Faith in immigration enforcement is misplaced

By: Alex Nowrasteh – January 15th, 2013

In immigration reform discussions on Capitol Hill, the Obama administration is supporting stronger border security measures and more penalties for employers that hire unauthorized immigrants in exchange for earned legalization — continuing Obama's actions so far. A strategy of increased enforcement is destined to fail if it is not paired with expanded opportunities for legal immigration.

Obama has done more to enforce immigration laws than any president in generations.

This administration has deported, on average, 3.5 percent of the total unauthorized immigrant population annually. President George W. Bush's deportation rate during his eight years was a mere 2.4 percent. In 2009, the first year of Obama's administration, the government deported 3.6 percent of all unauthorized immigrants — a big jump from the 3.1 percent during Bush's last year in office. Obama has deported an average of over 400,000 people a year, 150,000 more people a year than Bush did.

Much of this increase in deportation has been done through the Secure Communities program, which forces local law enforcement officers to act as immigration agents when they arrest unauthorized immigrants.

Secure Communities would be a great enforcement program if it focused entirely on convicted criminals — people who should be deported. But unfortunately a large number of otherwise law-abiding people are caught and deported by this program, reducing immigrant cooperation with the police and imposing significant incarceration costs on local governments.

When Obama took office, less than one percent of all law enforcement jurisdictions participated in Secure Communities. Since then, the Obama administration has extended Secure Communities to over 97 percent of all such jurisdictions in the U.S. — a whopping 22,000 percent increase in enforcement reach.

Another popular form of enforcement is a proto-national identification system known as E-Verify. It is an electronic employment verification system designed to stop unauthorized immigrants from getting jobs. Mandatory in some states, it requires all employers to feed the identity information of new hires into a federal database stocked with immigration and DMV data.

Most workers are immediately cleared for employment but many are denied and cannot legally be hired. About one percent of legal American workers, according to audits, are falsely identified as illegal and unable to get a job — beginning a costly bureaucratic journey to correct information in government databases. The support for E-Verify by

people who favor restricting immigration is even more mystifying because it fails to identify a majority of unauthorized immigrants.

In Arizona, where E-Verify clearance has been mandatory for all hires since 2008, 75 percent of businesses with five or more employees are enrolled in the program. In 2011, only 67 percent of new hires in Arizona were run through E-Verify. In Arizona, a quarter of firms and a third of businesses break the law by ignoring the E-Verify mandate.

More recently, Georgia, Alabama, and South Carolina also mandated E-Verify for hiring. In those states, so far, business compliance rates are lower than in Arizona. In Georgia, a paltry 34 percent of businesses with five or more employees are enrolled in the program. E-Verify's biggest "success" has been to drive thousands of people and businesses deeper into the black market.

Immigration enforcement is effective when the authorities act as a funnel to guide immigrants toward a legal pathway. This strategy only works when a legal pathway actually exists. Currently, for most prospective immigrants, it does not. More green cards for lower-skilled workers, a large and flexible guest worker program, or a combination of both will make effective enforcement possible — not faith in big-government immigration enforcement.

Faith in immigration enforcement is similar to faith in other big-government programs. Proponents of both quickly admit failures but call for ever more tax dollars and government power to correct them. The result is a larger, more intrusive, and more expensive bureaucracy that fails at its mission but invariably succeeds in leaving us poorer and less free.