

Use Social Security to Seal the Border

The New York Times

July 3, 2007 Tuesday, Late Edition - Final

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Section: Section A; Column 0; Editorial Desk; Pg. 17; OP-ED CONTRIBUTOR

Length: 1045 words

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Dateline: Stony Brook, N.Y.

Body

CONGRESS failed to pass an immigration reform bill last week largely because sponsors, including the president, could not convince the American people that the legislation would end illegal immigration. In the debate that preceded the collapse of the bill in the Senate, the rallying cry of opponents was "enforcement first." Perhaps by taking the critics' slogan seriously, President Bush can salvage a comprehensive immigration policy this year.

Supporters of immigration reform need to demonstrate that they are serious about stopping illegal immigration through stringent enforcement at work places. Keeping new illegal immigrants from being employed is far and away the best strategy for deterring them from entering the country, easily trumping border guards and fences.

Although the failed Senate bill included provisions for worksite enforcement, Congress actually doesn't need to pass new legislation to achieve it. The Social Security Administration has for seven decades maintained a comprehensive employment database that can keep track of every single employee, legal or not, in the United States. The Social Security database, combined with laws already on the books, provides a way to catch unauthorized workers almost as soon as they are hired.

The Senate bill proposed nationwide expansion of something called the Employment Eligibility Verification System, which is now a pilot program of the Department of Homeland Security and the Social Security Administration. The idea was to create a database for an "instant background check," similar to the database that gun dealers must consult before selling firearms to potential buyers. Any American employer, facing a job applicant, would be required to enter the applicant's information into a new national electronic database. The employer would receive instant -- or at least timely -- verification that the job applicant was in the country legally.

Skeptics didn't buy this plan for several reasons. Federal agencies, even in the wake of 9/11, have a poor track record in installing comprehensive new computer data systems. More important, numerous caveats buried in the bill would have let employers off the hook if Congress failed to authorize sufficient money for the new program. Even if that loophole were closed, the ambitious new employment enforcement database could easily be undermined by future Congresses faced with budget shortfalls, or merely the hostility of the coalition of immigrant advocates and employers that favor lax enforcement.

Political pressure from this coalition has for years prevented the government from deploying the enforcement system that is already in place. If it wanted to, here is how the Social Security Administration could run an employee verification system right now.

Use Social Security to Seal the Border

Under current employment law, every legal permanent resident of the United States is required to have a **Social Security** number. Further, employers must register their employees' status and **Social Security** numbers with the **Social Security** Administration and make contributions to the system on their behalf. These two features together can serve as a dragnet for identifying all illegal workers.

Companies or individuals employing illegal workers "off the books" are breaking the law, as are those that submit false or stolen **Social Security** numbers. Admittedly, tracking down workers with no documents is a daunting task, but that would also be true under the proposed system in the stalled immigration reform bill. But the vast majority of American workers -- legal and illegal -- are actually working "on the books." Their status does come to the attention of the **Social Security** Administration.

Illegal immigrant workers can be identified by the government in several ways. Nearly 40 percent of them, or approximately 3.5 million, may have valid **Social Security** numbers but have overstayed their visas. Their identities can easily be established by matching **Social Security** Administration data against the visa expiration dates in the files of the Bureau of Immigration and Customs Enforcement.

The other illegal immigrants working on the books have submitted fraudulent identification that, when logged by the government, shows up as being either non-existent or duplicative of existing **Social Security** accounts. When a fraudulent **Social Security** number is sent to Washington, the government deposits the accompanying money in an "earnings suspense file," a kitty that by last October had grown to \$586 billion. The **Social Security** Administration does not, however, determine the reasons for the discrepancy (which could be a clerical error or a legitimate name change) or alert Homeland **Security** and the employer that something is amiss.

Social Security administrators assert, erroneously, that they are not permitted to aid immigration law enforcement or to share data with the Department of Homeland **Security**. The real reason for their reticence is their fear that more aggressive electronic enforcement might invite political outrage. In 2002, the **Social Security** Administration chose merely to inform employers of **Social Security** number discrepancies by sending 950,000 "mismatch" letters. That action so angered businesses and immigration advocates that a year later the modest bureaucratic effort was largely ended.

After last week's legislative failure, it should be clear that the passage of immigration reform requires more enforcement of immigration law, not less. Given the country's cynical approach to worksite enforcement until now, supporters of comprehensive immigration reform who claim they intend to curtail future illegal immigration need to make sure that, for once, all government agencies participating in worksite enforcement really have the resources, the will and the political support to give it teeth. By directing the **Social Security** Administration to **use** its database to enforce our existing immigration laws, President Bush can do this now without waiting for Congress to pass a bill.

If he does, then perhaps the United States will have truly entered a promising new era in immigration policy. If he doesn't, we will be revisiting this contentious issue a decade from now, when we face a vastly larger illegal work force.

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Classification

Language: ENGLISH

Document-Type: Op-Ed

Publication-Type: Newspaper

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Subject: IMMIGRATION (93%); ILLEGAL IMMIGRANTS (92%); LEGISLATION (92%); IMMIGRATION REGULATION & POLICY (91%); IMMIGRATION LAW (91%); **SOCIAL SECURITY** (90%); LEGISLATIVE BODIES (90%); US **SOCIAL SECURITY** (90%); US FEDERAL GOVERNMENT (89%); EMPLOYMENT SEARCH (88%); GOVERNMENT BUDGETS (78%); PUBLIC POLICY (78%); US PRESIDENTS (78%); SPECIAL INVESTIGATIVE FORCES (78%); BACKGROUND CHECKS (73%); **BORDER** CONTROL (72%); LABOR & EMPLOYMENT LAW (70%); NATIONAL **SECURITY** (69%); FIREARMS (64%)

Organization: **SOCIAL SECURITY** ADMINISTRATION (83%); US DEPARTMENT OF HOMELAND **SECURITY** (55%)

Industry: GOVERNMENT BUDGETS (78%); BUDGETS (74%)

Geographic: UNITED STATES (94%)

Load-Date: July 20, 2007

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