

## Deportation-Only Approaches such as the SAVE Act are Doomed to Fail

**The Issue:** For the past twenty years, this country has been steadily increasing immigration enforcement at the border and in the interior, and the effort has not only failed, but backfired. Members of Congress continue to introduce deportation-only measures such as the Secure America through Verification and Enforcement (SAVE) Act (H.R. 4088/ S. 2368), introduced by Reps. Heath Shuler (D-NC) and Tom Tancredo (R-CO); and the New Employee Verification Act (H.R. 5515), another deportation-only bill recently introduced by Rep. Sam Johnson (R- TX).

The “SAVE Act” is an immigration deportation-only package that would dramatically expand the error-ridden Basic Pilot electronic employment verification system and make a number of harsh and unnecessary changes to current law. The bill would also increase the number of Border Patrol agents and spend more resources on the southern border, funding and personnel for programs that involve local police in the enforcement of federal immigration laws, and a number of other enforcement provisions that just throw more money toward ineffective measures.

The problem with deportation-only strategies like the SAVE Act is that they ignore the basic reasons that people come to the U.S. in the first place. Bills that throw more money at the border will not end undocumented immigration because they fail to respond to the reason immigrants come here without documents or overstay their visas. The real reason that people migrate illegally is the enormous disconnect between the broad availability of jobs and the absence of legal channels enabling immigrants to come fill those jobs. We have an integrated North-American labor market but it is unregulated because we have failed to create the legal mechanisms that would allow individuals to come in a controlled, orderly fashion.

**Long-term relief:** Only through a realistic, long-term solution for the undocumented population living in the U.S., and targeted, effective enforcement of realistic laws will we restore legality and legitimacy to our immigration system. We must have sensible solutions that address the twelve million undocumented workers who are already here, address the need for a short and long-term workforce through reforms to our legal immigration system, and ensure that unscrupulous employers are not exploiting workers—Americans, legal immigrants, or the undocumented. The SAVE Act will not address any of these problems, and will only cause a more serious crisis in our system. The fallacies of a deportation-only approach are highlighted below:

- **Unprecedented increases in funding for the Department of Homeland Security to secure the border have thus far failed to stop illegal immigration.** For example, according to DHS, the number of Border Patrol agents has gone from approximately 9,000 in 2001 to nearly 15,000 in 2007. Over 300,000 immigrants are now detained every year. Congress has already appropriated 2.7 billion dollars for FY 2008 for emergency border security funding, including an additional increase of 3,000 Border Patrol officers. Congress is simply giving DHS a blank check to spend on border enforcement, because it is easier to spend money than offer real solutions.
- **Deporting the entire undocumented population is not a reasonable or practical solution to our immigration crisis.** Deporting just 8 or 9 million undocumented immigrants (out of the current population of 12 million) would cost more than \$200 billion over five years—more than double the annual budget of the entire Homeland Security

Department. It would take 200,000 buses, bumper-to-bumper, in a convoy 1,700 miles long, to transport our undocumented immigrants to the border. It is not possible or desirable to deport all of these people including all those who are contributing to our society and who want to become citizens.

- **Deportation-only approaches to immigration reform are doomed to fail.** More than 5% of the current workforce is undocumented. It is not practical to deport them and most will not simply leave the country on their own. Undocumented immigrants will remain in the U.S. and employers who simply cannot locate U.S. workers to fill low-skilled positions will be forced to close shop, take their operations "off the books" and into the underground economy, or move off-shore. The result will be a deepening of the underground economy where U.S. workers can't compete in today's global market and undocumented workers are even more exposed to exploitation.
- **The employment verification system in the SAVE Act will hurt American and legal resident workers.** The SAVE Act expands the existing Basic Pilot employment verification system (now known as E-Verify) to cover all employers and all workers in just four short years, without addressing the well-documented flaws of the current system. The proposed system is based on deeply flawed databases containing erroneous or outdated information on individuals, resulting in an unacceptably high number of false positive "hits" when put into use. Common reasons for these hits include name changes due to marriage, simple typos, and other related, otherwise innocuous, mistakes. Numerous studies show, for example, that naturalized U.S. citizens are disproportionately affected by a near 10% false positive rate, and that employees who receive tentative non-confirmation "No-Match" notices, automatically generated by a hit, are subsequently subjected to a presumption of guilt and are almost invariably discriminated against, even before being given enough time to properly challenge the finding. The SAVE Act does not address the E-verify system's design problems and the database inaccuracies, and will have a crippling effect on the U.S. workforce. Suddenly, American workers will find their ability to earn money and support their families is subject to an error-prone, technologically inadequate government database.
- **Mandatory implementation of an error-riddled, unreliable electronic verification program would exacerbate the very problems it purports to solve.** Far from a silver bullet, mandates along the lines proposed will lead to erroneous firings, discrimination by employers, and exploitation of millions of workers, including U.S. citizens and legal immigrants ensnared by the system's errors and lack of safeguards. Unless and until we address root problems in our system and provide a mechanism for undocumented workers to gain legal status, layering mandatory electronic employment verification on our economy at this time will cause more dislocation in our economy and our communities.
- **Implementing a mandatory electronic verification program as a means of curbing illegal immigration simply ignores the true nature of the problem.** The U.S. should not mandate implementation of an employment-eligibility verification system without requiring the government to meet accuracy benchmarks prior to implementation and provide safeguards for workers and employers. Moreover, moving forward on mandatory, across-the-board employment authorization verification, without dealing with the 5% of our workforce that is undocumented, is a recipe for disaster. Undocumented workers who are currently working above-board and paying taxes will not leave the country *en masse* if the SAVE Act becomes law. They will simply go further underground and find employment in

the cash economy. This will lead to greater exploitation of immigrant workers and lower tax revenues, and will undermine wages and working conditions for all.

- **In the hysteria to show the public that Congress is ‘tough’ on immigration, many of the recent deportation-only proposals do not respect due process and would increase the climate of suspicion and fear in immigrant communities.** The Senate has introduced a flurry of deportation-only bills that would greatly expand state and local enforcement of immigration law, dramatically increase immigration detention and erode due process, among other harmful measures. In the House, the SAVE Act would expand police assistance in immigration enforcement which would further burden already overstretched local police departments and harm public safety by eroding the trust between police and immigrant communities. In another example, the SAVE Act fails to safeguard our privacy while expanding information-sharing among federal databases and in yet another example, the bill would expand our current detention system which has been widely criticized for its inhumanity without mandating the creation of enforceable detention standards.

**We need long-term solutions and in the interim, we should do no harm:**

- Only through a realistic, long-term solution for the undocumented population living in the U.S., and targeted, effective enforcement of realistic laws will we gain control over our immigration system. In the interim, we must strenuously avoid half-baked measures that will do lasting damage to our country such as the SAVE Act.
- We should enact a short-term package that provides immediate relief to businesses and communities that currently have no safety valve to allow deserving immigrants to remain in our country. Judges and agency officials should be given the discretion to evaluate the facts of each individual case.
- Congress must ensure that individuals encountered through raids and those placed in detention are treated humanely through codification of standards on interrogation and detention conditions.

**Related Legislation:** In the absence of comprehensive immigration reform, AILA opposes deportation-only legislation including: the Secure America through Verification and Enforcement (SAVE) Act (H.R. 4088), introduced by Reps. Heath Shuler (D-NC), and Tom Tancredo (R-CO); and the New Employee Verification Act (H.R. 5515) introduced by Rep. Sam Johnson (R- TX). AILA also opposes the package of immigration deportation-only bills introduced in the Senate by the members of the new Border Security and Enforcement First Caucus.

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