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Failure to prosecute and jail law-breaking employers is wasting \$\$ billions in the fight against illegal immigration

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DOGE take notice: By failing to prosecute law-breaking employers, the Trump Administration's blitzkrieg on illegal immigration is likely wasting more money than it has saved so far shrinking the entire federal workforce. The administration is spending billions on mass arrests, deportations, and troop deployment [hunting down](#) the little guys in the immigration drama while big guys profiting from illegal labor go about business as usual.

Though the nationwide dragnet makes for compelling reality TV, it is a massive waste of taxpayer dollars. Early [estimates](#) - including spending on logistical support, detention beds, and military support for transportation - put the bill somewhere between \$86 billion to over \$315 billion for a single year. These costs could be cut drastically if the government focused more on prosecuting companies and individuals that employ undocumented immigrants.

Unfortunately for US taxpayers and workers, going after employers has not been the American way. The federal government has had [authority since 1986](#) to criminally prosecute individuals and companies employing workers not legally in the United State, but it has rarely used that authority regardless of the administration in office. A one-year snapshot taken during Trump's first term found that no company was criminally prosecuted for having workers not authorized to be in the country, a Syracuse University [study](#) shows.

Workers enter the U.S. because they can make more money than in their home countries. They will keep coming as long as American companies hire them. American companies hire illegal workers because they can pay them less than US citizens, avoid benefit costs, and ignore workplace safety rules. Illegals are more captive than the domestic workforce. If they complain, they risk being fired and deported.

Unless the government increases the risks and costs of hiring illegals, many employers will continue to look the other way and the government will

continue rounding up “the usual suspects.” But flow of undocumented humans into the US will continue.

Congress and the administration could motivate employers to comply with the law more actively by making examples out of a few breaking it in every state. Larger fines, jail sentences, and publicized prosecutions of the worst offenders could reduce the government’s burden finding and rounding up millions of illegal residents. As I pointed out [a decade ago](#), many fewer illegals would come if employers had reason to be careful to avoid hiring them.

In a 2019 op-ed, law professor Jonathan Turley made [similar points](#) about how the dichotomy in enforcement against workers and employers undermined previous Trump efforts to control illegal immigration. “In the end, widespread arrests of undocumented persons does little, due to the simple realities of enforcement. We simply cannot jail millions of people or transport them all out of the country,” Turley wrote. “On the other hand, the number of major employers is far smaller and would be susceptible to deterrent policies of prosecution. It is possible to change the dynamic, but that would mean getting ‘a little rougher’ on the back end of the illegal immigration system.”

Ironically, dialing up penalties and prosecution of employers hiring illegals could impact prominent businesspeople including billionaire Elon Musk, who is leading the White House charge against excess government spending. A recent Bloomberg Businessweek [article](#) details how expansion of his Tesla and SpaceX operations in Texas relied on undocumented workers even as Musk “advocated for a border crackdown.”

The federal government also could require all employers to use “E-Verify” and make sure their subcontractors do. Since 2007, all federal contractors have been required to use E-Verify, launched in 1997 as a pilot program to prevent illegal aliens from obtaining employment in the United States. Some states have passed legislation making the system mandatory for certain businesses; others require all employers to use it.

E-Verify compares information from an employee's Employment Eligibility Verification Form I-9 to data from U.S. government records. If the information matches, that employee is eligible to work in the United States. If there is a mismatch, E-Verify alerts the employer and the employee is allowed to work

while he or she resolves the problem; they must contact the appropriate agency to resolve the mismatch within eight federal government workdays from the referral date. The program is free and operated by the Department of Homeland Security in partnership with the Social Security Administration. One can only hope that Trump/Musk efforts to chop down the size of the federal government do not hamstring this program.

Changing the equation to incentivize employers to help enforce, rather than skirt, the nation's immigration laws does not mean subjecting them to cruel and unusual punishment. No need to suspend billionaires and entrepreneurs in cages from a tower or use branding irons. It does mean applying and stiffening laws against hiring illegals and tax avoidance. Financial penalties, public shaming, and loss of contracts could be a start. If that isn't sufficient, start putting law-breaking employers in jail. They are lining their pockets by stealing jobs from American workers, both native born and those immigrating legally.

Karl Polzer is founder of the [Center on Capital & Social Equity](#), which explores inequality, capitalism and market dynamics, and advocates for the 'bottom 50%'.

Sources:

[How much will Donald Trump's mass deportation plan cost the US? – Firstpost](#)

[Noem debuts major anti-illegal immigration ad campaign: 'We will hunt you down' – Washington Examiner](#)

[Employers must be prosecuted to end the flow of illegal immigrants – The Hill](#)

[Can ICE Arrest Business Owners for Hiring Illegal Immigrants? - Visaverge](#)

[Criminal prosecution possible for employing illegal workers but enforcement is lax - Legal Dive](#)

[Elon Musk's Tesla, SpaceX Relied on Undocumented Immigrant Workers - Bloomberg](#)

[Let's Play Immigration Piñata - Center on Capital & Social Equity](#)