



Truman National Security Project

Reforming Immigration: A Strong Security, Pro-Immigrant Policy for Democrats

Executive Summary	1
Talking Points	2
Tough Questions and Answers	3
Introduction	5
Political Background	6
Policy Background	7
Pending Policy Proposals	10
Truman Democratic Policy Proposal	11

Appendix: Comparison of Current Policy Proposals

By: Betsy Cooper

April
2006

Executive Summary:

Because Republicans are sharply divided on immigration, their policies are ill-conceived, and the public is interested in the issue, immigration is a good topic for Democrats to address in 2006 and beyond. Republicans are misdirecting the discussion on immigration and security in three ways:

- The vast majority of immigrants in our country are not security concerns – they simply want to work towards the American dream. But not knowing who is in our country is a real security problem. Only a system that lets us know who is in our country will make us safer.
- The focus on the Southern border is not enough – even a 100% secure Southern border leaves us vulnerable in other parts of the immigration system – especially in our visa process.
- The focus on old-fashioned solutions such as walls and guards is misdirected, and will not meet the security problems we face. We need 21st century technology and smart systems instead.

Immigration is not just a security issue – people are also worried that immigrants are taking their jobs or changing their culture. Conflating these concerns with the pressing security issues of our day can lead to bad decisions that actually hurt our overall security.

Many of the current Republican proposals to reform immigration suffer from some common flaws.

- *Wasteful enforcement provisions.* Increasing the number of Border Patrol officers will do little unless we also focus on enforcement at the worksite and ensure the officers have the necessary information and technology to be effective at their jobs.
- *Unrealistic immigration proposals.* Requiring illegal immigrants to return home before they can apply is unrealistic and will simply leave immigrants evading the law, creating a security risk. Instead of leaving or coming clean, most will go deeper underground – leaving us with no visibility as to who is in our country.
- *Unsupported temporary worker plans.* We need a temporary worker program to keep our economy moving and prevent illegal immigration. But these programs will only work alongside strong enforcement to curtail illegal immigration.
- *Failure to address our real security problems.* While all of our money and focus is on the Southern border, our porous visa system was what the September 11 terrorists used to get in—and still remains the easiest way to get into the United States. Our Northern border is also ignored, although it is where we caught the millennium bomber on his way to bombing LAX airport.

Additionally, there are other needs that policymakers have been reluctant to talk about.

- *International cooperation.* Many current proposals rely on other countries to help manage the programs, but provide no way to encourage cooperation – especially with Latin America.
- *The integration of immigrants.* Americans are concerned with how immigrants are changing our society. No plans suggest integration programs to help immigrants learn about America and build stronger relationships with the communities they live in.

The Truman National Security Project proposes a four prong policy to secure our immigration system:

- **Strong Border and Interior Enforcement**, including better screening at our consulates, better technology (such as UAVs at our borders), and a more efficient screening system at workplaces.
- **A Temporary Worker Program** that registers immigrants already here while they are still in the US, but fines them heavily for being here illegally. New applicants must “pay to play”, with an up-front fee that funds the emergency services and local school districts they may use, to be partially returned upon legal exit.
- **A Path to Citizenship** that gives all permanent immigrants the possibility (but no guarantee) of citizenship if they have paid taxes, learned English, and followed our laws.
- **An Immigrant Integration Program** incentivizing private businesses and communities to offer English language courses, mentorship programs, and other provisions to build better immigrant-community relations.

Talking Points

Overall:

- Republican plans are worried about the visible and obvious. We are worried about the invisible and insidious – the terrorists who overstay their visas, the criminals who fake their documents. These are our real security threats.
- Immigration reform is needed to protect America from terrorism and restore the rule of law. We need to improve the system so we shrink the haystack, letting us focus our money and resources on finding the terrorists and criminals, not on tracking down and deporting immigrants who just want to work.
- Republicans are worried about short-term elections prospects, not the long-term future of our immigration system. They talk tough, but while 417 businesses were cited for illegal immigrant violations in 1999 under President Clinton, just one employer (Wal-Mart) was targeted by the Bush Administration in 2005, and only three were issued notices of intent to fine in 2004—though none were fined!
- Republicans want to throw money and people at the problem – but that will not solve it, and is fiscally irresponsible. We have tripled the number of border agents on the Mexican border over the last two decades, and increased our immigration enforcement budget tenfold—but the probability of catching an illegal immigrant has declined from 33% to just 5%! We need smart borders that use technology and deeper reform to achieve real security.¹
- Republicans are scapegoating immigrants. We are offering realistic, workable solutions with bipartisan support, to fix a broken system.

