

Florida to Review Law That Puts Injured Undocumented Workers at Risk of Deportation

By: Dipal Parmar

A Florida law targeting injured undocumented workers is set to undergo legislative review. Employers and insurance companies have been criticized for using the law to get such workers arrested, and even deported, in order to avoid paying workers' compensation benefits.

The law came into the spotlight following an investigation by ProPublica and NPR to evaluate its impact on undocumented workers. After examining 14 years of Florida insurance fraud statistics and court records, they found around 800 cases of undocumented workers being charged with fraud for using fake Social Security numbers to procure jobs, pursue workers' compensation claims or both.

The findings showed over 560 of these individuals had never even applied for such benefits. Around 130 injured workers not only had their claims denied but also faced prosecution, including detention by federal immigration authorities and deportation. Even those undocumented workers who have never been hurt or pursued workers' compensation claims can be arrested for fraud due to a state law that makes it illegal to use fake Social Security information to get a job.

Insurance companies in Florida have utilized the law to their advantage, denying workers' compensation claims for serious, genuine workplace injuries that arise due to accidents ranging from electric shocks to falls from scaffolding. State Sen. Anitere Flores (R), who called for the Legislature to review the law in question, told ProPublica, "Legitimate injuries shouldn't be denied just because the person was an undocumented immigrant."

Flores, who is also the Banking and Insurance Committee's chairwoman, added, "One needs to balance the going after fraudulent claims with not overcompensating and then denying claims to those individuals who have actually been injured." In particular, she voiced her concerns about employers that intentionally hire undocumented workers knowing their illegal status will shield them from having to pay compensation for any injuries suffered on the job.

Following the ProPublica and NPR investigation, the biggest insurance fraud organization in the country is seeking a revision of Florida's law. The Coalition Against Insurance Fraud comprises insurance firms, insurance fraud

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**Coalition Against
Insurance Fraud**

investigators, consumer groups and federal agencies, as well as some of the insurers responsible for denying the workers' compensation claims of undocumented workers who have suffered real injuries in the workplace.

Dennis Jay, the coalition's executive director, said that such practices jeopardize "the credibility of combating real fraud" while portraying insurance companies "as uncaring, greedy corporations that allow human suffering to make a buck." He added, "Legislators in the Sunshine State need to correct this loophole so workers hurt on the job get the care they need." Jay said the coalition will assist Florida lawmakers in changing the legislation.

No timeline has been disclosed for the law's review. Critics of the law claim undocumented workers are forced to use false Social Security information since it is impossible to find a job without one. They argue that it does not make sense to legally allow undocumented workers to file workers' compensation claims, yet criminalize their use of fake documentation.

State officials, on the other hand, are defending their stance on enforcing the law with the arrests and deportation of undocumented workers.