

False security: Draconian enforcement of immigration laws in the workplace can't patch gap left by Congress

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Sometime in the next year, an estimated 140,000 letters will leave the Social Security Administration, informing business owners that more than 8 million of their workers' Social Security numbers involve some kind of discrepancy. If the employers can't verify the numbers' authenticity within 90 days, they must fire the worker — or pay a \$10,000 penalty for each one.

Across the country, construction firms, restaurants and, perhaps most of all, farms are bracing for an economic shock. Americans who don't work in these businesses but eat their products, buy their houses and pay for social services will also feel the jolt when workers lose their jobs by the thousands.

The new rules, due to be announced this week by the Homeland Security Department, are an example of the extreme need for across-the-board immigration reform. Reform should include not only muscular enforcement in the workplace and along the border, but also enough low-skilled labor visas to fill demand and the regularization of workers already here. That, of course, is what Congress failed to produce earlier this summer.

In its absence, DHS' enforcement-only measure will dislocate a vast work force and hobble whole industries that, over decades, grew dependent on undocumented workers. Many of these businesses did comply with the law, paying taxes and requiring workers' Social Security numbers. But until now, there was no penalty for ignoring "no-match" letters from Social Security. So they did.

Lax enforcement, endemic since the 1980s, is one of the reasons our immigration system is so off-balance. To restore it to health, the government must keep its word. That means tearing off the blinkers and penalizing employers, even powerful ones, who knowingly hire undocumented workers.

In a vacuum, though, extreme enforcement like the Social Security crackdown will spawn widespread dysfunction of its own. About 13 million American citizens, for example, also have discrepancies in their Social Security status, often because of clerical errors and name changes. Because there is no completely trustworthy employee verification yet — the reforms proposed in Congress included developing one — perfectly legal American workers also will inevitably be purged.

Millions of the "no-match" workers, of course, really are undocumented. That's their bad luck, some Americans will think when the layoffs begin.

But because these workers represent at least two-thirds of farm workers, it's also bad luck for farmowners who won't have the time or labor pool to replace them. By next year, some of those agribusinesses will have moved to Mexico.

Undocumented immigrants, meanwhile, will still abound here. The Greater Houston Partnership estimates there are 400,000 undocumented immigrants in the Houston area. About 250,000 of them are employed, many of them at sizable businesses that will experience at least 10 mismatched Social Security numbers.

Having sacrificed safety and family ties to work here, many of these immigrants will scramble for new places that will accept their Social Security numbers. Others will work for cash.

And this time, a voracious black market will expand to help them. Some employers will dodge the risks of hiring illegal immigrants by hiring subcontractor upon subcontractor. Laborers will accept ever more exploitative terms, and middlemen, document forgers and identity thieves will thrive.

The critics of immigration reform were right on one point: Serious, whites-of-the-eyes enforcement that doesn't play favorites is essential to control illegal immigration.

Enforcement alone, though, will discourage some migrants but drive many of those already here further underground.

The Senate failed Americans by refusing to pass an immigration policy taking into account security, labor needs and economic reality. Now Homeland Security has cobbled an inadequate stopgap. It is thoroughly responsible to insist that the government enforce laws it has ignored for decades. But when that enforcement is unaccompanied by a rational immigration system, as is the new crackdown, millions of Americans — workers, consumers, businesses and taxpayers — are going to be punished.