On Illegal Immigration:²

- Illegal immigration must be stopped. We must know who is coming into our country, and we need people to come in legally, and fairly. But make no mistake about it: legal immigrants have made our country great, and we believe in our hard-working legal immigrants.
- The vast majority of immigrants in our country – legal or illegal – are not security concerns. But *not knowing who is in our country is a key security problem*, because when we don't know who is in our country, we can't separate the average immigrant from the criminals and terrorists who want to do us harm.

On Temporary Work Programs:

- Illegal immigration hurts all American workers – it drives down wages and makes workplaces unsafe – and leads to worker exploitation. But we need and want hardworking people to legally come, and make our country strong. We will give illegal immigrants a choice – get right with the law, or face deportation. We will also give a tough choice to employers – stop using low paid illegal workers, or face stiff new fines. Both workers and employers will be offered a viable legal option: a guest worker program.

¹ CATO Institute, *Center for Trade Policy Studies*, 6/13/2005

² *Undocumented immigrants is the more value-neutral term for these immigrants; however, in political and popular contexts, including the Pew poll cited below, they are referred to as "illegal immigrants"- and it is the fact that they enter our country illegally that riles so many Americans. For that reason we will use the popular term here, while striving to create legal paths to welcome hard-working immigrants.*

- Not only will a temporary work program solve one key security risk by bringing illegal workers out of the shadows, but by having 11 million people pay a steep penalty, and future immigrants pay to play, we will have the financial tools to fix another key security risk – our porous borders.
- It is horrible to be an illegal immigrant. They are scared to go the hospital, scared to drive and get pulled over, scared of the government and of their employers who can turn them in – if people are given a legal way to get here and work, they will. A temporary worker program will provide an opportunity to bring these people out of the shadows, legally.

On a Wall:

- We need to secure the borders with 21st century technology – not a 20th century solution.
- America should not build the Berlin Wall in our own backyard. Building the Berlin Wall goes against all that we stand for – and it hurts our security by harming relations with the countries whose cooperation we need to deal with our immense and growing immigration problem. Moreover, any wall can be circumvented, as we have discovered many smuggling tunnels under our border.
- Walls encourage immigrants to go to even more remote entry points. From Oct 2004-Sept 2005, 460 immigrants died trying to come into America – often dying of thirst in the desert. That is not the America we want.

On Democrats and Immigration:

- Democrats, at our core, believe that our country grows stronger when we are a magnet for the best, brightest, hardest working people in the world to come and make our nation great. America has never been built on ties of blood and walls that keep out the world— we are a nation of progress, an energetic country built on the hard work of people willing to make the leap of faith that a better life can exist for themselves and their families if they come to our shores, work hard, and play by the rules. We increase America’s vitality and ability to remain on the cutting edge when we welcome enterprising people to our shores. We remain competitive by competing, not by closing ourselves off to outsiders. For our security, we must know who is in our country. For our success as a nation, we must provide legal paths for hard-working people to come, integrate, and contribute to our great country.

Tough Questions

Q: Why is it better to legalize illegal immigrants than to kick all of them out?

A: Our most important security concern is knowing who is in our country. So long as we have the world’s strongest economy, we are going to have people coming in, overstaying their visas or crossing our border – unless we give them a legal way to enter. And so many are already here that it is not feasible to kick them out – whole segments of our economy will stop in their tracks. Legal immigration is important because it lets us know who is in our country, and lets us keep the bad guys out. Also, it takes away the income source for coyotes – the criminals and gangs who threaten our country by smuggling people, drugs, and arms.

Q: Even if we legalize all the illegal immigrants, the terrorists and criminals will never register and get documented. Why should we bother?

