1 percent of the over 7 million employers who were sent handbooks. An INS official said that the number of inspections may differ based on investigative results since the estimated 20,000 I-9 inspections represent the total inspections likely to be conducted pursuant to both the compliance inspection program and the investigation activities discussed below.

With respect to completing I-9s, some state employment agencies have elected to provide job applicants with a certification of employment eligibility. For example, Florida began providing certifications in June 1987. It estimated that 765,000 certificates will be prepared annually. According to an Employment Development Department official, California is offering optional certification to employers who use the state job service. As of July 1987, it had completed about 92,000 certification

[4]INS has subscribed to a commercial firm's data base on the nation's employers to select employers randomly for inspection.

forms. In contrast, according to an Illinois Department of Employment Security official, Illinois will not provide an optional employment certification because of budget constraints.

INS Investigations

The investigation of employers who are suspected of hiring unauthorized aliens is the third element of INS' strategy. An investigation can be initiated on the basis of a previous INS inspection, information provided by the public, or DOL employees who, as discussed in chapter 1, also inspect I-9 forms. INS officials expect to allocate about 60 percent of the available employer sanctions enforcement resources to investigations of suspected violators.

According to INS officials, the first employer sanctions warning notice was issued on August 21, 1987, when a manufacturer of swimming pool chemicals was cited for knowingly employing unauthorized aliens. In accordance with its overall enforcement policy, INS had visited this employer previously to explain the law and provide the I-9 form. Subsequently, INS found the employer had not complied with the law and issued the warning notice. In addition, INS has served two employers with notices of intent to fine for hiring unauthorized workers, as of October 7, 1987.

DOL Actions to Implement Employer Sanctions

Since November 1986, according to DOL officials, they have taken the following actions to carry out their employer sanctions responsibilities under IRCA:

- About 1,500 employees have been trained. While visiting employers to enforce various other labor laws, they will educate employers about the law and inspect I-9 forms for compliance.
- A memorandum of understanding with INS concerning information exchange, to include notifying INS of the results of all employer visits, has been drafted. For example, DOL will notify INS of employers who (1) do not complete I-9 forms properly, (2) may be employing unauthorized aliens, and/or (3) may be engaging in a practice of disparate treatment (i.e., discrimination).
- On September 1, 1987, DOL began inspecting I-9 forms for compliance. DOL expects to complete about 60,000 inspections during fiscal year 1988 (or about 1 percent of the estimated 7 million employers).
- According to a DOL official, DOL has been providing IRCA-related publications and information to employers and employer groups since March 1987.

Training

About 1,500 DOL employees in WHD and OFCCP who carry out the Department's employer sanctions responsibilities were trained in July and August 1987.

DOL's instructions to its employees include the following:

- They will conduct inspections of I-9 forms during their standard on-site field visits to employer establishments. DOL enforcement staff will (1) inspect all I-9s when there are less than 25 new hires and sample the I-9s when there are 25 or more new hires (e.g., for establishments with more than 250 new hires, every 10th form will be inspected); (2) compare the information on the I-9 with any documents attached to the form; and (3) inspect the I-9s for their existence, proper completion, and retention.
- DOL's authority and responsibility with regard to I-9s consists only of conducting a visual inspection of the I-9s and reporting to INS on the results of that visual inspection. According to DOL, its authority and responsibility does not extend to in-depth investigation to determine the accuracy of the information and attestations on the I-9s.
- DOL will provide employers with a copy of the INS employer handbook containing the I-9 form. DOL will also answer employers' general questions, but the employer will be advised to contact INS for answers to detailed questions, and
- DOL will notify the employer and INS of the results of the I-9 inspection.

DOL and INS Referral Process

INS and DOL officials have drafted a memorandum of understanding that establishes procedures to ensure that

- both agencies make the most efficient use of resources; and
- the agencies' enforcement efforts do not duplicate nor overlook those of the other agency.

The draft memorandum states that it is the policy of DOL and INS to exchange information on suspected violations disclosed during the course of their respective IRCA enforcement and compliance activities.

In addition, DOL procedures provide for quarterly summary reports to INS headquarters, as well as individual reports on the results of each I-9 inspection to the appropriate INS district director. INS officials will be responsible for taking the appropriate actions to follow up on DOL reports of suspected violations. The report will contain information

reports of suspected violations. The report will contain information about the employer including: (1) name, address, and industry; (2) whether the INS handbook was provided; (3) number of employees; and (4) whether the employer appears to be complying with the law.

The DOL report to INS will also indicate two additional factors. DOL will report on any indication suggesting that unauthorized aliens are working for the employer. DOL will also report on indications that employers practiced discrimination (disparate treatment) in completing the I-9 forms (e.g., all new hires were not required to complete the I-9).

According to New York DOL and INS officials, INS and DOL had a reciprocal referral process in place before IRCA. DOL officials said INS altered its forms to capture information useful to WHD. For example, INS added questions about the alien's employer, salary, and number of hours worked. Also, when aliens in INS custody claimed their employers violated the Fair Labor Standards Act, INS would contact WHD, which used INS information as leads for investigations, particularly in the restaurant industry. The current informal mutual referral process between INS district offices and DOL area offices will not change, according to WHD and OFCCP representatives.

Conclusions

INS' overall strategy of educating the public, especially employers, about the law's requirements is reasonable. In addition, the development of an agreement to share information between INS and DOL should help to implement employer sanctions. Furthermore, INS' planned enforcement strategy, including random inspections of employers combined with investigations of suspected violators, is reasonable. As a result, we believe that the progress made during the first year to implement the law is satisfactory. More time is needed, however, to determine if employers will voluntarily comply with the law. As discussed in chapter 1, the Western European experience with employer sanctions has shown the importance of adequate enforcement to deter the employment of unauthorized aliens.

