



Written by [Warren Mass](#) on November 26, 2014

## Under ObamaCare, Businesses Can Save \$3,000 By Hiring Illegals

The combination of ObamaCare rules and President Obama's recently announced decision to use executive actions to grant amnesty to many illegal immigrants means that employers can avoid a \$3,000 fine by hiring illegals.

This odd turn of events stems from Obama's stated plan to allow illegal immigrants who have been in the United States for more than five years and those who have children who are U.S. citizens or legal residents to (in Obama's words) "apply to stay in this country temporarily, without fear of deportation."



Inherent in this permission to stay in the United States is the right to work in this country. As we reported recently, U.S. Citizenship and Immigration Services (USCIS) posted a notice on the "Federal Business Opportunities" website on October 3 announcing the imminent solicitation for card stock that will be used to print Permanent Resident Cards (PRC) and Employment Authorization Documentation (EAD) cards. EADs are popularly called "work permits."

This incentive for employers to hire these illegal immigrants over legal residents, including native-born citizens, comes from a regulation found under the Patient Protection and Affordable Care Act (ObamaCare). The regulation, which went into effect in January, requires employers with 50 or more employees to offer "affordable, adequate" healthcare coverage or be fined \$3,000 a year for each full-time worker getting a premium tax credit. (The premium tax credit is offered directly to individuals not offered coverage through an employer and who have applied to purchase insurance through the federal Health Insurance Marketplace.)

Under ObamaCare rules, coverage is considered "unaffordable" if the employee needs to contribute more than 9.5 percent of their family income to employer coverage. Coverage is deemed "inadequate" if the insurance does not pay for at least 60 percent of healthcare costs.

When the Obama executive action is combined with ObamaCare rules, a loophole for employers is created. Since these illegal immigrants who have been granted the right to remain in America are ineligible to buy insurance through the federal Health Insurance Marketplace, employers who hire them are exempted from paying the fines.

"If it is true that the president's actions give employers a \$3,000 incentive to hire those who came here illegally, he has added insult to injury," Rep. Lamar Smith (R-Texas) said in a statement to the *Washington Times*. "The president's actions would have just moved those who came here illegally to the front of the line, ahead of unemployed and underemployed Americans."

In a column in *The Hill* on November 25, Dick Morris, a former advisor to both Senator Trent Lott (R-



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Miss.) and President Bill Clinton, noted:

By creating a pool of work-legal/ObamaCare-illegal workers, the president will make the incentive to replace citizens with illegal immigrants practically irresistible.... The dimensions of this problem are enormous. One wonders if any of Obama's crew spotted it during the run-up to his executive order. It is hard to imagine former President Clinton failing to notice such a conflict between his two major programs.

Morris concludes, "It will be a great line to feature on your resume that you came here illegally and are not eligible for ObamaCare. It will go a long way toward guaranteeing a job."

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