A new push on worker checks

Conservatives push for requiring employers to verify immigration status
By JEANNA SMIALEK Hearst Newspapers
Published 12:01 a.m., Sunday, July 3, 2011

WASHINGTON -- Rep. Lamar Smith, R-Texas, the chairman of the House Judiciary Committee, is pushing to require that employers use the federal government's E-Verify system to check the immigration status of job applicants.

Smith contends that his legislation would prevent the hiring of undocumented workers.

The E-Verify system electronically checks the validity of names and Social Security numbers that job applicants provide. The computer-based system compares that data with Social Security Administration and Department of Homeland Security databases.

Employers must currently document names and Social Security numbers by asking applicants for such documents as their birth certificate, driver's license or passport and then completing I-9 forms verifying that the applicants are legally in the U.S.

That procedure would be replaced with E-Verify.

Smith's proposal has sparked a firestorm of criticism from libertarians and other critics of government regulation.

"Congress tends to want to sprinkle technology onto economic and social problems and think that that will make them go away," said Jim Harper, director of information policy studies at the libertarian Cato Institute.

Scholars and politicians who oppose the bill -- including some of Smith's fellow Republicans -- say the proposal would lead to a more intrusive federal government but would not solve the underlying problem of a broken immigration system.

E-Verify is 99.5 percent effective, according the Center for Immigration Studies, a group that urges immigration-limiting policies. However, critics of E-Verify complain that it creates a hassle for those it incorrectly classes as undocumented, can drive undocumented workers into the underground economy and can cause undocumented workers to commit more careful identity fraud to fool the system.

Smith, who introduced the bill June 14, says the legislation could help to employ Americans, since the program would prevent undocumented workers, 7 million of whom currently work in the United States, from obtaining jobs.

"There is no other legislation that can be enacted that will create more jobs for American

workers," Smith said in a statement.

Current rules require the federal government, government contractors and a limited category of other employers to use E-Verify.

Smith's legislation would require large companies to begin using the system within six months and smaller companies over the course of two years and agricultural businesses within the next three years. Though current law fines companies caught knowingly hiring undocumented employees, they would face higher sanctions under the legislation.

Despite the controversy, the U.S. Chamber of Commerce, National Restaurant Association, National Association of Home Builders and Associated Builders and Contractors join other groups in supporting the bill.