

# Homeland Security's latest weapon against illegal immigration could cost legal workers their jobs.

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## Kurt Mitchell

Word that workers would be fired began to spread through Ballco Manufacturing in August. The Aurora company, which makes valve components, was staffed largely by Mexican immigrants. Eduardo Soria, who'd worked there for a decade as a machine operator, says the rumors started after Latino employees were asked to take on white trainees. A factory supervisor claimed to be adding a shift, Soria says, but some of the workers doubted it. One said he'd seen a blackboard in the office listing the names of 40 workers along with the trainees slated to replace them. Another had found a piece of paper in the tool room with workers' names and social security numbers on it; a corresponding column listed each one's "replacement hire."

The Latino workers got together on their lunch break one day in mid-September and called a number they'd heard on Spanish-language radio and TV: 1-888-DIGNIDAD. Jorge Mújica, a chief organizer of the massive immigration marches in Chicago in 2006, was staffing the hotline at the United Electrical Radio and Machine Workers of America union hall on Ashland just south of

Ogden. "I could hear people in the background: tell him this, tell him that. They were talking all over each other," he says. "It was confusing."

Finally the phone was passed to a worker who stepped away from the others and said he'd heard that the company's owner had received a no-match letter.

"I was thinking, 'Here we go again,'" Mújica says.

Since 1994 the Social Security Administration has been notifying employees and employers when the name or social security number on the employee's W-2 form doesn't match the administration's records. Mismatches are common. Some are clerical errors. Some occur when people change their names, often after getting married or divorced, but fail to update their records. And some occur when people who aren't legally authorized to work use false social security numbers or numbers that don't belong to them.

Alexandra Huerta-Camacho, a United Electrical Radio and Machine Workers of America (UE) organizer, says she had a mismatch several years ago, after becoming a citizen, hyphenating her last name, and changing the spelling of her first name from "Alejandra." Joanna Bohdziewicz-Borowiec, a Polish-born U.S. citizen, says she had one several years ago while working as an adult education instructor for the City Colleges of Chicago. Gonzalo Gradilla, the vice president of Second Federal Savings in Little Village and president of the Little Village Chamber of Commerce, hasn't had a mismatch yet but worries he will. He's been working legally in the country since 1964, but his first name is misspelled—with an s in place of the z—on his social security card.



Marco Samano and his brother Miguel (left) outside Balco this fall

## A. Jackson

There are almost 18 million discrepancies in the social security database, in about 4 percent of all entries, according to a 2006 report by the SSA's own inspectors. An estimated 71 percent of these—nearly 13 million—pertain to the records of U.S.-born citizens.

When a mismatch is found, the employee doesn't get credited for the wages he's earned. "These are the wages that will determine your benefit amount for retirement or disability or for your family for survivors' benefits," says SSA spokesperson Carmen Moreno. Instead the SSA posts a record of the employee's earnings to its Earnings Suspense File, where it stays until the discrepancy is resolved.

The no-match letter was originally meant to help workers—to encourage them or their employers to correct problems so they could collect their benefits. The SSA used to send no-match letters only to the employees but in 1994 decided certain employers should be notified as well; for the last several years, letters have been sent to those with at least ten workers with mismatches. Employers, Moreno says, are often the source of the problems and not enough workers are motivated or able to fix them.

Then this summer the Department of Homeland Security announced plans to turn the no-match letter into a tool for immigration enforcement. If DHS has its way, receipt of a no-match letter will be added to a list of things that can be considered evidence that an employer has “constructive knowledge” that an employee isn’t authorized to work in the U.S. Continuing to employ that person with such knowledge is against the law.

DHS spokesperson Veronica Nur Valdes says that too often employers ignore no-match letters. The rule the department proposed over the summer—called Safe-Harbor Procedures for Employers Who Receive a No-Match Letter—would have imposed liability for doing so and detailed the steps employers would need to take to protect themselves against the perception that they were knowingly employing undocumented workers. DHS announced in August that a memo explaining those steps would accompany the 140,000 no-match letters the SSA was preparing to send to employers with ten or more mismatched employees. Those letters would pertain to approximately eight million workers.

