

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

FOR RELEASE ON DELIVERY
EXPECTED AT 10:00 A.M.
MARCH 26, 1985

STATEMENT OF
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GENERAL GOVERNMENT DIVISION
BEFORE THE
SUBCOMMITTEE ON CENSUS AND POPULATION
HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE
ON
THE DEMOGRAPHIC IMPACT OF IMMIGRATION
ON THE UNITED STATES



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Mr. Chairman and Members of the Subcommittee:

We are pleased to be part of your hearings on the demographic impact of immigration on the United States. As requested, our testimony today is focused on a report we issued in August 1982 titled Information on the Enforcement of Laws Regarding Employment of Aliens in Selected Countries. The report, requested by the Senate Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, provided information on legal and illegal alien workers in 19 countries and Hong Kong. Specifically, we compiled information on the countries' laws and policies concerning guest workers, national identification documents, employer responsibilities, illegal alien workers and law enforcement.

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Information about the topics was gathered from responses to a questionnaire we sent to 28 countries and Hong Kong. Nine countries did not provide questionnaire responses in time to include them in our report. In addition, we visited four countries, selected by the requestor--Canada, France, Federal Republic of Germany, and Switzerland--to gather more detailed information.

The responses to our questions could not, for the most part, be summarized by topic because of the diverse nature of the replies. However, we were able to put together an overview of responses to our questions regarding sanctions for employers who illegally hire aliens.

The essence of those responses was that in most of the countries, the governments had become increasingly concerned with alien workers, especially illegal ones. Growing unemployment and increasing numbers of aliens had heightened the public's sensitivity to matters involving aliens and had induced governmental actions to control alien workers.

Although each country had laws penalizing employers of illegal aliens, such laws were not an effective deterrent to stemming illegal employment 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 effectively enforced because of strict legal constraints on

investigations, noncommunication between government agencies, lack of enforcement resolve, and lack of personnel.

Employer responsibility

In the four countries we visited, employers had some degree of responsibility for ensuring that aliens were legally entitled to work.

In Germany, all employers of alien workers were required to keep photocopies of the employees' work permits. In addition, all employees are required to obtain from the Tax Office and present to their employers a tax card. Illegal workers would not be able to obtain a legitimate tax card.

In France, within 24 hours of employing alien workers, employers were required to record and maintain on a special register data on the employees' work and residency permits. These registers were occasionally inspected by Labor inspectors.

In Canada, the law stated that employers, when accepting an application for employment that indicated birth outside Canada, were expected to ask for proof of citizenship or permanent residency. If the person could not provide a copy of a landing record or citizenship, then the employer was required to request written proof of authorization to work in Canada.

In Switzerland, employers, before hiring a foreign worker, were required to inspect the foreigner's identification papers or check with the Cantonal Alien Police. Also, employers were

to notify the community registration office where the employee was registered whenever an alien left or lost his/her job.

Employer sanctions

Each of the four countries we visited employed some form of sanction for employers who hired aliens illegally.

Under German law, hiring illegal alien workers was an administrative offense punishable by fine. Under the legislation which became effective January 1, 1982, the maximum amount of the fine was increased from 50,000 deutsche marks (DM) to 100,000 DM (about \$15,500 to \$31,000). A typical fine for a first time offender would be about 2,000 DM to 3,000 DM (\$620 to \$930). By the way, the U.S. equivalent of foreign currency is based on exchange rates as of March 19, 1985.

Employers were generally successful in appealing administrative fines that they considered too great. We were told that because judges have been lenient, reduced fines have had little deterrent effect.

In France, a law effective in January 1982 makes employers subject to fines of 2,000 to 20,000 francs (about \$202 to \$2,020) and/or 2 months to 1 year in jail for each illegal alien employed. Further, employers must pay 1 month's severance pay to illegal workers they terminate.

Separate from and in addition to any court imposed fines, employers can be administratively fined by the National Immigration Office up to 5,000 francs (about \$505) for each illegal worker hired. Additionally, as of January 1982, the Office was

given the power to immediately confiscate the employer's tools and equipment.

National Immigration Office officials stated that judges generally do not view illegal employment as a serious offense, and, therefore, the penalties they impose are not a deterrent to employers.

In Canada, employers who "knowingly" employ an illegal alien worker are guilty of an offense that carries a maximum possible sentence upon conviction of a \$5,000 fine (about \$3,650 in U.S. currency) and/or 2 years' imprisonment. Both Immigration and Royal Canadian Mounted Police officials agree that the sanctions applicable to employers who hire aliens lacking an employment authorization have been minimally successful. One reason is the difficulty in proving an employer knowingly hired an alien illegally.

Swiss law does not specifically prohibit hiring illegal workers, rather it prohibits any one from facilitating an illegal alien residing in Switzerland. Providing a job to an illegal alien is considered facilitating the alien's residence and thus is illegal. The penalty for facilitating an illegal alien's residence is a prison sentence of up to 6 months to which a fine of up to 10,000 Swiss francs (about \$3,665) may be added. Employers are responsible for the cost of repatriating illegal employees to their home countries.

Despite the penalties prescribed by the Swiss law, the penalties imposed by the court were generally light. The general

perception was that most judges do not view the employment of illegal aliens as a serious violation.

After receiving your request, Mr. Chairman, to participate in these hearings, we tried in the short time available, to update the information on employer sanctions at least as it applies to the four countries we visited.

The French Embassy provided us with an October 1984 press release that stated, among other things, tighter border controls will be implemented in an attempt to stop alien workers entering the country and heavier fines will be levied on companies hiring illegal aliens.

The Embassy of Federal Republic of Germany told us that no information was available on the impact of the 1982 law strengthening sanctions for hiring aliens illegally. We were also told that in 1984 the alien population decreased by approximately 4.5 percent. The decline was attributed to cash incentives given alien workers to leave West Germany.

The Embassy of Switzerland told us that there has been no change in law regarding penalties for facilitating illegal aliens by providing them with jobs.

The Embassy of Canada told us that there have been no legislative changes, since our 1982 report, with respect to enforcement action to be taken against immigrants working illegally or employers who knowingly hire them.

That concludes my statement Mr. Chairman.