

WebMemo



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Immigration Amendments Undermine REAL ID and Workplace Enforcement

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The right approach to immigration reform requires gaining control of the U.S.–Mexico border, enforcing immigration laws, denying amnesty to unlawfully present persons to deter future illegal migration, and creating adequate legal alternatives, including a reasonable, market-based temporary worker program. The Senate’s new immigration legislation (S. 1639) achieves none of those goals. Further, two proposed amendments would undermine efforts to strengthen the security and authenticity of state-issued identity documents and to enforce immigration laws in the workplace. Congress should reject policies that weaken sensible immigration enforcement measures.

REAL ID Under Fire. The REAL ID Act of 2005, passed with bipartisan support, implemented one of the 9/11 Commission’s key recommendations. It requires national standards for driver’s licenses and requires that any identity card used for a federal purpose—such as passing through a Transportation Security Administration security checkpoint before boarding a plane—be issued only to individuals who are lawfully present in the United States. The law does not create a “national ID card,” nor does it give the federal government more access to personal information on U.S. citizens. What the law *does* do is prompt states to adopt the best practices to provide better information protection and to combat identity theft, fraud, and counterfeit trafficking in identity documents. Measures in the Senate’s immigration reform bill even acknowledge that the REAL ID requirements are

vital to restoring the credibility of identity cards and the “breeder documents” (like birth certificates) that are used to obtain them.

Nonetheless, Senators Max Baucus (D-MT) and Jon Tester (D-MT) have proposed an amendment (No. 1236) that would:

- Remove REAL ID requirements from Title III, the workplace enforcement provisions of the Senate’s immigration bill; and
- De-authorize a grant program created to help states become compliant with REAL ID.

When Congress passed REAL ID, it acted to improve the integrity of identification materials, a move that would bring broad benefits across the national security spectrum. Eliminating REAL ID requirements now, in the midst of a national debate on *strengthening* border security and immigration law enforcement, makes no sense.

Unworkable Workplace Enforcement. The draft Senate bill includes the intrusive, expensive, impractical, and unnecessary requirement that employers verify the eligibility status of every American worker with the federal government. The draft bill, however, also includes some commonsense

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enforcement measures, such as encouraging the Social Security Administration (SSA) to share Social Security no-match data with the Department of Homeland Security (DHS). DHS could use this information to identify employers who routinely and intentionally hire undocumented workers, an easy way of improving workplace enforcement.

Nonetheless, Senators Charles Grassley (R-IA), Max Baucus (D-MT), and Barack Obama (D-IL) have proposed an amendment (No. 1441) that would:

- Require a sunset on information sharing between DHS and SSA; and
- Eliminate requirements for employers to direct employees to go to SSA when the employer receives a no-match letter.

Workplace enforcement must be serious and persistent to serve as a deterrent that will help break America's addiction to undocumented labor. Sunsets for enforcement tools and not requiring redress when incorrect or inaccurate information is provided to an employer undermine that effort.

Congress should eschew any reform proposals that undermine the responsible enforcement of immigration laws.

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