The proposed protocol called for employers to check their own records for the source of the mismatch within 30 days and, if that didn’t clear up the problem, to request that the employee take up the matter with the SSA. If a mismatch couldn’t be resolved in 90 days, the employer would have three days to complete a new form verifying work eligibility, but would have to require a different social security number from the employee in question—even if the employee insisted the original number was accurate. If the employee couldn’t provide another number, the employer would have to fire him or face potential fines or prosecution.

The Safe Harbor rule, says Valdes, would get rid of the “ambiguity that employers have faced for many years, which is what to do when they receive a no-match letter.” It tells employers exactly what to do. “There are no more excuses,” she says.

But critics say the proposal is misguided because SSA records are not a reliable indicator of immigration status. “The Social Security Administration database is faulty and it needs to be fixed before it can be used to enforce immigration policy,” says Tim Bell, executive director of the Chicago Workers’ Collaborative, a nonprofit that aims to improve standards for low-wage workers.

The Illinois General Assembly has come to the same conclusion. A federal program lets employers access the SSA database to verify an applicant’s work authorization, but state legislators passed a law earlier this year prohibiting Illinois employers from doing so until the database is accurate enough to ensure that 99 percent of discrepancies can be resolved within three days. In response DHS sued Illinois, claiming the state was infringing on the power of the federal government. The state has agreed not to enforce the law until the suit is resolved.

A no-match letter informs employers that there could be several reasons for a discrepancy—and that the letter in and of itself implies nothing about a worker’s immigration status. It also tells employers they should not use it to “take any adverse action against an employee, such as laying off, suspending, firing, or discriminating against that individual.”

But DHS wants to caution employers that they cannot ignore the no-match letter: it notifies them of a problem that could have “significant legal consequences.” If they don’t attempt to resolve the

problem within 90 days, the proposed memo warns, they are subject to “civil and criminal sanctions.”

Rather than protect employers, the Safe Harbor rule would put them in a tricky position, says Mark Meinster, an international representative for UE. “You’ve got this no-match letter that says you shouldn’t take any adverse action and then you’ve got this insert that says you should fire the employee, essentially. The problem is that that opens the employer up to a discrimination claim; it opens them up to other potential labor law violations. So an employer who may be acting rightly in the eyes of Homeland Security may be breaking some other law somewhere else. So if I’m an employer, I really don’t know what to do.”

The memo DHS wanted to send points out that taking action against employees solely on the basis of the no-match letter may violate other laws. But it also assures employers that if they fire someone after following the Safe Harbor protocol, and if they follow the same protocol with every employee referenced in the mismatch letter, the government won’t sue them for violating the antidiscrimination provisions of immigration law.

That wouldn’t protect them, though, from discrimination lawsuits brought under other civil rights laws, such as Title VII or the Illinois Human Rights Act, says Christopher Williams of the Working Hands Legal Clinic, which has offices in the Loop and Little Village. Williams, a former union organizer, says he was working for the Chicago Workers’ Collaborative when he recognized the need for a nonprofit legal clinic to represent low-wage immigrant laborers. He went back to school in 2001, at the age of 40, to become a lawyer and open that clinic.

Immigration and labor activists say fallout from the Safe Harbor rule—and the reliance on a faulty database to enforce immigration laws—could be devastating, particularly in Chicago. “Our fear is that many employers will act preemptively, and possibly unlawfully, and fire workers who get these no-match letters once the new rule goes into effect,” says UE’s Meinster. “This is a city that’s doing extremely well because of immigrant labor, so this could have a huge impact on our region. When you throw in the chaos that’s going to ensue with all the documented workers who are going to get affected by this, this rule is just absolutely nuts.”