Discrimination and Employers' Fear of Sanctions

Congress was concerned that employers may not hire U.S. citizens or legal aliens who "look or sound foreign" for fear of being sanctioned for hiring unauthorized aliens. As a result, IRCA prohibits employers with four or more employees from discriminating on the basis of a person's national origin or citizenship status. Before IRCA, only employers with 15 or more employees were generally subject to federal law prohibiting national origin discrimination under title VII of the Civil Rights Act of 1964.

As discussed in chapters 1 and 2, IRCA states that we are to determine in each of our annual reports whether the implementation of the employer sanctions provision has created a pattern of national origin discrimination. If our third annual report finds that a widespread pattern of national origin discrimination has been caused solely by the employer sanctions provision, the law provides procedures for Congress to expedite the repeal of both the employer sanctions and anti-discrimination provisions. On the other hand, if we find that employer sanctions have caused no significant discrimination, the law provides expedited procedures for Congress to repeal the anti-discrimination provision.

In addition, Congress can use expedited procedures to repeal the anti-discrimination provision if we find it has resulted in an unreasonable burden on employers. According to Chairman Rodino, House Judiciary Committee, the congressional conferees added this repeal provision because of concern that persons would abuse the new legal authority in IRCA and file lawsuits to harass employers. They were also concerned that the discrimination penalties in IRCA could create an unreasonable burden.

We reviewed the one federal court decision relating to IRCA that found an employer's dismissal policy had a discriminatory impact on four Hispanic women. We also reviewed the 15 discrimination charges filed with OSC as of September 9, 1987, the 52 charges filed with EEOC, and charges filed with state government agencies, and with other organizations.

We do not believe that the one court decision and the 67 charges filed with OSC and EEOC during the law's first year show a pattern of discrimination. In addition, we do not believe these cases reflect an unreasonable burden for employers. However, according to INS, it has just begun to enforce the law, with the first notice of intent to fine issued on October 2, 1987. Until full enforcement has been underway for some time, employers may have little reason to fear being sanctioned.

Moreover, after enforcement is increased, we still may not be able to determine if any discrimination that occurs was caused "solely" by employers' fear of sanctions. The Chief Administrative Hearing Officer in DOJ as well as officials from EEOC, OSC, and DOL said that normally judges' decisions on cases of discrimination do not specify what caused the discriminatory act. We may, therefore, not be able to use judges' decisions in specific cases to determine whether an employer's fear of sanctions was the cause of discrimination.

Determining the extent of discrimination caused by employers' fear of sanctions is also difficult (i.e., widespread pattern of discrimination versus no significant discrimination). There will be no data on the number of persons who applied for the estimated 67.5 million jobs filled in a given year who were not hired because of employers' fear of sanctions. Without this information, it may not be possible for us to determine what is a "widespread pattern" of discrimination versus "no significant" discrimination.

As discussed in chapter 1, IRCA's discrimination provisions will increase the number of employers subject to discrimination charges. Consequently, the act will increase from about 13 to 48 percent the portion of the nation's employers subject to federal anti-discrimination laws.[1] This increase in the number of employers covered by IRCA could, by itself, result in an increase in the number of discrimination cases.

Given these difficulties, we have devised an indicator to test whether employers' fear of sanctions may cause discrimination. As discussed in chapter 1, employers are required to complete the I-9 for new hires except when state employment agencies agree to certify the individuals' employment eligibility. In such cases, if INS later determines the persons are unauthorized workers, the employer cannot be sanctioned for hiring them unless INS can prove the employer did not act in good faith. We plan to compare the placement rates of different ethnic groups between state employment agencies that provide certificates and those agencies that do not. Significant differences between the two may provide an indication of the effect that employers' fear of sanctions had on the hiring among ethnic groups and therefore may indicate discrimination.

We also identified an issue regarding IRCA's discrimination provision. IRCA states that legal resident aliens must apply for naturalization within 6 months of becoming eligible to be protected under the law's

[1]This is based on Dun's Marketing Services which identified about 6 million employers in the nation.

alienage discrimination provision. However, they may not be aware of the need to apply.

One Employer Ordered to Reinstate Employees

Before the appointment of an acting special counsel and the creation of OSC, the League of United Latin American Citizens filed a case against the Pasadena Independent School District in a U.S. District Court in Texas.[2] The case involved four Hispanic women who had used false social security cards to obtain employment. When this was discovered, all of the plaintiffs were dismissed for violating the school district's policy against providing false information on employment applications. The plaintiffs argued that a large proportion of the school district's maintenance workers consisted of Hispanics and that many Hispanics use false social security numbers because of their undocumented status. Consequently, it was alleged that the school district's policy would have a disparate impact on some Hispanics who were possibly eligible for legalization under IRCA.[3] The school district contended that the women were not fired because of their undocumented status, but because they violated the district's policy against furnishing false information on employment applications.

The Court, having reviewed the intent and the language of the statute, found that the plaintiffs had demonstrated a substantial likelihood of prevailing on the merits of their claim that the school board's policy of terminating aliens who qualified for legalization under IRCA and had given a false social security number would run foul of IRCA's anti-discrimination provisions. The Court also found that the school district's policy had a discriminatory impact on aliens who, like the plaintiffs, qualify for legalization and are authorized to be employed under the act. The Court exercised jurisdiction over this case because the administrative process authorized under the act to address allegations of discrimination was not yet in place.

