

Change Of Heart On Immigration? The White House Thinks It's Calling America's Bluff

by Mark Krikorian of the Center for Immigration Studies

"Democracy is the theory that the common people know what they want, and deserve to get it good and hard."

This Menken sentiment appears to be the guiding idea behind the administration's announcement Friday of stepped-up immigration enforcement. After its relentless six-year campaign for amnesty crashed and burned in June at the hands of the common people, the White House has come up with a new plan: to start enforcing some of the laws they should have been enforcing all along, and so thoroughly scare the public with the consequences that there will be a popular groundswell for amnesty that will finally vindicate the administration position. You can almost hear the president thinking, "be careful what you wish for."

Or as DHS Secretary Michael Chertoff put it, "There will be some unhappy consequences for the economy out of doing this."

But just as the administration completely misread public sentiment on immigration — the president appears to have genuinely believed his "I'll see you at the bill signing" bravado — they're now misreading the likely reaction to increased enforcement. Because despite the hysterical exaggerations we can look forward to from some farmers and other employers of illegal aliens, the produce department of your local supermarket won't be shutting down any time soon.

The only reason the White House thinks this gamble might pay off is that some of the measures announced recently really can make a difference. The complete fact sheet is here, and since it's a p.r. document, it should come as no surprise that there's a good deal of padding. Some of the measures included are just continuations of current policy (completion of about half the border fencing by the end of next year, for instance) or not likely to have major impacts (expanding the number of foreign criminal gangs whose members are ineligible for visas). These efforts are welcome, but should be routine.

However, there are several novel elements (well, not so novel, since you could have read about them in NR), that must be part of any comprehensive attrition strategy to reduce the illegal population. Most important is the final rule on Social Security "no-match" letters. These are letters sent by the Social Security Administration to employers who've submitted W-2 forms for employees whose names and numbers don't match the agency's records. Some instances, of course, are the result of clerical mistakes or unreported name changes, but the majority are illegal aliens using fake or stolen Social Security numbers to gain employment.

This matters because more than half of illegal immigrants with jobs aren't living "in the shadows" but instead are working on the books. In the past, no-match letters were sent only to employers with the largest number of problem files, and created no obligation to follow up. In fact, one version of the letter advised employers that "You should not use this letter to take any adverse action against an employee just because his or her Social Security number appears on the list, such as laying off, suspending, firing, or discriminating against that individual. Doing so could, in fact, violate state or federal law and subject you to legal consequences."

As you can imagine, after that caveat most letters were just thrown away.

The new rule sets out common-sense steps an employer must take upon receiving a no-match letter to ensure that he won't be held liable if the worker turns out to be an illegal alien. Social Security is now sending out these letters to employers with more than ten mismatches that make up more than one half of one percent of its workforce — covering about 80 percent of all mismatches. Most employers are likely to follow through the process and, if necessary, fire those workers who turn out to be illegals (most of whom will likely have left anyway by that point); while some may re-hire the workers off the books, "An employer who does that," as Secretary Chertoff points out, "is making a deliberate decision to compound their legal difficulties by committing tax crimes as well as immigration crimes." (In other words, "You may not think much of my department, but the IRS isn't fooling around.")

The underlying rationale for ensuring that no-match letters are acted on by employers is to turn off the magnet of jobs that attracts — and keeps — illegal aliens here. As it becomes harder to get a job, and as the jobs illegals can get are less stable, sneaking across the border or overstaying a visa will become less and less attractive, and illegals already here — especially those with fewer attachments — will start deporting themselves.

Along the same lines is another, less-noticed measure in last week's announcement. The administration says it will begin to draft a new rule to require all federal contractors to use the online system, redubbed E-Verify, that enables employers to check if new hires are authorized to work in the United States. This probably won't identify a large number of illegal workers, but it will change the environment, representing an important step toward internalizing legal status as a labor standard.

Lobbyists for farmers and roofing contractors and others will soon be screaming bloody murder. But Congress and the media would do well not to take at face value the squealing of firms losing their cheap-labor subsidy. When the end of the last big guestworker program was being debated in the early 1960s, California farmers claimed that "the use of braceros [Mexican guestworkers] is absolutely essential to the survival of the tomato industry." Instead, termination of the program prompted mechanization which caused a quintupling of production for tomatoes grown for processing, an 89-percent drop in demand for harvest labor, and a fall in real prices.

The same sort of thing happened half a century earlier, when the textile industry predicted disaster if child labor were ended. At a Senate hearing in 1916, one mill owner said that limiting child labor would "stop my machines"; another said "investors would never receive another dividend"; while a third said that ending child labor would "paralyze the country."

We're going to hear a lot more of this sort of thing — the White House is counting on it. Standing up to the coming lobbyist onslaught will be the final stage of the battle against amnesty.

About The Author

Mark Krikorian is Executive Director of the Center for Immigration Studies.