A: We need to shrink the haystack so we can find the needles. By bringing illegal immigrants out from the shadows, we'll destroy the underground economy in which terrorists and criminals are tempted to operate, making them more visible. It will be easier for law enforcement to do their jobs if they're not busy chasing your local gardener, or busboy. Also, interestingly, it's not true that terrorists refuse to be registered – the 9-11 terrorists were here on legal visas, and the millennium bomber crossed into Washington state via a legal checkpoint.

Q: Why should unions support this proposal? Shouldn't these jobs be going to Americans?

A: Illegal workers are bad for unions – they lower wages, and reduce health and safety in all workplaces that use them. They allow employers to reduce the dignity of your job, and they price unionized workers out of work. Creating a guest worker program doesn't take jobs away from unions – it creates an equal playing field so that your wages and benefits aren't undercut. That's why the Change to Win coalition of unions backs these reforms.

Q: Why do businesses support this program?

A: Most businesses – from hotels to restaurants to farms – feel a real labor shortage, especially as our country ages. They need workers to keep the U.S. competitive and our economy strong. Meanwhile, law-abiding businesses know that illegal workers give those businesses willing to evade the law an unfair advantage. By making temporary workers available to all businesses, we can level the advantage and give every business an equal chance to succeed. Exploiting illegal immigrants will no longer be acceptable in the American economy.

Q: Do you support a fence or wall?

A: We support stronger immigration enforcement both at our borders, and at the workplace. But the walls that were put up in the 1990s didn't work – more people died, and are dying in our vast desert, but we actually caught a far lower percentage of illegal immigrants after the wall than before! We don't support any policy that kills people. That is why we want to improve our visa procedures and give our border inspectors better tools with which to do their jobs.

Q: How do you know all these new immigrants aren't going to change America/make Spanish our national language/etc?

A: Throughout our history immigrants have changed America – for the better. From Albert Einstein to Levi Strauss, many of our nation's great entrepreneurs have been immigrants. We had these same fears about Italians, Irish, Polish, and Jewish people only a century ago. With good integration and English-learning programs, there is nothing to fear from new immigrants and plenty to gain. Our country is stronger when we are a magnet for hard-working, enterprising people from around the world. We just need to make sure they come legally.

Q: Isn't your plan just an amnesty?

A: An amnesty is a get out of jail free card – but it's also a word that a lot of opponents slap on anything they don't like. We want to improve American security, and that means, first and foremost, knowing who is in our country. Those here illegally must pay a steep fine for breaking our laws, and new temporary workers will pay a fee to have the privilege of working in our country. A path to citizenship will be earned with hard work, tax paying, and learning the language. That's no amnesty.

A Strong Security, Pro-Immigrant Plan for Facing Illegal Immigration³

Introduction

While national security experts are focused on Iran, Iraq, and other hot issues overseas, most Americans are far more interested in something closer to home: immigration. They are worried about weaknesses in border security and the growing illegal immigrant population – and they’re speaking out about it. In fact, 51% of people think that reducing illegal immigration should be a top foreign policy priority.⁴ But Republicans, who are trying to use immigration as a wedge issue in the 2006 elections, have misdirected the debate on immigration and security in three ways.

First, immigrants themselves are not the security problem; illegal immigration is. Despite the attempts of various incendiary members of Congress to conflate illegal immigrants and terrorists, most immigrants are hard-working individuals who simply want to help their families. When people talk about immigration as a security problem, it means that they are worried that immigrants are criminals, or that our porous borders could be penetrated by terrorists. However, we must separate out the security issues in the immigration process from the immigrants themselves. Our broken immigration system has pushed many well-meaning and hard-working people to cross our borders illegally for work, creating channels that criminals and terrorists can exploit. The vast majority of immigrants in our country – legal or illegal – are not security concerns. But *not knowing who is in our country is a key security problem*, because we can’t separate the average immigrant from the criminals and terrorists that want to pervade our porous borders. It is for this reason (among many) that we need to fix our broken immigration system.