The Court entered a preliminary injunction in this case. The school district is under order to reinstate the plaintiffs and to refrain from dismissing any employee who is an undocumented alien qualified for legalization under IRCA because he or she has provided a false social

[2]The Court held that the plaintiffs were not barred from seeking relief through a private right of action as it would be unreasonable to require the discharged plaintiffs to wait until a Special Counsel was appointed.

[3]Under IRCA, unauthorized aliens who have been in the country continuously since January 1982 and meet other requirements may be granted temporary residence (legalization).

security number. The court ruled that its preliminary injunction should remain in effect until the plaintiffs have had an opportunity to exhaust their administrative remedies.

OSC Investigation Activities

OSC has received 15 discrimination charges as of September 9, 1987. As of that date, 2 of the 15 charges were dismissed for lack of jurisdiction and 1 charge was withdrawn because the charging party was rehired with back pay. For the remaining 12 charges, OSC either (1) required the charging party to provide more information because the charge was incomplete or (2) is conducting an investigation. Alleged charges of discrimination were filed with OSC based on the following types of complaints: (1) employer specifically required the charging party(s) to provide a birth certificate (even though other documents are acceptable) in conjunction with the I-9 process and (2) charging party(s) was dismissed from work after requesting the employer's assistance in applying for residency in the United States. Of the 12 charges, 4 are based solely on national origin discrimination and 2 are based solely on citizenship discrimination. In addition, three of the charges allege both national origin and citizenship discrimination and three charges do not specify the basis of the claim.

Also, according to OSC, it has identified about 500 job advertisements in newspapers that contain possible discriminatory wording, such as limiting which work authorization documents are needed for the I-9 or limiting employment to U.S. citizens only. OSC is in the process of determining the appropriate action to take in response to the advertisements.

Charges Filed With EEOC

As discussed in chapter 1, EEOC handles national origin discrimination charges filed under title VII of the Civil Rights Act. As of September 15, 1987, EEOC had received 52 charges related to IRCA. Two charges were also filed with OSC, which they determined were not covered by IRCA.

EEOC has obtained closure on 20 of the 52 charges. Five charges were closed without benefits and three were dismissed because there was no cause to believe the charges were true. Twelve of the 20 charges were settled or withdrawn with benefits provided. The remaining 32 alleged discrimination charges are in various stages of processing or investigation. The charging parties used the following reasons as a basis for discrimination: employers asked only Hispanics to verify their eligibility to work, employers required specific authorization documents, and employers hired only U.S. citizens.

State and Local Agencies' Activities

Some state and local governments also have laws that prohibit discrimination. During our field work, government agencies that are responsible for enforcing these laws in those states where our field work was conducted have identified IRCA-related discrimination complaints, as shown in table 4.1.

Table 4.1: Charges Filed With Selected Agencies

Agencies	Number of Charges
Chicago (Illinois) Commission on Human Relations	30
Fort Worth (Texas) Human Relations Commission	1[a]
Illinois Department of Human Rights	1
New York City Commission on Human Rights	2

[a]Tentatively identified as IRCA-related.

Chicago's Commission on Human Relations is acting as a clearing house for discrimination complaints and is referring some IRCA-related charges of discrimination to appropriate agencies. As of September 1, 1987, the city of Chicago had received 30 IRCA-related discrimination charges involving such issues as "grandfathered" employees who were dismissed or threatened with dismissal, employees eligible for legalization who were dismissed, and permanent resident alien employees who were dismissed or demoted.

Of the above cases, 22 employees returned to work after the city negotiated with the employers, one case was dropped by the employee, three cases were referred to other agencies, three cases are still under investigation, and 1 employee would not return to work.

The New York State Interagency Task Force on Immigration

In recognition of the potential effect of IRCA in New York State, the Governor established the New York State Interagency Task Force on Immigration Affairs to help make necessary transitions under the law. Task Force responsibilities include (1) helping state agencies in planning responses to changes in the law; (2) developing appropriate safeguards to discourage discrimination; (3) providing employers with information on the new law; and (4) encouraging eligible aliens to pursue legal status.

The March 1, 1987, Task Force Report shows that the Task Force documented more than 64 cases of IRCA-related discrimination and reported the most widespread problem to be the firing of unauthorized workers

hired before November 6, 1986. The report pointed out that (1) 26 unauthorized workers hired before November 6, 1986, were fired over the subsequent 2 months; (2) according to an immigration lawyer, 12 authorized workers were informed by their employers that they would lose their jobs under IRCA; (3) 25 employers warned their alien workers that they must be discharged; and (4) an employer demanded a $500 cash bond from an unauthorized alien and required longer hours of work at less pay. In addition, employers allegedly made an unspecified number of threats to fire U.S. citizens and permanent resident aliens.

Other Organizations Involved With Discrimination Charges

Unions represent or assist their members in dealing with many issues, such as alleged discriminatory practices. During our review, we met with union officials whose members work in industries that traditionally employ large numbers of aliens (e.g., garment, agriculture, restaurant, hotel, and construction).

Officials from 8 of 17 union offices across the country believe that IRCA will not result in discrimination against their union members. Nevertheless, several unions intend to resolve discrimination charges that may occur through collective bargaining agreements or refer instances of discrimination to an organization that is concerned with immigration rights. As of September 1987, one union had received some complaints.

