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CITY OF OAKLAND



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TO: Oakland City Council
FROM: Councilmember De La Fuente
DATE: July 5, 2011
RE: I-9 Audits

Dear Colleagues -

I submit to you the attached Resolution Urging The US Department Of Homeland Security To Stop The Audit Of I-9 Forms At The Pacific Steel Foundry in Berkeley And Other Companies Until We Have Comprehensive Immigration Reform.

BACKGROUND:

In recent weeks workers and union leaders of the Pacific Steel foundry in West Berkeley have learned that the U.S. Department of Homeland Security has initiated an audit of I-9 (employment eligibility) forms for the workers at the foundry.

Employees are required to fill out the Employment Eligibility Verification Form I-9 as a means of documenting verification for employment. Employers are required by law to maintain for inspection original I-9 forms for all current employees. The U.S. Department of Homeland Security can initiate an administrative inspection process (I-9 audit) to verify that all employees have completed I-9 forms and are eligible for employment. If it is determined that an employer has hired workers who are not eligible for employment they are required to terminate the employee.

Over the past two years, the number of immigration raids of businesses has decreased while the number of I-9 audits has risen dramatically as a way to identify and detain undocumented immigrants. I-9 audits have resulted in the termination of jobs and disruption of lives of undocumented workers and their families throughout the country.

The I-9 audit at Pacific Steel will inevitably lead to the termination of many of the foundry's workers, and will do irreparable harm to them and to our communities. I present the attached resolution which calls on the US Department of Homeland Security to stop the I-9 audits. Although Pacific Steel Foundry is located in West Berkeley, these I-9 audits are happening all over the Country and may soon begin in Oakland too. The damage to families and to our economy is immeasurable. As a City of Refuge and as a City that is known throughout the Country as one that stands in support of our immigrant communities, I urge the City Council to pass this resolution.

IGNACIO

DRAFT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

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City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember Ignacio De La Fuente

Resolution Urging The US Department Of Homeland Security To Stop The Audit Of I-9 Forms At The Pacific Steel Foundry In Berkeley And Other Companies Until We Have Comprehensive Immigration Reform.

WHEREAS, workers and union representatives have recently learned that the U.S. Department of Homeland Security will require the audit of I-9 forms for workers at the Pacific Steel foundry in West Berkeley; and

WHEREAS, the 1986 U.S. Immigration Reform and Control Act requires employers to verify the identity and employment eligibility of their employees and created criminal and civil sanctions for employment related violations. Employers are required to fill out the Employment Eligibility Verification Form I-9 as a means of documenting verification for employment; and

WHEREAS, employers are required by law to maintain for inspection original Forms I-9 for all current employees and the U.S. Department of Homeland Security can initiate an administrative inspection process (I-9 audit) to verify that all employees have completed I-9 forms and are eligible for employment and if it is determined that an employer has hired workers who are not eligible for employment they are required to terminate the employee; and

WHEREAS, over the past two years, the number of immigration raids of businesses has decreased while the number of I-9 audits has risen dramatically as a way to identify and detain undocumented immigrants; and

WHEREAS, since 2009, the U.S. Department of Homeland Security has focused its worksite enforcement program on the criminal prosecution of employers who knowingly hire illegal workers; and

WHEREAS, if it is determined that an employer has hired someone who is undocumented, they face substantial fines and can even face criminal sanctions; and

WHEREAS, I-9 audits have resulted in the termination of jobs and disruption of lives of undocumented workers and their families throughout the country; and

WHEREAS, an I-9 at Pacific Steel can lead to the termination of many of the foundry's workers, and will do irreparable harm to them and to our community; and

WHEREAS, workers at Pacific Steel have steady, well-paying union jobs and support many other people in their families; and

WHEREAS, many of these workers have worked at the foundry for over a decade, and some over two decades; and

WHEREAS, these are skilled workers making steel parts for vital industries including the trucking, oil, and machinery industries, and if they are removed from the foundry, the operation of the business will suffer greatly and if the foundry were to close as a consequence, it would be an economic disaster for the Bay Area; and

WHEREAS, the company and the workers pay taxes that support local schools and services and if the I-9 audit goes forward and workers are fired as a result, we could lose money that our local economy desperately needs in these challenging economic times; and

WHEREAS, an immigration audit leading to the firing of these workers will not create a single job and instead will force workers into an underground economy where illegal wages and conditions are prevalent; and

WHEREAS, an immigration audit will also not improve wages and conditions at the Pacific Steel foundry. There is already a union contract in place that guarantees healthcare, pensions, and wages that support families. The firing of so many union members will weaken the ability of the union to adequately represent its members and continue to protect fair wages, benefits and working conditions for employees at Pacific Steel; and

WHEREAS, the audit of I-9 forms at Pacific Steel would violate the spirit of the City's Sanctuary policy, and would harm undocumented residents and their families in our communities; and

WHEREAS, it is not necessary to enforce immigration law in a way that is so destructive to workers, their families, their employer and our entire community; now therefore, be it

RESOLVED by the Council of the City of Oakland that it stands in solidarity with the workers at the Pacific Steel foundry and hereby urges the U.S. Department of Homeland Security to stop the audit of I-9 forms at Pacific Steel; and be it further

RESOLVED that copies of this resolution be sent to Janet Napolitano, Secretary of the U.S. Department of Homeland Security; U.S. Immigration and Customs Enforcement Director John Morton; the San Francisco U.S. ICE Field Office and Congresswoman Barbara Lee.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS