

Us policy on illegal immigration and employment



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The United States, built upon the immigration of individuals from around the world, has become increasingly divided upon the policies that regulate the immigration process. The Constitution bases citizenship upon the international legal principle *jus soli*; law of the soil. The 14th amendment expands upon this legal principle in Article I, Section I of the Constitution; it states, “ *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside...* ” (Wilson, 2015). While this amendment was crucial to guarantee first class citizenship to African Americans in the United States in 1868, it has since resulted in an increased flow of illegal immigrants attempting to benefit from Constitutional rights. While a simplified pathway to citizenship through the birth of a child is certainly a desirable end goal, according to *The New American Economy*, most undocumented immigrants initially arrive in the United States seeking employment (*Undocumented Immigrants: How Immigration Plays a Critical Role*, n. d).

Migrants continue to flow steadily into the United States largely due to economic incentives. This behavior has consistently been encouraged through the willingness of American companies and employers to participate in illegal hiring. Often referred to as an immigration magnet, illegal employment is one of the biggest contributors to illegal immigration in the United States. It is indisputable that the U. S. is currently undergoing an immigration crisis at the Southern border. Since President Trump declared a State of Emergency in February 2019, both sides of Congress have continued to challenge the unity needed to find a solution to combat illegal immigration while upholding the values and humanitarian nature of the United States.

Both the Republican and Democrat parties are in agreement that legislation is needed to address the issue, especially at the border. Unfortunately, the political polarization that has spread throughout the nation has created tension and disagreement over the appropriate course of action to take.

It is highly unlikely that Congress will ever come to a unanimous agreement when it comes to making policy. Fortunately, every individual in the United States is required to abide by and follow the rule of law. Despite the emotional connection many Americans feel toward those individuals apprehended at the border, releasing them into the United States and allowing them to work as unauthorized citizens is against the law. Title 8 of U. S. code §1324a makes it unlawful to employ unauthorized aliens (Legal Information Institute, 2019). The first step to address and slow the problem of illegal immigration is to remove the incentives that are driving unauthorized migrants into the United States. Using this logic, Senator Mitt Romney (R-UT) has proposed legislation to make the pilot program “ E-Verify” permanent.

Background

Efforts to combat illegal employment began with the implementation of the Immigration Reform and Control Act (IRCA) signed into law by the Reagan Administration in 1986. The IRCA re-evaluated the status of unauthorized immigrants by requiring U. S. employers to examine provided documentation of each new hire to prove their identity and eligibility to work (History and Milestones, 2018). This is done through the completion of the Form I-9, an immigration document created following the passage of the IRCA, that

further enforces laws restricting illegal employment. While apprehensions of illegal migrants crossing the Southern border fell sharply after IRCA was enacted, the effect of illegal employment was not reduced as dramatically as the Reagan administration had hoped (North, 1987).

Congress saw the need to appropriate additional funds to the creation on a common identifier between the INS and the SSA in order to build a unified database needed for a successful employment verification system. In 1996, 3 common identifiers were established. The E-Verify program was originally introduced as the Basic Pilot program into the 104th Congress in 1996 by C. W. Bill (R-FL) under H. R. 3610 – The Omnibus Consolidated Appropriations Act of 1997. Under Title IV, Section 401(a) of the act, 3 voluntary pilot programs, Basic Pilot, the Citizen Attestation Pilot and the Machine-Readable Document Pilot, were designed in an attempt to find the most effective way to confirm employment eligibility (H. R. 3610 – *104th Congress (1995-1996): Omnibus Consolidated Appropriations Act of 1997*, 1997). These pilot programs were used as an aid in testing, evaluating and adjusting alien employment policies before federally enforcing them nationally or discarding them.

Section 401 (b) of H. R. 3610 addresses the temporary status of the programs outlined within the legislation. This section gives the Attorney General, with approval from Congress, the power to extend or terminate a pilot program at the end of a 4-year period from the date of implementation (H. R. 3610, 1997). In 2002, H. R. 3030- Basic Pilot Extension Act of 2001 was passed by the 107th Congress to extend the pilot programs and amend the original 4-year termination period to a 6-year termination period for all 3 of <https://assignbuster.com/us-policy-on-illegal-immigration-and-employment/>

the pilot programs (*H. R. 3030 – 107th Congress (2001-2002): Basic Pilot Extension Act of 2001* , 2002). In 2003, the Basic Pilot program was authorized by Congress to expand nationally, although it remained primarily voluntary. The Citizen Attestation Pilot and the Machine-Readable Document Pilot were both terminated on their initial expiration date in 2003 (*The History of E-Verify*, 2011). After implementing a new web-based platform in 2004, the basic pilot program underwent rebranding as “ E-verify” and was subject to change under new immigration policies introduced by the George W. Bush administration in 2007 (*The History of E-Verify* , 2011).

These new policies required the Department of Homeland Security to issue and enforce regulations making the use of E-Verify mandatory in the hiring process of new federal contractors. In the following year, President George W. Bush issued and amended executive orders 12989, 13465 and 13467 (*Executive Orders Issued by President George W. Bush* , n. d.). These orders required the Department of Homeland Security to, additionally, enforce the use of E-Verify for the employment of all federal department and agency employees and certain public and private businesses performing work under a federal contract (*The History of E-Verify*, 2011). Since that time, E-Verify has successfully become a necessary tool utilized by employers across the country who are either required by state law, or by personal preference, to confirm their employees’ employment eligibility. To this day, Congress has continued to extend the E-Verify program, typically one year at a time. The current termination date for this extension of E-Verify, is set to expire on September 30, 2019 if Congress does not act to continue the program (Romney, n. d). Senator Mitt Romney (R-UT) has sponsored S. 1806:

Permanent E-Verify Act; stemming from his opposition to illegal immigration and his support for sanctions against employers who hire unauthorized migrants.

