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Should Americans Get Permission from the Federal Government Before Being Allowed to Start a New Job?

By STUART ANDERSON

Did you know that as early as next year you might not be able to start a new job unless you are first cleared by a federal database?

Some background: E-Verify is an electronic employment verification system that employers can use to determine if a new hire (or current employee) is eligible to work in the United States. While a significant minority of employers use the system either voluntarily or as a government requirement (federal contractors, employers in certain states), new legislation in Congress, H.R. 2164, the Legal Workforce Act, would require all employers to use the system within two years or face possible criminal prosecution. The largest employers must use the system for all new hires within 6 months, while agricultural employers have 3 years. All the current co-sponsors of the bill are Republicans.

There is considerable debate about how many Americans would get caught up in database errors when they seek a new job. Particularly since, rightly or wrongly, employers may choose to pre-screen applicants before a job is offered, even E-Verify supporters must concede it is possible individuals may not know why they were not hired or not have a chance to contest a “tentative nonconfirmation” of their eligibility to work in the United States.

Rather than engage in the traditional op-ed format, it’s better instead to ask some questions to be answered by supporters of making E-Verify mandatory for all employers and newly hired individuals in the United States:

Do you believe there are limits to any burdens placed upon individual Americans and employers in the cause of trying to prevent illegal immigrants – approximately 4 percent of the U.S. population – from working in the United States? If so, what are those limits?

Given the failure to reduce illegal immigration after adding new restrictive enforcement measures in 1986, 1996 and approximately once annually over the past decade, what assurances can you give that mandatory E-Verify will significantly reduce illegal immigration?

Today, there are approximately 11 million illegal immigrants in the United States. What will be the level of illegal immigration within 3 years after passing a bill to make using E-Verify mandatory?

What is the response to a government-commissioned report on E-Verify (Westat, December 2009) that stated, “[T]he inaccuracy rate for unauthorized workers is approximately 54 percent . . . just over half [of illegal immigrants] are found to be employment authorized”?

If E-Verify is unsuccessful in reducing illegal immigration in a significant fashion, then will you require Americans to have a national ID card (or its equivalent) in an attempt to make the system work better?

If there is no guarantee E-Verify will significantly reduce illegal immigration, then should we impose a new mandate that will have at least some negative impact on the operation of businesses across America, as well as on the lives of individual workers unable to quickly convince the government they are legally authorized to work?

Would you be willing to put in your legislation a sentence such as the following?: “If the illegal immigrant population of the United States, as measured by the Department of Homeland Security, is not reduced by half within 3 years of the passage of this bill to make E-Verify mandatory, then the legislation is repealed.”

Is your view that employers who currently employ illegal immigrants are purposely breaking the law? If so, then won't they be able to get around the E-Verify mandate simply by not submitting the names of possible illegal immigrants to the federal computer database?

Do you believe there are founding fathers who voted for ratification of the U.S. Constitution who would have approved of the federal government requiring Americans to first obtain affirmative permission from government authorities before starting a new job?

One final question: Do you believe in smaller government if the issue is not immigration?