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Georgia Farm Bureau Casualty Insurance Company

Georgia Farm Bureau, Incorporated

TO: County Farm Bureau Presidents
GFB Officers & Directors

FROM: Zippy Duvall, President 

DATE: August 17, 2007

RE: Immigration Rule Changes

For a long time, Georgia Farm Bureau has called for immigration reform. It has been a major issue of discussion during the Presidents to Washington trip for the last two years, and we strongly supported the immigration reform bill that was before the U.S. Senate earlier this year.

Unfortunately, a well reasoned approach to solving the immigration problem was overwhelmed by emotion and misinformation. The immigration bill failed in the Senate, and serious reform in the near term appears unlikely.

In response, the Bush Administration issued new immigration rules on August 10. The rule having the most impact on farmers is related to Social Security Administration "no-match" letters. This law will go into effect on September 14, and it will require that employers follow certain steps when they receive "no-match" letters about their employees.

Failure of employers to properly respond to "no-match" letters could result in significant penalties and fines. Please inform your members who have employees about these important changes.

Information is attached for your convenience. If you have additional questions or concerns, please contact the GFB Legislative Department.

Immigration Rule Changes Affect Agricultural Employers

On Friday, August 10, the Administration issued a 25 point rule on immigration. Most of the changes are related to tightening security along the border, but there is one significant change relating to Social Security “no-match” letters which goes into effect on September 14, 2007.

SOCIAL SECURITY “NO-MATCH” LETTERS: Employers sometimes receive letters from the Social Security Administration (SSA) informing the employer that a particular employee’s name does not match that particular employee’s Social Security Number (SSN). These letters are called “no-match” letters, and they can be generated because of a number of reasons. The name could be miswritten, the numbers could be transposed, the legal name may have changed due to marriage, etc., or the information could have been fraudulent when submitted.

Under these new rules, employers will have 90 days to resolve the issue and must follow a step-by-step process (referred to as the “30/90 rule”) to be granted protection from U.S. government action for hiring undocumented workers (this protection is referred to as “safe harbor”).

Failure to act on “no-match” letters will expose employers to risk of prosecution by the Department of Homeland Security (DHS). “No-match” letters that are not acted upon may be considered evidence by DHS that an employer knowingly hired an undocumented worker. Penalties have not been officially set, but we have been told to expect them around \$2500 per illegal worker for a first offense, then doubled and tripled for a second or third offense.

30/90 RULE:

-Upon receipt of a “no-match” letter, employers have 30 days to determine whether the mistake is in the employer’s records. If the mistake is in the employer’s records, the employer is required to make the correction and file it with SSA or DHS within that 30 day period.

-If the employer reported the information correctly, the employer must confirm with the employee whether the information is accurate. If the employee reported incorrect information, the employer must ask the employee to correct the problem with SSA or DHS, and the employer must make sure the issue is resolved within 90 days.

-If the employee provides corrected information to the employer within the 90 day period, the employer must verify the correction with SSA or DHS.

-After 90 days, if the employer cannot obtain verification from SSA or DHS that the employee is legally documented, the employer must terminate the employee or face the risk of prosecution by DHS.

