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## Blame the Employers

Like Bush, Obama targets business on immigration.

As a candidate, Barack Obama made a point of criticizing the Bush Administration's showy raids on even law-abiding employers to round up illegal workers. But now his Administration seems to be heading down a similar blame-the-employer path with its decision last week to expand a program that requires businesses to verify the legal status of workers against a flawed government database.

The hiring program, known as E-Verify, checks employee names and Social Security numbers against databases maintained by the Social Security Administration and the Department of Homeland Security. Businesses currently use E-Verify on a voluntary basis, but the Obama Administration wants to make it mandatory for federal contractors. To that end, the Senate voted last week to add an E-Verify requirement to a Department of Homeland Security spending bill.

Proponents see this as a tool for rooting out illegal immigrant workers. But employers have objected, citing independent evaluations that showed E-Verify to be slow and inaccurate. Responding to these criticisms, the government has improved the program. Error rates are down, and 96% of queries are confirmed within 24 hours. That said, last year Intel reported finding errors in 12% of responses to its queries. Other independent analyses have found that database error rates are 30 times higher for foreign-born workers than for natives, and nearly 100 times higher for naturalized citizens.

A bigger problem with E-Verify is that it doesn't catch identify fraud. An illegal alien using legitimate documents that don't belong to him can go undetected. So in addition to mistakenly rejecting people who are authorized to work, the system also confirms workers it shouldn't. Several government raids on businesses in recent years have resulted in the arrests of thousands of illegal workers whom E-Verify had approved.

Employers argue, logically, that it's unfair to punish them for unwittingly hiring unauthorized workers since they lack the tools to reliably determine a person's legal status. To address this problem, some lawmakers are now calling for biometric identification cards that would permit the government to check the status of every worker, including Americans. The Administration says it's open to the idea.

New York Democrat Charles Schumer, whose leading immigration-overhaul efforts in the Senate, told an audience last month that biometric ID cards are "the only way" to stop illegal border crossings. "I'm sure the civil libertarians will object to some kind of biometric card -- although . . . there'll be all kinds of protections -- but we're going to have to do it," said Mr. Schumer. "The American people will never accept immigration reform unless they truly believe their government is committed to ending future illegal immigration."

But if national ID cards are the silver bullet, why does Europe have so many illegal immigrants despite ID systems that have been in place for decades? No document is fraud proof, and unscrupulous employers seeking to hire illegals won't bother to check on status in any case. E-Verify and national ID cards, even working as intended, can't prevent underground employment, but such policies are guaranteed to swell the ranks of those being paid off-the-books.

The broader issue is that the Obama Administration, like its predecessor, has accepted the premise that the key to curbing illegal immigration is a crackdown on employers. That premise is false. Our illegal workforce results from a government policy that severely limits foreign access to U.S. labor markets. Illegal immigration to the U.S. has been falling primarily because the economic downturn has reduced demand for labor. Last year net migration from Mexico fell by half. But as our economy inevitably revives, so will domestic demand for foreign workers. If the Obama Administration and Congress want to prevent another spike in the undocumented population, they might use the current lull to lift the immigration quotas that drive illegal border crossings. What U.S. employers' need is legal access to willing workers, not more red tape in the form of a federal worker-verification system?

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