

## **Kintner bill makes situation worse**

**By Alex Nowrasteh**

**February 11, 2015**

The national debate over immigration policy is stalemated. President Obama's executive actions have virtually halted all reform efforts and the GOP response in the House of Representatives is only adding to the logjam.

Partly as a result of the gridlock in Washington, states are attempting to chart their own way forward to reform our dysfunctional immigration system.

Nebraska State Sen. Bill Kintner's new bill, which would mandate E-Verify for all businesses in Nebraska, is one such attempt. Mandating E-Verify, however, will only make the problem worse at enormous cost to Nebraskans.

E-Verify is a federal-government-run electronic system that allows employers to check the identity of new hires against a government database. E-Verify then tells the employer whether the new hire can legally be hired or not.

If the worker is approved by E-Verify, he can be legally employed. If there is something suspicious about the worker's information, E-Verify issues a tentative nonconfirmation (TNC). The worker or employer can then appeal to the government.

The goal of E-Verify is to identify and weed out illegal immigrants who are trying to get a job. Kintner's bill would mandate that every employer in Nebraska be forced to use E-Verify for every new hire.

Other states have mandated E-Verify -- with tragic consequences.

To start with, E-Verify is incredibly inaccurate. If the 891,000 native-born workers in Nebraska are all run through E-Verify, roughly 3,000 of them would be erroneously flagged as an illegal worker. If all of those workers appealed, then 36 percent, or about 1,100, would have to wait more than eight work days for a resolution. Even then, 6 percent of those who lose their appeal turn out to eventually be work-authorized.

E-Verify's error rate for legal immigrants is even higher than for native-born Americans. Around 1.5 percent to 2 percent of legal immigrants are flagged by E-Verify. Clerical mistakes, name mismatches, the inability of workers to produce various documents, and employer mistakes explain most of the errors. To make matters worse, E-Verify comes with a confusing 88-page government operations manual for all businesses. Don't they have enough government paperwork to read?

The second problem is E-Verify's ineffectiveness at excluding illegal immigrants from the workforce. E-Verify is worse than a coin toss at identifying illegal workers. According to an independent audit of the system, a stunning 54 percent of illegal immigrants were approved by E-Verify for employment.

But for E-Verify to even have that low level of effectiveness, it has to be used. So far, even E-Verify mandates haven't forced the system's usage. Nebraska currently mandates E-Verify for all public contractors, but a 2011 Nebraska government report found that only 23 percent of registered state contractors are even signed up with E-Verify. Nobody has bothered to check up since then.

Arizona mandated E-Verify for all new hires in 2008. For 2013, only 59 percent of new hires were actually run through the system.

The third problem is E-Verify does not turn off the jobs magnet that attracts illegal immigrants. Arizona's E-Verify mandate is the best example. There, the E-Verify mandate only lowered the wages of illegal immigrants by about 5 percent according to a study put out by the Dallas Reserve Bank.

To put that 5 percent reduction in context, the typical lower-skilled Mexican immigrant can expect a 253 percent wage boost from moving from Mexico to Arizona. E-Verify reduced the benefit to a mere 240 percent.

Arizona's failure with E-Verify wasn't unique -- it actually was the most successful at its goal. Only 53 percent of new hires in Alabama, Mississippi and South Carolina in 2013 were actually run through the system, despite state mandates and stiff penalties.

States can't enforce immigration laws any more effectively than the federal government, even with the help of expensive and fancy-sounding government databases.

On a more fundamental level, forcing private employers and employees to ask the government for permission to work should make E-Verify a non-starter for all Americans who support free-markets -- especially Republicans.

At best, mandatory E-Verify in Nebraska will be just another failed immigration enforcement scheme that forces businesses and American workers to abide by costly new federal regulations without actually denying illegal immigrants jobs. Every state that has mandated E-Verify has seen that result. Nebraska should not follow in their footsteps.

*Alex Nowrasteh is immigration policy analyst at the Cato Institutes Center for Global Liberty and Prosperity.*