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Expanded Worker Checks Would Use Faulty System

By Griff Witte

Washington Post Staff Writer
Thursday, May 25, 2006; Page A01

A federal database program with a checkered track record could dramatically expand to affect every U.S. employer and worker under provisions of the immigration legislation being considered by Congress.

The program is intended to keep illegal immigrants from working in the United States and to discourage more from entering, but in nearly a decade of small-scale tests, it has had trouble distinguishing between those who are here legally and those who are not. Fixing it and rolling it out nationwide could cost more than \$1 billion.

Under the proposal, employers would be required to submit information about their employees to a federally administered electronic system that would automatically check workers' immigration status. Supporters say it

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is the only way to prevent employers from hiring illegal workers. But an unusual coalition has emerged to oppose the idea, with labor advocates saying it would dissuade legal immigrants from applying for work, big business groups asserting it would be too bureaucratic and civil-liberties organizations arguing that it would jeopardize individuals' privacy.

Their opposition softened somewhat this week after the Senate passed a bipartisan amendment intended to give workers more protections and to make the process less burdensome for businesses. The amendment puts the Senate's version even more starkly at odds with a hard-line House bill that emphasizes aggressively curbing illegal immigration by cutting off the primary incentive -- jobs.

Many conservatives have said that neither bill goes far enough and that the system will be too easily circumvented unless workers are required to use a biometric identification card or other form of ID that is tough to forge.

At the center of the debate is the Basic Pilot Program, which electronically searches a combination of Social Security and immigration databases to verify an employee's status. Now, the Homeland Security program is small and voluntary, with about 6,000 employers enrolled. But it would extend to each of the country's approximately 8 million employers if Congress passes, and the president signs, either the House or Senate version of the immigration

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Fernando Tinoco has been an American citizen since 1989, but he was fired from his job after an automated search of government records raised questions about his status. (By Kevin Tanaka For The Washington Post)

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legislation. Employers who skirt the rules would be subject to stiff fines, with jail sentences for repeat offenders.

"The new Senate version is a good compromise," said Tyler Moran, policy analyst with the National Immigration Law Center, a group that advocates for low-income immigrants. "But the pilot program's performance so far has been so dismal that it's hard to conceive of a system that will work effectively nationwide."

Reviews of the pilot program have found that though it has the potential to limit illegal immigration, it suffers from serious deficiencies. A Government Accountability Office report issued in August criticized it for its inability to catch identity fraud, for flaws in the databases and for the possibility that employers will abuse the system.

Moran said she is especially concerned by the relatively high error rates when it comes to legal immigrants. Nearly one in three noncitizens the electronic system cannot initially verify are later cleared based on a manual search of the records, according to government statistics.

Even some citizens have had trouble. Fernando Tinoco, a 51-year-old Mexican immigrant, has been working in the United States for three decades and has been an American citizen since 1989. But when he reported for his new job at a Tyson Foods Inc. factory in Chicago in March, an automated search of government records raised questions about his status. Two hours into his first day of work, Tinoco was fired.

"I was surprised," he said. "I've never had a problem like this before."

In response to inquiries from a reporter, Tyson said Tinoco can come back to his \$8.05-an-hour job. Tinoco's attorney said yesterday that he would return at the end of May.

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