The Mexican American Legal Defense and Education Fund is a nongovernmental organization that provides legal assistance to Mexican-Americans and other Hispanics involved in employment discrimination suits or complaints. Its Los Angeles office operated a telephone hotline from January 20, 1987, to July 31, 1987, to disseminate information about IRCA and to monitor its implementation. According to its analysis, about 2 percent or 150 hotline calls were employment-related allegations. Its analysis did not indicate the legal status of the charging parties. Of the 150 calls, 78 contained enough information for analysis. In 67 of the 78 calls analyzed, people alleged they were not hired, were threatened with firing, or were fired due to employers' concerns over the new immigration law. For the 11 remaining cases the known issues included charges related to wages, language requirements, or training. According to its analysis of the complaint data, employee charges seemed to arise from employers' lack of knowledge or misinformation about IRCA.

The status of the 78 cases as of August 1987 was as follows: in 16 cases the people were hired, rehired, or received back pay; in 7 cases the charges were referred to another organization (e.g., DOL); in 11 cases the

callers did not pursue their complaint; in 7 cases the callers' charges were considered not valid; in 3 cases the callers' charges were being pursued legally; in 15 cases the complaint is pending; in 2 cases the employer changed his policy; and in 17 cases the status was unknown. Because the charges are confidential, we were not able to verify any of the information.

Anti-Discrimination Burden on Employers

IRCA's anti-discrimination provisions provide protections to employees against possible national origin or citizenship discrimination that may occur with respect to hiring, referral, or discharge. However, according to Chairman Rodino, the congressional conferees were apprehensive that the provisions might be used as a tool to harass employers. Therefore, Congress included a provision for awarding attorneys' fees if the losing party's argument "is without reasonable foundation in law or fact." This particular language was intended to discourage law suits to harass employers. Our subsequent reports will identify where judges determined that cases were not based in law or fact.

Since very few cases have been filed and only one case has been adjudicated, it is too soon for us to determine the potential legal burdens caused by IRCA. Consequently, this issue will be addressed in our subsequent reports.

Service Placement Rates and IRCA-Related Discrimination

As of July 1987, 29 states reported that their state employment agencies have elected or plan to provide job applicants whom they refer to employers with a certification of employment eligibility. Employers who hire such people cannot be sanctioned if INS later determines them to be unauthorized aliens unless INS can prove the employer did not act in good faith. To determine if the fear of sanctions is causing employers not to hire U.S. citizens who appear foreign, we plan to compare the placement rates of job applicants of different ethnic groups in those states providing the certificates with placement rates in states not providing certificates. If employers are not hiring "foreign-looking or sounding" U.S. citizens or legal aliens for fear of being sanctioned, the placement rate may be lower in states not offering the certificate.

In addition, we will compare the placement rates of Puerto Ricans before and after IRCA. The Commonwealth of Puerto Rico's Department of Labor and Human Resources refers Puerto Rican job applicants to employers in New York City and has offices in Chicago, Cleveland, and Philadelphia. Table 4.2 shows job referral statistics for Puerto Ricans in

New York City provided by a Commonwealth official. Partial data for 1987—the first year after IRCA's enactment—do not show a decrease in the placement rate.

Table 4.2: Puerto Rican Job Referral Data in New York City

Fiscal Year (July to June)	Number of Puerto Ricans		
		Employed	
	Referred	Number	Percent
1984	2,159	1,219	56 46
1985	2,186	1,262	57 73
1986	2,482	1,344	54 15
1987	2,822	1,696	60.10
Totals	**9,649**	**5,521**	**57.22**

Alienage Discrimination Issue

We also identified an issue regarding IRCA's discrimination provisions. According to an INS official, an estimated 5.8 million legal resident aliens were eligible to apply for naturalization when IRCA was enacted in November 1986. To be protected by IRCA's alienage discrimination provision, the law states that these aliens had to file for naturalization no later than May 6, 1987. IRCA does not require INS to notify these individuals of this requirement. We found that over 97 percent of those eligible did not apply. The law also states that as additional aliens become eligible for naturalization they have 6 months to apply to be protected by IRCA's alienage discrimination provision.

Conclusions

To date, the data on IRCA-related discrimination does not show a pattern of discrimination. INS has just begun to enforce the law's sanction provision. Thus, until now, employers have had little reason to discriminate against "foreign-looking" U.S. citizens or legal aliens to avoid being sanctioned. In our subsequent reports, we will continue to analyze the available data to determine whether or not a pattern of discrimination has resulted from the law. However, methodological problems may preclude us from determining whether employers' fear of sanctions is causing discrimination.

Employer Sanctions' Burden on Employers

Congress was concerned about the regulatory burden the law placed on the nation's estimated 7 million employers to complete I-9 forms for all new employees. INS has estimated this requirement will cost employers about $182.25 million annually. The law states we are to report on our review of the implementation of the employer sanction provision for the purpose of determining among other things, whether the regulatory burden created by this provision is "unnecessary."

A concern is whether there is a less burdensome alternative to the I-9. In our analysis of the I-9 requirements, we plan to determine INS' and DOL's use of the form. For example, can INS and DOL identify possible unauthorized workers through their review of the I-9? Also, we will gather data on fraudulent documents used in completing the I-9.

Based on public comments on its draft regulations, INS revised its final regulations to minimize the regulatory burden on employers. For example, agencies who recruit or refer job applicants to employers for a fee were allowed to complete I-9 forms just for persons hired rather than for all persons referred. INS is continuing to examine its regulations to identify additional ways to reduce employer burden. For example, according to an INS official, the regulations may change to allow employers to microfiche the I-9 forms to reduce the paperwork burden.