Ballco operates out of a 65,000-square-foot factory, where according to its Web site it makes “high quality components” with “state-of-the-art machinery.” But back in 1988, when Ozzie Van Gelderen bought the company, “it was nothing but a pole barn in the middle of a cornfield,” Dick Sumpter, plant manager for McKenzie Valve & Machining Company, told the trade magazine *Transaction* in 2003. “He had a vision and he’s carrying it out.”

Van Gelderen didn’t return my calls, but according to Ballco’s site the company is “constantly seeking and implementing new technologies.” In the course of 17 years, Van Gelderen turned a \$2 million company with 70 employees into a \$15 million company with 50 employees and cut the lead time on ball valves from 12 to 16 weeks to 12 to 16 days, according to an article published in 2005 in the quarterly newsletter of the machine tool distributor Machinery Systems. The article refers to him as “a leader with tremendous focus and relentless commitment to being the best.”

McKenzie Valve has been a loyal Ballco customer for about a decade. The company buys two-, three-, and four-inch stainless steel balls from Ballco, using them in the unloading valves it makes for the Union Tank Car Company. Of the more than 15,000 balls Ballco had supplied to McKenzie when the *Transaction* article was published, only two had been defective, Sumpter said. Ballco’s site suggests that it has loyal employees, claiming low turnover: “Our staff is experienced, efficient, well trained, and committed to producing a high quality product.”

The Mexican workers from Ballco, who wouldn’t discuss their immigration status, describe an almost separate existence from the white workers at the factory, who had been in the minority for

years before the no-match rumors started. They stuck together, taking breaks and eating lunch with each other, joking around in Spanish. They recall little contact with Van Gelderen. “Maybe in nine years I talked with him three or four times,” says Marco Samano, who worked as a supervisor of shipping and receiving. On one occasion they discussed a raise, Samano says; another time Van Gelderen eased his workload by giving him more manpower.

Samano says he took pride in putting out a good product and earned good money, enough to cover his mortgage and his son’s tuition at a Catholic school. So he overlooked some unpleasant aspects of the job—such as the general manager’s tendency to scream at the workers.

But overall, he says, Ballco was a decent place to work right up until the rumors started.

When DHS announced the Safe Harbor rule, a familiar dread came over labor organizers and immigration activists in Chicago. They had seen no-match letters wreak havoc before. In 2002 the SSA sent letters to every employer with even one mismatch, rather than the usual ten. This resulted in a dramatic increase in the number of letters sent, to 950,000 from 110,000 the previous year.

“The ramifications were felt rather quickly,” says Father Brendan Curran, pastor of Saint Pius V Church in Pilsen, which has a predominantly immigrant congregation. He says he heard about hundreds of people employed by cleaning companies, restaurants, and hotels who were fired or quit their jobs in fear. Many of his parishioners worried about the toll the letters would take on their families. “I was in contact with the Social Security Administration in Chicago,” he says, “trying to find out what in the world was going on.”

Tim Bell of the Chicago Workers’ Collaborative also remembers the confusion. “Right after 9/11, the shit hit the fan. I got a hundred calls a day.”

Curran held a meeting on June 8, 2002, that brought 400 members of the community and representatives of the SSA to the basement of Saint Pius. He says that angry workers stood up, one after the other, saying things like “I’ve been on the job for 20 years and I got fired because of your letter.”

The SSA representatives—regional commissioner Jim Martin among them—explained that their role was to maintain an accurate record so employees could receive credit for their work, not to enforce immigration laws. To those in attendance, though, it was all too clear that employers were misinterpreting the letters. The following year, because the significant increase in the number of letters didn’t result in a significant number of corrected records, the SSA scaled back its effort, returning to sending letters to employers with ten or more mismatches.