Purpose & Potential Impact

As evident by the background of E-Verify, the ultimate purpose of the program is to put an end to illegal employment, protect the jobs of American workers and curb the flow of illegal immigrants by de-incentivizing economic prosperity. The only change to current law after passage of the permanent E-Verify program would be to eliminate the continuous re-extension of the program. Eventually, Senator Romney would like to enact further legislation to make the E-Verify program a mandatory enforcement for all employers. However, at this time, the main objective is to solidify the program as a first step in reducing illegal immigration.

Policies enacted to control immigration are often controversial. For this reason, S. 1806: Permanent E-Verify Act may result in initial challenges for the Office of Senator Romney. However, the passage of the act will, in turn, benefit the United States as a whole. The duties carried out by the local Salt Lake City office of Senator Mitt Romney revolves around constituent services. Throughout the day, staffers answer phone calls to address constituents' concerns and inform them of current legislation and the views the Senator holds in regards to specific issues. The crisis at the Southern border has already increased the number of constituents calling to express their concern for the immigrants. Assuming S. 1806 is successfully passed, the office may be challenged by the influx of negative feedback the senator

receives for sponsoring legislation that further controls immigrants. Staffers take constituent calls to inform them of the senator's stance on public issues. The challenge then becomes disseminating and explaining that stance to individuals who have become so emotionally connected to an issue that they refuse to accept an explanation at all. It is the responsibility of the local Salt Lake City office to take the opinions of Utah residents, as it relates to governmental policy, and pass them along to Senator Romney for further action.

The responsibilities of the office do not end with constituent calls, our individual office employs four full time caseworkers to aid in additional constituent services. As of 2019, Senator Romney and Senator Lee have joined forces in case work operations in order to better serve the needs of Utahans. While both offices offer services as it relates to Veterans Affairs, Social Security and Medicaid, among others, the majority of cases Senator Romney's office receives are requests for immigration services (USCIS). Oftentimes, residents of Utah apply on behalf of a beneficiary who wishes to immigrate to the state. S. 1806, and any further legislation enacted in accordance with the act, may increase the number of immigration cases received by our office as it relates to work visas and green cards. Both, Senator Lee and Senator Romney's staff work full days to progress immigration cases. A new enforcement on employers to verify the work eligibility of employees may increase the load of immigration cases, resulting in a slower turnaround time for some cases.

S. 1806 may pose minor challenges to Senator Romney's office; however, these challenges are not unique to this piece of legislation. With new

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legislation comes new opposition, regardless of how bipartisan the passage may be. Every Congressional office will be impacted by policies that enter committee due to the differing views held by an elected official's constituents. S. 1806 will ultimately benefit the United States by creating the first step towards stronger legal immigration enforcement in the workplace. By making E-Verify permanent, although still voluntary, employers may accept the program as an important step in the hiring process, thereby contributing to the beginning of the end of economic immigration magnets. It is highly unlikely that S. 1806 alone will resolve the nation's illegal immigration issue. However, it will aid Senator Romney in his efforts to enforce a strong, merit based, legal immigration system and end chain migration in the United States.

Adversaries

Although E-Verify has been successfully extended since 1996 to address illegal immigration, some elected officials have been hesitant to include it as part of a comprehensive immigration bill. The opposition stems from concern for illegal immigrants as well as employer and economic liabilities. Arguably, the majority of Congress would prefer to have a strong legal immigration system with proper authorization and reasonable waiting periods. However, opponents to E-Verify hold that without the unauthorized workers filling jobs unwanted by American workers, the economy and industries based in the United States would fall into economic hardship.

Not only are illegal workers filling unwanted jobs, these individuals are also paying into Social Security and therefore contributing to the Social Security

system rather than abusing it. Illegal immigrants commonly use Social Security numbers that were not legally given to them; this means they are not eligible for any of the benefits, regardless of whether or not they have paid into the system (Roberts, 2019). Even individuals who are not legally authorized for a Social Security number are still required to pay taxes. This is done through the use of the Internal Revenue Service (IRS) system of ITIN many undocumented migrants file with in order to remain in good standing with the U. S. government (American Immigration Council, 2018). The opposition claims that by restricting illegal immigrants from working in the United States, beginning with E-Verify, not only will the chances of the economy crashing increase, the Social Security system may also diminish at an accelerated rate, leaving many Americans without promised benefits.

Conclusion

Immigration is an important part of our nation's history. The integration of people from different backgrounds and cultures is what makes the United States unique. Similar to the early immigrants, high volumes of migrants seek to enter into the United States today due to a strong desire for economic prosperity. However, as important it is to give everyone the opportunity to succeed, it is equally important that the legal immigration system is respected and honored by those who wish to become citizens. The willingness of domestic employers to hire illegal immigrants has driven up the incentives to cross the border unauthorized. S. 1806: Permanent E-Verify is the first step in removing immigration magnets that encourage illegal immigration and creating a merit based immigration system. The challenges governmental offices may face are a small consequence in comparison to

the benefits that will stem from the implementation of S. 1806. The most important aspect of this piece of legislation is that it aids in re-enforcing Title 8 of U. S. code §1324a. The primary goal of our elected officials should be to honor and enforce the rule of law; therefore, this piece of legislation should ultimately pass unanimously.

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