In principle, the burden from employer sanctions (e.g., preparation of an I-9) may not be necessary if one could prove conclusively that the law has not decreased the employment of unauthorized aliens and/or their flow into the United States.[1] Although it is unlikely that we will find conclusive evidence, we plan to monitor the employment and flow of unauthorized aliens using three indicators:

- INS' alien apprehension rate,
- employers' reliance on authorized workers, and
- the size of the unauthorized alien population.

We plan to analyze changes in these indicators before and after IRCA.

In addition, we have identified one related regulatory issue that may affect state agencies that provide entitlement benefits. The law states that it is an unlawful practice to employ any person without verifying

[1]Six countries and Hong Kong reported that if they had not enacted employer sanction laws, the problem of aliens working illegally would be greater than it was. Illegal Aliens: Information on Selected Countries' Employment Prohibition Laws (GAO/GGD-86-17BR, Oct. 28, 1985).

the individual is authorized to work. Thus, to be able and available for work in the United States, all persons must now have the necessary work authorization documents to show prospective employers. Various federal entitlement programs require participants to search for work. As a result, we believe the state agencies that provide entitlement benefits, which have some work requirements associated with receiving benefits, may have to verify employment eligibility of all applicants, including U.S. citizens.

Cost Associated With I-9

Employers will incur costs associated with obtaining, completing, and storing the I-9. INS estimated these costs at $182.25 million annually. SBA estimated just the cost to complete the verification form at $675 million in 1985. The difference between these amounts is due to differing assumptions about the hourly cost to complete a verification form.

Based on requirements in Executive Order 12291, the Regulatory Flexibility Act, and federal regulations, INS prepared a regulatory impact and flexibility analysis of IRCA's impact. As part of the analysis, INS developed a cost estimate of the annual burden on employers. INS developed its costs using an estimate of 67.5 million new hires from a study conducted for DOL.[2] According to INS, the following figures in table 5.1 represent the annual cost for employers.

Table 5.1: INS Cost Estimate

	Amount (in millions)
I-9 Form Costs	
67.5 million x $ .10	$6 75
Personnel Costs	
67.5 million x 1/4 hour x $10 per hourly wage	$168 75
Storage Costs	
67.5 million x $ .10	$6.75
Total	**$182.25**

INS says all employers should have some form of employment-related recordkeeping system, and therefore no cost would be incurred for the creation of an additional system solely to comply with the law. It also says while there may be some additional costs to employers associated

[2]Malcolm Cohen, Employer Service Potential.

with inspecting documents to ensure compliance with IRCA, the average annual costs per employer would be insignificant.

SBA's Office of Chief Counsel for Advocacy developed a cost estimate for the recordkeeping requirements of a similar immigration bill in 1985. SBA developed its estimate using the same DOL study to establish an estimate of new hires in 1985. However, SBA estimates differentiated between employer and employee hourly costs and used a range of time to complete the form in order to compute an average per hiring cost as shown in table 5.2.

Table 5.2: SBA Cost Estimate

	Time (minutes)	Cost (per hour)	Range
Employer	10–20 x	$40.00	$6.67 - $13.33
Employee	5–10 x	$ 3.50	$.30 - $.60
Total Range			**$6.97 - $13.93**

SBA averaged the $6.97 and the $13.93 to establish a $10.00 cost for each new hire, which it multiplied times the 67.5 million new hires for a total cost to employers of $675 million.

We have no basis to question SBA's or INS' cost estimates. However, as we gain more experience about the related costs for preparing the I-9, we should be able to evaluate and analyze these estimates. As discussed in chapter 2, we plan to send a questionnaire to a sample of employers. The results should provide us with data on employers' time to complete the I-9s.

Potential Indicators of Employer Sanctions' Effectiveness

As previously discussed in chapter 2, we also plan to monitor the extent to which employer sanctions appear to be achieving Congress' objective as part of our analysis of regulatory burden. Accordingly, we selected three indicators of the law's effectiveness in reducing the number of unauthorized aliens:

- the rate of INS unauthorized aliens apprehended per work hour,
- estimates of employers' reliance on legal labor sources rather than unauthorized alien labor, and
- estimates of the size of the unauthorized alien population in the United States.