In 2003, the Center for Urban Economic Development at the University of Illinois at Chicago conducted a study on the effects of no-match letters on 921 employees in 18 states. It concluded that about half of the employers had used the letters as a pretext to fire or exploit workers—especially Latinos—who complained about work conditions or participated in union drives. Many who remained on the job after their employers received the letters had their wages or benefits cut. Both documented and undocumented workers were affected.

This happens all the time, according to Meinster: “Typically when we go to organize workers, the employer will pull out a no-match letter and say all of a sudden there’s a problem with people’s papers,” he says. “It’s the minute that people start exercising their basic rights, the minute people ask for bathroom breaks or the minute people file complaints for discrimination, and the minute people go to organize a union that the boss pulls out a no-match letter and gets people scared about their immigration status. And these are the same workers who’ve been working in the plant

for, say, ten years, and there's never been a problem until they've stood up for their basic human rights."

It's bad enough that employers use the letters to exploit immigrant workers, he says. But when DHS introduced its plans to implement the Safe Harbor rule, the no-match letter became something all workers needed to worry about.

"Our concern is that many employers will just go ahead and terminate employees who are named in the no-match letter regardless of whether they're legally authorized to work or not," Meinster says. And "one big potential impact will be that employers will single out Latino workers to be fired."

Anticipating abuse from unscrupulous employers and confusion among good ones, local labor organizers and activists—from UE, Interfaith Worker Justice, Chicago Workers' Collaborative, and other like-minded organizations—formed the Chicago Coalition Against No Match in August. The group began meeting every other week to discuss ways to support and educate workers. Around this time UE launched the no-match hotline to assist workers whose bosses were using the letters as an excuse to threaten or fire them.

The American Civil Liberties Union, the AFL-CIO, and the National Immigration Law Center also saw the potential for harm. On August 29 they teamed with local labor organizers to file a suit against the Department of Homeland Security in federal court in San Francisco claiming the Safe Harbor rule would lead to unlawful firings and excessive burdens on employers. "DHS didn't have the authority to issue the rule," says Monica Guizar, an employment policy attorney with NILC. She says extending the definition of "constructive knowledge" requires an act of Congress.

"Although I believe there's a lot of hypocrisy in welcoming people to work in this country, to fill difficult jobs and help build our economy, and then turning around and scapegoating them, what we're talking about here is different," says Williams. The fight against the no-match policies have been undertaken "to protect the rights of individuals who are legally authorized to work here to continue working without being victims of a witch hunt. Just because your skin is darker or you have an accent, you shouldn't be required to go above and beyond to prove your right to work, and if the Social Security Administration screws up, you shouldn't be thrown out of a job."

Concerned about the rule's impact on small businesses, the U.S. Chamber of Commerce later joined the suit, finding itself, according to Angelo Amador, the chamber's director of immigration policy, in court on the same side as labor for what's likely the first time in its 95-year history.

DHS says the Safe Harbor rule doesn't place any additional burden on employers. Amador says it can't possibly make such a claim because it didn't do a study of the potential economic impact on small businesses—something federal law requires government agencies to do before implementing new regulations. The rule's demands on employers could be significant: companies might have to replace valuable employees whose mismatches took longer than 90 days to resolve, and they might need to hire administrative staff to comply with requirements and deadlines for reverifying work authorization.

Critics say the timeline DHS has proposed for resolving mismatches with the SSA is unrealistic. The SSA's Moreno says they can be corrected in about ten days if they result from name changes or clerical errors—the employee just has to bring in proper identification and proof of citizenship, as well as legal documents regarding a name change. But she says mismatches that arise after people's immigration status has changed—when they become legally authorized to work or become citizens—are more difficult and can often take between 90 and 120 days, because the SSA has to verify the changes with immigration authorities.

Some critics think even basic name changes could take longer than the allotted time. “We’re dealing with a huge bureaucracy with a huge error rate,” says Christopher Williams of the Working Hand Legal Clinic, “and the more people who are directed to correct the problem, the more overburdened social security becomes.” Correcting information is already a slow and burdensome process, he says, and it will only get worse if every employer with a mismatched employee starts demanding the SSA’s attention.

