

The New United States Immigration Legislative Proposals

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Unworkable paperwork? Jurisprudential Nightmare?

As we all know there is a major Immigration Bill being considered by the United States Senate. It affects the lives of hundreds of Jamaicans in the United States of America.

An important feature of the new United States Senate Immigration Bill is the aggressive worksite enforcement provisions that it has. Immigration police would be literally let loose on the general public to look over the shoulder of every employer. Jamaicans living and working in the United States of America illegally will be sent home.

Title III s.1348 of the Senate Bill makes employers liable for their illegal workers. It even makes employers liable for the illegal workers that their subcontractors have on the payrolls. See s. 302 (a) (3). Employers to protect themselves might have to start administering polygraph, (lie detector) tests to determine if their employees are legal immigrants or not.

S. 302 (c) of the Senate Bill creates extremely difficult mandatory record keeping for employers. This provision will choke many small businesses because of the expenses associated with generating compliant paper work.

Under the Senate Bill the IRS will be able to share detailed tax payer data with private non-governmental contractors of Homeland Security. The IRS has never before been allowed to share confidential tax information with private parties. This is a significant power that the IRS will receive and Republicans, who generally want less government, rather than more government, are not happy with this provision.

Fingerprinting:

To make a bad situation worse, the Department of Homeland Security will be able to initiate a fingerprinting program which may force some large private businesses such as banks and supermarkets to fingerprint new workers so that undocumented workers are not hired.

Astonishingly, 12 million aliens who are undocumented will receive immediate work authorization. Legal Americans and naturalized citizens will however have to prove that they are eligible for work authorization through the production of a birth certificate or passport. This seems to be an unequal yoke.

Building Contractors will have to register under the Employment Eligibility Verification System (EEVS). Workers who are not registered with the EEVS are subject to termination see (Sec. 302 (d) (5) (c)).

“Big Brother”, as Orwellian wags are always calling the United States Federal Government, will be more powerful as a result of this proposed statute.

The new Senate bill is not workable in its current form. It places too much emphasis on paper work and law enforcements remedies, without providing practical low cost solutions for aliens who need to transition into the regular society.

Questions to be asked:

At a philosophical level, does the new Immigration Bill violate the concept of the Rule of Law? The Rule of Law is the bedrock system of the Anglo-American justice system which guarantees Citizens equitable enforcement of the law.

The new proposed Immigration Bill evidently protects overstays from being deported. Overstays, those who enter and remain in the country illegally, are violating the law. Forgiving the wanton violation of law only undermines the law.

Amnesty is generally inappropriate when the law causes a lack of justice. Should illegal aliens in the United States be rewarded with legal status while those who have abided by the law, just sit and wait? Why should overstays cause the entire system of United States' Immigration to be overhauled?

Perhaps the Senate Bill, as comprehensive as it is, places the economic burden for Immigrants upon the small municipalities who are unable to handle the cost, so the State picks up the tab for services to Immigrants.

Illegal aliens constitute an unfunded Federal mandate placed on the States because the Federal Government is unwilling to properly enforce its own Immigration laws. The long-term result of reform will be that fewer non-citizens will be able to migrate to the United States of America.

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