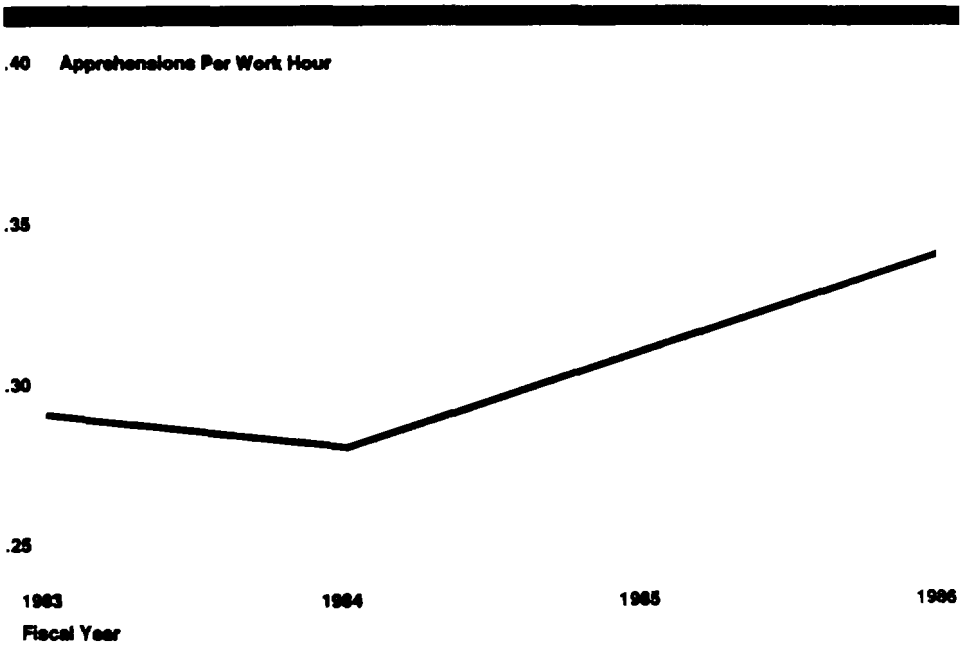
Several potential ways to measure changes to these three indicators of employer sanctions' effectiveness are discussed below. However, caution should be exercised in using these indicators because measuring them is difficult and these measures may be influenced by many factors other than employer sanctions. As a result, it may not be possible to attribute changes solely to IRCA. For example, economic or political conditions in other countries could affect the flow of aliens into the United States. Further, estimating the size of the unauthorized alien population is very difficult. Accordingly, changes in the indicators can only be used as a rough gauge of employer sanctions' effectiveness.

INS Apprehensions

We selected two ways to measure changes related to INS apprehensions.

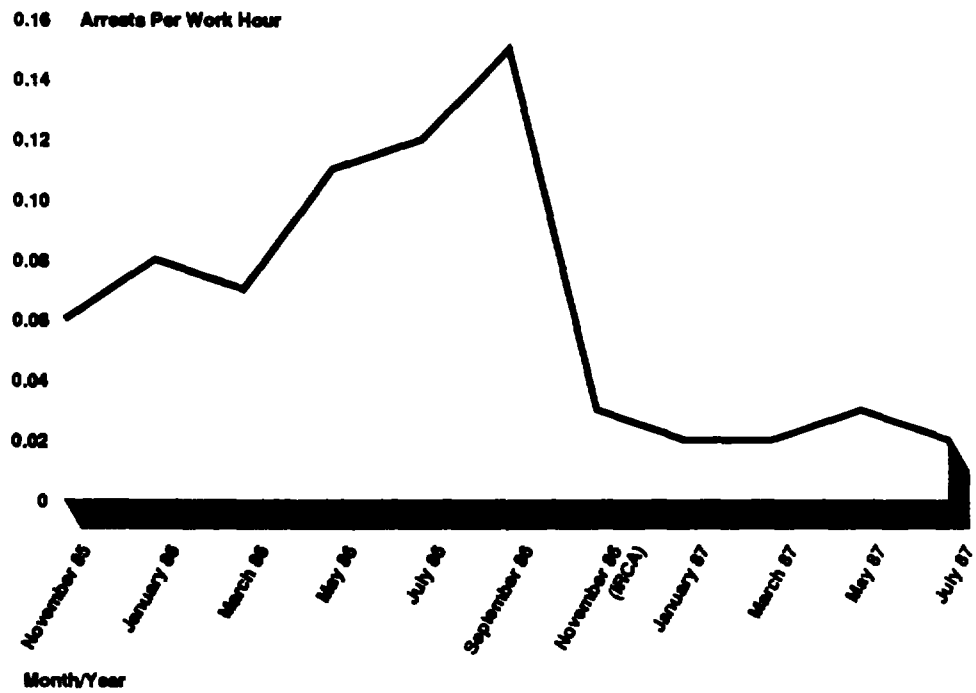
1. Alien Apprehensions at the Border: If employer sanctions are effective in reducing job opportunities for unauthorized aliens, fewer aliens will attempt to enter the country illegally to search for work. Figure 5.1 shows INS Border Patrol apprehensions per work hour for fiscal years 1983 to 1986.

Figure 5.1: Apprehensions Per Work Hour (Border Patrol) **FY 1983-86**



2. Arrests of Employed Aliens: If employer sanctions are effective in reducing the number of aliens employed illegally, then the number of aliens INS arrests who are working illegally should decrease. The INS data per work hour for November 1985 through July 1987 are shown in figure 5.2.