Two days after the federal suit was filed, a judge issued a temporary restraining order prohibiting DHS from implementing the Safe Harbor rule on the grounds that workers could suffer “irreparable harm.”

But many employers who’d heard news reports about the rule knew nothing about the lawsuit or the judge’s order. They knew the government intended to crack down on companies with undocumented workers—and for many, this meant trying to play it safe. Latino workers, just as the activists feared, started getting fired.

UE chose Jorge Mújica to staff the DIGNIDAD hotline, says Meinster, because the no-match problem deepens the connection between labor and immigration issues and Mújica has experience working on both. A union organizer in Mexico in the 70s and early 80s, he later worked for U.S. labor unions, translating and holding workshops on health and safety issues. He was one of the main organizers of the local immigration demonstrations in March and May 2006; the second is estimated to have drawn between 400,000 and 700,000 people.

At the end of July 2007 he helped organize a successful two-week strike of 118 workers at Cygnus, a south-side soap factory that packages Walgreens brand toothpaste and shampoo. The company had threatened the jobs of the Mexican immigrants who worked there, saying that due to no-match problems it was planning to reverify work authorization. Under federal law, an employer is supposed to have good reason for suspecting a worker’s documents aren’t valid before reverifying them. And some attorneys, including Christopher Williams, contend that reverifying an employee’s eligibility to work after the first three days of employment may violate antidiscrimination and document-abuse protections under federal immigration law.

Mújica’s business card bears an old photo of the fence separating the U.S. from Mexico near Tijuana. A portion of the fence is twisted, and soil erosion from rainfall has propped it up in places in a way that creates an underpass for migrants: a “beautiful example,” says Mújica, “of how you can set up a wall and it won’t work to stop the movement of people back and forth.”

After Mújica started making appearances on Spanish-language TV and radio to talk about the no-match issue, a flood of workers called in. In its first few days, he says, the hotline got 300 calls, and for the next month it was averaging 10 a day. The stories were disheartening: he says Berry Plastics in Alsip fired about 140 Latino workers, while McDonald’s got rid of some in LaGrange and Peapod fired a couple in Lake Zurich.

Now, after several months, the hotline receives calls less frequently. But Mújica says whenever he makes a radio or TV appearance, “boom—30 calls.” He typically sends callers packets of information about the no-match issue and educates them about their rights. He advises them on what to do if their employers receive a letter (join a union and give the boss a copy of the judge’s order) and what not to do (quit or divulge their immigration status if they’re undocumented). Then he or other activists may follow up by helping them file legal claims, organize protests, or wage direct-action campaigns.

“Most employers are acting out of ignorance,” Mújica says—they don’t know that the no-match letter isn’t an indication of immigration status or that DHS has so far been blocked from implementing the Safe Harbor rule. “They heard about no-match and think they have to fire the

workers, but when they hear the complete information, they stop what they're doing—problem solved.”

The hotline, he says, has saved jobs at a local construction company, a plastics company, a bakery, and a restaurant. Peacock Engineering, which has several offices in the west and northwest suburbs, threatened to fire workers but backed off after Christopher Williams informed the company's lawyer it was only obligated to pass on mismatch information to its employees.

But if an employer has already hired replacements, Mújica says, “it doesn't matter what amount of information we send.”

When the Ballco workers called, Mújica decided to meet with them in person the following day. “The situation seemed pressing,” he says. “They had seen their names on a blackboard and knew they were condemned.”

After meeting with Mújica, the Ballco workers asked Marco Samano to give Ozzie Van Gelderen a copy of the temporary restraining order. Samano had lived in Aurora for 13 years and worked at the company for almost 9. He spoke better English than most of his coworkers.

