

July 21, 2008**EDITORIAL**

Pushing Back on Immigration

There is nothing good about the country's ever more merciless campaign of immigration enforcement. But at least there are emerging signs of resistance, from one of the most important, yet curiously disengaged, players in the debate: employers.

States and cities complain about the broken immigration system, but they can't create the intricate web of policies needed to fix it — that's up to Congress. All they can do is try to crack down locally on illegal immigrants and the businesses that hire them. The result has been haphazard enforcement without reform, which only makes the problem worse.

States have passed overly punitive laws to revoke the licenses of businesses caught hiring the undocumented and to force employers to participate in E-Verify, the deeply flawed federal system for checking workers' documents. More than 175 bills relating to immigrant employment have been introduced by states this year.

As Julia Preston reported in *The Times*, business has begun pushing back. In Arizona, home to some of the most rabidly anti-immigrant politicians and advocates, a business group had huge success gathering signatures for a ballot initiative that would soften some of the most stringent employer punishments enacted last year.

In other states, business groups have helped to kill tough immigration bills. They argue that they need workers, that it is too hard to avoid hiring undocumented ones, and that ill-conceived laws go overboard in punishing well-meaning companies and their legal employees. They are also pushing measures to bring in more legal workers and to fix the error-plagued federal system for verifying documents of new employees.

Workplace raids by federal agents have vividly exposed the widespread hiring of illegal workers, but many employers counter that they are not all scofflaws. Antidiscrimination laws bar them from looking too closely at employees' identity papers, or checking their immigration status after they are hired. "The system is just as broken for employers as it is for immigrants," a lawyer for two California companies told Ms. Preston.

As with anything in the immigration debate, there are complicated truths at work here. Many companies have operated with impunity in hiring and abusing undocumented low-wage workers, people who are all the more compliant because they are illegal. Like immigrants, good employers need a path to get right and stay right with the law. Current immigration law — with far too few visas and no path to legalization for the undocumented — does not provide one, and misguided state and local enforcement efforts simply layer on the confusion. They impose undue hardships on by-the-books businesses and reward the exploiters.

If the country is ever going to emerge from the immigration chaos that Congress bequeathed it last year, it will be because business interests — largely seen as AWOL in the bitter debate — finally joined the fight.