Immigration, Off the Books

Every American who has a job or wants one should be following the debates in Congress over bills to crack down on illegal hiring. Employment verification is one of the few ideas still lurching around the Capitol after last year's Senate shootout mowed down a forest of immigration reforms. It's boring and complicated — it's about databases — but unlike other immigration fixes, it affects every worker and employer in America, native-born or not.

Two House bills — the SAVE Act, sponsored by Heath Shuler, and the New Employee Verification Act, sponsored by Sam Johnson — are designed to squeeze illegal immigrants out of the country by making it impossible for them to find work.

Immigration reform is always tricky, but employment verification is where the details get demonic.

It starts with a flawed database that everyone would have to rely on to get work or change jobs. Think of the "no-fly" list, the database of murky origins with mysterious flaws that you, the passenger, must fix if you are on it and want to fly. These immigration bills seek to take small, badly flawed "no-work" lists and explode them rapidly to a national scale. With an error rate of about 4 percent, millions of citizens could be flagged as ineligible to work, too.

That's only part of the price. The Congressional Budget Office says the SAVE Act would cost $40 billion over 10 years, adding up lost tax revenue and spending on things like thousands of immigration judges. It is likely to overwhelm the Social Security Administration, which already is swamped with disability benefits and retiring baby boomers. It won't do much for small businesses that would have to pay to comply.

The problem is not with employment verification itself. Illegal immigrants should not be allowed to work, and any system that is rational and lawful needs to be backed up with a hiring database. The trouble with these bills is that they don't fix the database errors first, and they are strict enforcement-only measures, uncoupled from any path to legalization for undocumented workers.

Imagine that we end up with an airtight workplace verification system built on a perfect database — but without a path to legalization. In that world, an honest company that learns it has undocumented workers has the unhappy choice of firing them or taking them off the books. How many would choose option B?

Sleazy employers who already hire under the table would be encouraged, since the millions of workers stranded in the shadows would have nowhere else to go. (They will not deport themselves en masse, no matter what the Minutemen say.) American workers would then be more vulnerable to competition from illegal labor, not less.

Some employers, meanwhile, would readily abuse the system, prescreening job applicants, avoiding or discriminating against non-natives, not letting workers know their rights, firing them at will.

Remind us, again, why we wanted this so badly?

Oh, to protect American workers.

Doing that means, at the very least, fixing the employment database before beginning a huge, untested worker-verification experiment and imposing it only as part of a broader reform that allows the eight million undocumented workers to become legal. Otherwise, we would be giving countless employers and workers the incentive to go off the books, which would be exactly where we started, billions of dollars and countless lost jobs ago.