Figure 5.2: Illegally Employed Alien Arrests Per Work Hour



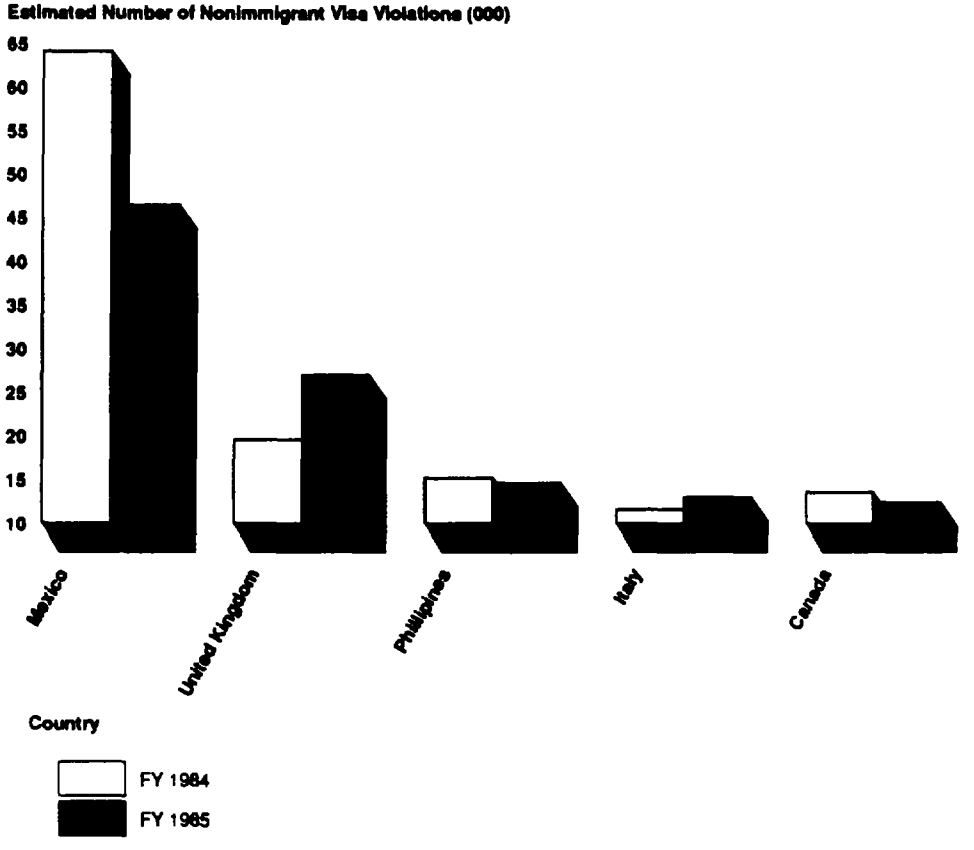
Reliance on Authorized Workers

We have selected four ways to measure changes in employers' reliance on authorized workers.

1. If employer sanctions are effective in reducing the number of aliens employed illegally, then the number of nonimmigrants (visitors) who receive visas to enter the country each year but subsequently become employed illegally might decrease. For example, if employers properly complete the I-9 forms for all new employees, fewer visitors should find illegal employment and overstay (violate) their visas. The estimated number of nonimmigrants who violated their visas from those countries

with some of the highest estimated violations during fiscal years 1984 to 1985 are shown in figure 5.3.

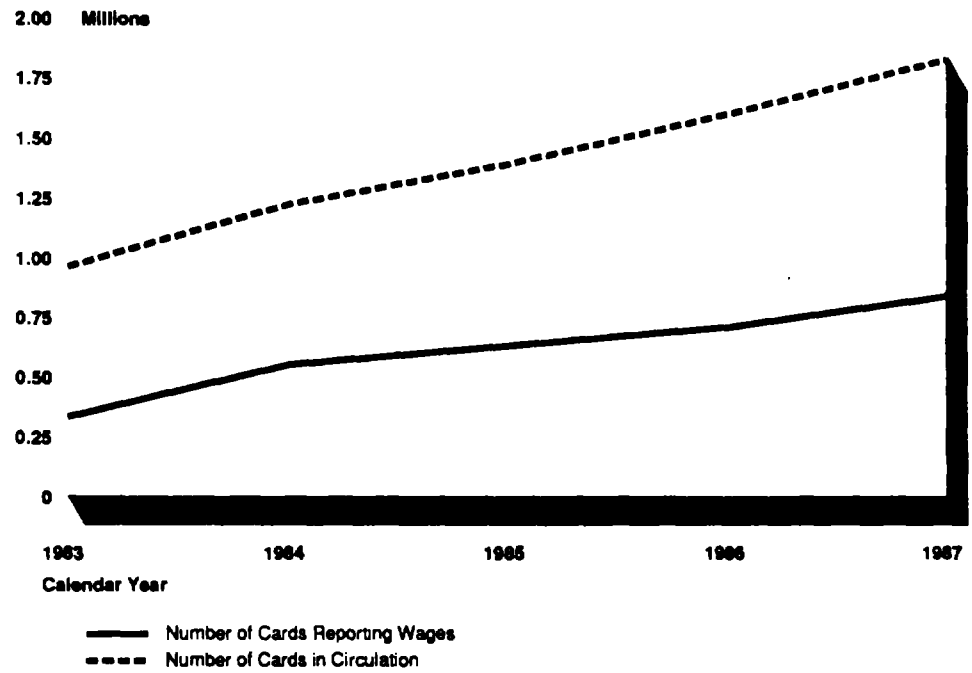
Figure 5.3: Nonimmigrant Visa Violations
(By Country FY 1984-85)



Since data are available only for the first half of each year, visa violation figures are multiplied by two.

2. SSA issues special social security cards (called "nonwork" cards) to legal alien nonimmigrants who are not authorized to work but who need the number for other reasons (e.g., to open a bank account). Figure 5.4 shows that about half of the nonwork social security cards issued from 1983 through 1987 had wages reported according to an SSA official. If employer sanctions are effective, we believe the number with reported wages relative to the number of cards in circulation might decrease.

Figure 5.4: Non-Work Social Security Cards With Wages Reported the Previous Year for 1983-87



3. If employer sanctions are effective, the wages paid to low skilled workers in cities with large concentrations of unauthorized aliens might increase more than wages paid to similar workers in cities with low concentrations of unauthorized aliens. The large supply of unauthorized alien labor may depress wages. If this downward pressure is relieved by employer sanctions, wages for these jobs should increase as employers attempt to recruit legal workers to fill the vacated jobs, assuming that this effect is not offset by wage declines of grandfathered aliens.