Samano says the Ballco owner asked to borrow his copy of the judge's order so he could make his own. That raised the workers' hopes. They figured that once Van Gelderen realized he didn't have to fire them, he wouldn't.

But two days later, on September 19, four workers from the first shift and four workers from the second shift were summoned to the office and dismissed. Samano's brother Miguel, a machine operator, was among them. “We were told it was our last day of work,” Miguel Samano recalls, “because supposedly a no-match letter had arrived. And that was everything we were told. I was very surprised that [the boss] told us we were fired because of a letter and he didn't explain the letter and he didn't show the letter.” None of the workers had received no-match letters; in fact, none were sent out in 2007.

The next day, Marco Samano and a few other workers met with Van Gelderen to ask him what was going on and whether he would give any other workers he planned to fire fair warning so they could start looking for other jobs. “He said, ‘The only thing I can tell you is that I'm going to cooperate with the government and I'm not going to jail for any one of you,’” Samano says.

Van Gelderen, according to Samano, then offered to keep him and the others employed until December so they could train Ballco's new hires—and even promised to give them a bonus if they trained them well. “I told him, ‘People want to talk to you,’” Samano recalls, “and he answered, gesturing with his hand, ‘I won't speak to anyone.’”

The workers, desperate to get Van Gelderen to meet with them, hatched a plan to walk out the following day. “I thought, if he sees everybody outside, he'll come talk to us,” Samano recalls. They asked Mújica and the UE to come out and support them, and the following day at noon, about two dozen of them went outside and formed a picket line. Samano called workers from the second shift, and they soon joined the protest. With guidance from UE, 33 workers signed a petition demanding that Ballco rehire the fired workers and halt plans to fire others.

At the end of the day, workers tried to meet with the plant manager to present the petition. Samano says the manager rebuffed them but agreed to see a UE organizer. “I gave him the petition,” says the organizer, Leah Fried, “and said if they took any retaliatory action against the workers for collective activity, it would be in violation of the National Labor Relations Act. He seemed pissed, and he wasn't interested in talking with me.” (The plant manager didn't return calls for this story.)



The following day, shortly before 7 AM, Samano and his coworkers gathered in front of the factory, prepared to go to work as usual. They could see Van Gelderen standing outside, near the front office, with a uniformed officer. As they walked toward the factory, says Samano, “the owner asked the police to kick us off the property because we no longer worked for him. And that day we stayed there protesting outside, and we stayed for 18 days.” They were all fired.

The UE calls this retaliation. “The employer was completely clueless about what the law is,” says Fried. “I think he’s in for a rude awakening.”

Attorney Christopher Williams, who works closely with the UE, met with the fired Ballco workers while they were on the picket line. He told them that under Illinois law, anything offered as the basis for a job termination or suspension has to be included in a worker’s personnel file. He offered to look at their files to see if they had any legal claims against Ballco, and they signed a release form authorizing him to do it.

A week later, Williams sat in Van Gelderen’s office, poring over the files. “The guys were getting raises and bonuses and were clearly good employees,” he says. There was nothing in the personnel files to justify the firings, he says—and there weren’t any no-match letters either. Williams says Van Gelderen told him as much—that he “wouldn’t find anything in the files.” But when Williams asked him why he’d fired the workers, “he didn’t say anything.”

Williams suspects Van Gelderen may have been confused by publicity about the Safe Harbor rule and “made a snap judgment about their immigration status.” He says, “I think it’s a classic example of how the system is going to be abused. You can’t just say, ‘You’re Hispanic, I’m going to terminate you.’”

Months after being fired from Ballco, Marco Samano was still unemployed. “Everything depended on that job,” he said recently. His wife, a forklift operator, didn’t earn enough to cover the mortgage and other living expenses, so he’d been withdrawing funds from his retirement account to help out. He was worried about whether they could continue paying for their nine-year-old son to attend Catholic school. “I will try a couple more months,” he said, “and if I can’t find a job, I’ll have to take him out and put him in a public school.”

