



Electronic Barriers

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Donald Trump was elected president because a large segment of the American public was fed up with the government's failure to stop mass illegal immigration. Trump's campaign promise to build a wall between Mexico and the U.S. drew an ecstatic response from his supporters, long scorned for their belief that the decision regarding who enters the country belongs to Americans, not to foreign nationals living outside the country. But the wall has not been built, and the fight over its funding has sucked political capital from the pursuit of other, and arguably better, means to deter illegal immigrants.

The most important of those measures is to prevent unauthorized aliens from getting work, since the jobs magnet is the primary lure for illegal immigration. Commentators and analysts across the political spectrum have acknowledged that preventing illegal employment is key to deterring illegal immigration. The *New York Times* editorialized in 1982 that "there can be no effective enforcement of the borders" without mandatory verification of a worker's papers. A technology has existed for decades to do just that. E-Verify, run by the U.S. Citizenship and Immigration Service, allows employers to check—instantaneously and for free—whether the work documents presented by a potential employee correspond to an existing Social Security number or whether they are forged. Universal implementation of E-Verify has been blocked, however, by employers who prefer to hire illegal aliens over American workers.

Trump invoked E-Verify during the 2016 campaign but has since stopped publicly promoting it. Yet E-Verify is more popular with the public than the wall; at least two-thirds of poll respondents support mandatory verification of a worker's lawful status. States that require it (Alabama, Arizona, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Utah) have changed worker behavior. Illegal aliens dropped off the payrolls in Mississippi, Alabama, and South Carolina, prompting employers to hire legal workers, according to a 2013 study conducted with Bloomberg Government. A 2017 study by Carnegie Mellon University found that Arizona's E-Verify law induced return migration from Arizona to Mexico and decreased illegal immigration into Arizona from Mexico. A study by the Federal Reserve Bank of Dallas found that the population of less educated young Mexican and Central American immigrants dropped in states with mandatory E-Verify, in part because they moved to states without the mandate and in part because they returned to their home countries. Wages for low-skilled American and legal-immigrant workers in mandatory E-Verify states rose between 7 percent and 9 percent, while wages for illegal Mexican males dropped nearly 8 percent.

Yet enforcement is spotty. Only 2 percent of business in South Carolina were audited in 2017, and 17 percent of that sample were found not to be using the system. None of the scofflaws, however, were fined. The Cato Institute has alleged that only 59 percent of Arizona employers checked a worker's documents against federal databases in 2017. For E-Verify to work to its fullest potential, it must be made universal and enforced, so that employers who use it are not put at a competitive disadvantage against employers who continue to use cheap (if often more reliable) illegal labor. The House Judiciary Committee has thrice passed a bill to mandate universal E-Verify. The most recent iteration, the Legal Workforce Act, sponsored by Lamar Smith and Ken Calvert and promoted by House Judiciary Chairman Bob Goodlatte, phases in the employer mandate gradually, starting with the largest businesses first. It gives agricultural companies 30 months to comply. Employers who use E-Verify in good faith cannot be penalized, even if they receive an incorrect eligibility verification. Though the Chamber of Commerce has endorsed the Smith-Calvert bill, the law has stalled, largely due to opposition from western agricultural interests.

E-Verify is not foolproof. It only catches phony work papers that are created out of whole cloth. If an illegal alien has acquired a valid but stolen identity, including Social Security number and driver's license, he will pass the eligibility check. One study of employment data from 2008 found that half of all illegal workers who submitted papers for E-Verify were incorrectly found to be authorized for work. The reason for that false negative was the submission of stolen identities. Those false negatives represented 3 percent of all E-Verify submissions. Recent reports that Trump employed illegal aliens at a golf club skirted over the fact that the workers presented stolen documents to get their jobs. Nevertheless, while some illegal workers get through the system, many others are deterred from seeking a job.

E-Verify can be tightened up. The Citizenship and Immigration Service has developed a photo tool that compares the worker presenting work documents with the original photos in driver's licenses, passports, and permanent resident cards. At present, the Social Security Administration does not inform victims of identity theft that their papers have been compromised; the Legal Workforce Act would require the SSA to notify a Social Security holder if his number has been used on numerous, mutually conflicting jobs, and it allows workers to lock in their Social Security number so that it can't be used by anyone else. With such changes, E-Verify's false positive rate could be considerably lowered.

Congressman Lamar Smith has estimated that illegal labor lowers Americans' wages by \$100 billion a year. That \$100 billion may be good news for business owners and some consumers, but it hits low-skilled American workers hard. The cost in working-class stability adds to the existing burdens placed on local school systems, hospitals, and criminal justice agencies from a large influx of low-social-capital, low-skilled illegal migrants. The recent sight of Central American migrants storming the fence between Mexico and California is a reminder that a more extensive and better-policed wall is still needed. The asylum process must also be tightened up; asylum seekers should remain in Mexico while their cases are assessed for credibility. Birthright citizenship should end, and the law against immigrant welfare use must be enforced. But over the long run, preventing illegal aliens from taking jobs from Americans and lawful immigrants will be the best means of restoring control of U.S. borders and sovereignty.

If Trump wants to demolish the Democrats' playbook, he should offer to switch federal funding in this round of budget talks from the wall to E-Verify. Doing so would force Nancy Pelosi and Chuck Schumer to go on record opposing a legal workforce.