4. If employer sanctions are effective in reducing the number of aliens employed illegally, employers' use of public employment agencies to fill job openings with legal workers might increase. If past employers of unauthorized aliens comply with the law and begin employing legal workers, employers may increasingly turn to public state employment agencies to fill jobs.

Size of the Unauthorized Alien Population

If the law is effective, the rate of growth in the size of the unauthorized alien population in the United States should decrease. Such a decrease should occur if the number of illegal alien residents who die, emigrate, return to their country of origin, or obtain legal immigration status is more than the flow of new resident unauthorized aliens into the country.

One method to determine whether the employer sanctions provision of IRCA has achieved the congressional intent of reducing the unauthorized alien population is to compare the size of the unauthorized alien population from the census data after IRCA with prior census data. For example, INS and Bureau of the Census officials estimate there were about 4 million unauthorized alien residents in the United States in 1986 when Congress enacted IRCA. If the number of unauthorized aliens Census counts after IRCA is significantly lower than the projected increases in the absence of IRCA (after subtracting all legalized aliens), it would be an indication that sanctions may have been effective. An INS official said that the flow of unauthorized aliens could also be influenced by deteriorating economic or political conditions in other countries.

Census Estimate of the Unauthorized Alien Population in 1990 More Difficult

Part of the data Census used to develop the 1980 estimate of the unauthorized alien population came from INS' Alien Registration (I-53) Program. This program required all legal aliens in the United States to report address changes to DOJ. However, according to INS officials the program has not been funded since 1981 because INS was not using the data.

INS officials said they are considering reinstating the I-53 program. It would provide current and accurate data with several potential uses on the identity and location of legal aliens such as:

- Knowing the location of legal aliens could help INS decide where to allocate its enforcement resources since unauthorized aliens tend to live near legal aliens.
- Knowing the current name, address, social security number, and other identifying information about legal aliens could help INS detect fraudulent alien applications for entitlement benefits as a part of its Systematic Alien Verification for Entitlements Program.
- Having current addresses for legal aliens would help INS notify them more easily if a new law or regulation required aliens to take some action. For example, under IRCA, many legal aliens had to apply for naturalization before May 6, 1987, to be protected under IRCA's alienage discrimination provision.

In a report presented to the Population Association of America[3], an INS and a Census official stated:

"plans for the 1990 census should include the possibility of enumerating large numbers of undocumented aliens. The demise of the I-53 system after 1981 will make more difficult the production of estimates of undocumented aliens in 1990. Unless, alien registration is reinstated, . . . other methods will have to be developed for estimating the legally resident foreign-born population . . ."

As of September 1987, INS officials had not decided if the program should be reinstated.

Regulatory Issue for States

There is one related issue that could increase the burden on agencies that administer entitlement programs, such as Unemployment Insurance, Aid To Families With Dependent Children, and Food Stamps. These programs require applicants to either be available for work or, in some cases, search for work by registering with the state employment agencies. Currently, the officials who administer these programs require all applicants to present some documents to prove their eligibility for benefits.[4] In some cases, these documents are the same as those used in completing the I-9.

IRCA does not require the states that administer programs, which have as a condition of receiving benefits that the person be available or register to work, to verify that all persons receiving benefits have the necessary I-9 documents. Therefore, some states may not know if the persons receiving the benefits can complete an I-9 for prospective employers. If states decide to modify their eligibility verification procedures to require documents that also meet the I-9 requirements, their burden could increase.

Conclusions

Since data on employers' costs for the I-9 are not available because of the act's newness, we do not know whether INS' or SBA's cost estimates of the law's regulatory burden on employers are reasonable. However, the data from our planned questionnaire, which will be available in subsequent reports, should help us analyze the costs. Also, it is too soon to

[3]Robert Warren and Jeffrey Passel, A Count of the Uncountable: Estimates of Undocumented Aliens Counted In The 1980 United States Census. Revision of paper presented at meeting of the Population Association of America, Pittsburgh, Pennsylvania, (1983).

[4]Immigration Reform: Verifying the Status of Aliens Applying For Federal Benefits (GAO/HRD-88-7, Oct. 1, 1987).

know if the I-9 will be useful to INS or DOL in carrying out their responsibilities or the extent that fraudulent documents are used in preparing the I-9. We plan to obtain data on these issues in our subsequent reports.

GAO believes that the ultimate test of whether the burden imposed on employers is worth the costs involved is the extent to which these activities are accompanied by and contribute to desired reductions in unauthorized alien employment and illegal immigration. Unfortunately, it will be extremely difficult, if not impossible, to conclusively establish such a cause/effect relationship. Further, even if no progress is realized, the employer requirements may still be a necessary part of a revised strategy.

Fiscal Year 1987 and 1988 INS Budgets for Employer Sanctions

Amount in Thousands

INS Office	Positions Authorized	1987 FTE[a]	1987 Amount	1988 FTE[a]	1988 Amou
Border Patrol	135	14	$3,049	81	$4 6
Investigations	500	50	15,325	450	20,1
Anti-Smuggling	38	4	773	34	1 8
Detention and Deportation	242	24	4,977	218	12,2
Training	8	1	330	7	3
Data and Communications	2	0	4,236	2	6,0
Information and Records	96	13	1,939	86	2 5
Intelligence	8	2	119	7	2
Construction and Engineering	0	0	196	0	3,0
Legal Proceedings	170	17	1,985	153	7 2
Executive Direction	7	3	240	6	3
Administrative Services	31	4	500	28	9
Total	**1,237**	**132**	**$33,669**	**1,072**	**$59,7**

[a]Full-time equivalent positions.

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