Samano’s brother, Miguel, had signed on at a meat-packing company but was making \$4 less per hour than he had at Ballco.

Eduardo Soria was also unemployed. He said if he found another job he’d likely have to take a significant pay cut too. He’d started at Ballco ten years ago at \$9 an hour and had worked his way up to \$16.50. “It’s hard,” he said, “because when you’ve been working at your job your payment has been increasing for ten years and now you’re looking for a job and it’s starting all over again at \$7 or \$8 an hour. All those years you worked are gone.”

Soria believes Van Gelderen betrayed his Latino workers. “When we started working there it was a small factory, maybe three or four machines, but now it’s crowded with machines because it’s grown. We have built up the factory for him, we have made him money, and now he doesn’t want us.”

The Ballco workers didn’t stop protesting after they left the picket line. They picketed outside the Aon Center, where FMC Technologies, a Ballco customer, has an office; they testified before the National Labor Relations Board, where the UE filed claims on their behalf; and they went to the civil rights division of Attorney General Lisa Madigan’s office.

Williams has asked Madigan’s office to investigate whether Ballco violated the Illinois Human Rights Act, which prohibits discrimination based on national origin. He’s also filed a discrimination

complaint on behalf of the workers with the Equal Employment Opportunity Commission. The NLRB and Madigan's office could impose fines on Ballco, and the company could be forced to pay damages to employees through the EEOC or NLRB—or a lawsuit.

Martin Malin, the director of the Institute for Law and the Workplace at Chicago-Kent College of Law, says the workers may have a legitimate claim. "If they'd walked off to protest the Bears losing on Sunday, that wouldn't be protected," he says. But under the National Labor Relations Act, workers have the right to speak out on the terms and conditions of employment, so walking off to protest the unjust termination of coworkers is protected.

A few weeks after meeting with Madigan's people on behalf of the Ballco workers, Williams was back at the attorney general's office asking for an investigation of Utility Concrete Products, in Morris, which had just fired 34 Mexican workers. And a few weeks after that, he returned on behalf of 18 Mexican workers who'd lost their jobs at Ashley's Quality Care, a company that provides in-home care to people in the Chicago area with mental and physical limitations. The Ashley's workers were then rehired.

Madigan's office won't comment specifically on any complaints that have been lodged against companies related to the no-match issue, but spokesperson Robyn Ziegler says, "We have received some complaints and we are seriously looking into those complaints."

On October 10 a federal judge in San Francisco issued a preliminary injunction against DHS, forbidding it from implementing the Safe Harbor rule while the case is pending. "Because empirical research suggests that mass layoffs often follow receipt of no match letter," the judge wrote, "there is a strong likelihood that employers may simply fire employees who are unable to resolve the discrepancy within 90 days, even if the employees are actually authorized to work." The judge also chastised the department for not conducting a small-business economic impact study.

The department believes the court "got it wrong," according to spokesperson Valdes. DHS will make "minor revisions" to the Safe Harbor rule to address the judge's concerns but has appealed the injunction. "The no-match rule is a very important tool that we intend to continue to pursue," says Valdes.

Immigration and labor activists hope the government finds a better way to deal with its immigration concerns. The answer, they say, is not to fire people who make valve components, like the Ballco workers; who make the concrete barriers that protect federal buildings, like the Utility Concrete workers; or who provide in-home care to seniors, like the employees at Ashley's Quality Care. "We're in a national process of trying to decide how to improve the immigration situation, a process everyone admits is broken," says Saint Pius's Father Curran. "We have to find a prudent and reasonable solution."

On the day the injunction was issued against DHS, Williams came home from work and opened a piece of mail from the Social Security Administration. Inside he found a social security card for his infant daughter. He stared at the card, thinking it looked strange, and after a few seconds realized what the problem was: Her last name was misspelled. It had three *ls*.

"I have a no-match baby," he says.