Second, focusing only on the Southern border will not solve the security problem. The Southern border is the most visible and obvious place where illegal immigrants can enter. Better, smart enforcement at our Southern border will certainly help us to make our country safer, as well as prevent more desperate migrants from dying in the desert. But while the Southern border has gotten our attention and our money, new vulnerabilities are developing every day. For example:

- Little attention has been paid to people who *overstay their visas* in the United States, though 25-40% of the illegal immigrant population is estimated to have originally entered the country legally and then overstayed.⁵
- By focusing enforcement at the Southern border, *the Northern border* has been heavily understaffed and overwhelmed – despite the fact that an Al Qaeda cell in Toronto has been busted after entering through the US borders,⁶ and the Millennium Bomber was caught crossing the Washington state border on his way to attack the Los Angeles airport.
- Also, to date the vast majority of individuals who have committed terrorist acts in this country were *temporary legal immigrants*, though many of them had tampered with their

³ The author would like to thank Jeremy Mayer of Americans for Strong National Security, Serena Hoy, and Deborah Meyers for their deep thought and assistance with early drafts of this paper. It is immensely better for their efforts, though all faults are the author’s own.

⁴ Pew Research Center for the People and the Press, *America’s Place in the World 2005: Opinion Leaders Turn Cautious, Public Looks Homeward*. November 17, 2005, http://www.cfr.org/content/publications/attachments/Pew-Americas_Place_2005.pdf.

⁵ Jeff Passel, “Undocumented Migrants: Numbers and Characteristics,” Pew Hispanic Center, June 14, 2005. <http://pewhispanic.org/files/reports/46.pdf>.

⁶ Stuart Bell, “CSIS: Terror Cell Busted,” *National Post*, November 3, 2005, <http://www.canada.com/national/nationalpost/news/story.html?id=aa8696a1-5a53-40ca-868a-3c8f6009581c&p=1>.

passports, visas, or made false statements to officers at the border.⁷ All of the September 11 terrorists entered the country on valid visas.⁸

Third, we need sustainable security, not short term fixes that make our problems worse. Our political security also requires cooperative relations with our neighbors – particularly in the south. And to prevent terrorism, we need to make sure that immigrant communities are willing and able to trust our law enforcement community and report terrorists and criminals without fearing they will be deported. We need immigrants in America to have relationships with our government based on legal status and a place in our communities, not fear.

Finally, despite the current rhetoric, it is important to remember that immigration is not only a security issue. It is only since September 11 that immigration has been discussed primarily from a security perspective⁹; there are many underlying fears that the new ‘security talk’ is covering up. Some Americans are also afraid that they are losing jobs to immigrants, both legal and illegal, and that the changing face of the immigrant population will change our culture. These emotions are valid, and this is an important debate – one that we have engaged in many times over the history of our country, as we try to align our history as a nation of immigrants with the interests of our local communities. But it is dangerous to conflate these crucial issues with the pressing security concerns of our day.

Americans must stand against illegal immigration – it is an assault on our security and our sovereignty. We need to know who is in our country to be able to keep criminals and terrorists out. But we are a country of immigrants. For the sake of this country’s commitment to our own values, a strong economy, our role as international leaders, and our long-term security and vibrancy, we must be pro-immigrant. And Democrats are the best equipped to create a new, smarter immigration policy, one that embraces our history as an immigrant country, while making our borders and communities more secure.

Political Background

From the Know Nothing Party of the 1800's to the resurgence of an anti-immigrant Ku Klux Klan in the 1920's, a strain of the American public has always opposed immigration. It is our virtue as a country that over our history we have rejected these nativist sentiments. But they are making inroads again, this time on the right wing of the Republican Party.

Do not be deceived – this new wave of the anti-immigration movement is not a grassroots operation. It is almost exclusively the brainchild of two men: Congressman Tom Tancredo, chairman of the Congressional Immigration Reform Caucus, and financier John Tanton, who has founded at least thirteen anti-immigration organizations, including the often-cited NumbersUSA, the Center for Immigration Studies, ProEnglish, and the Federation for American Immigration Reform (FAIR).¹⁰ And these men are not exactly paradigms of American values. Tancredo has

⁷ Janice Kephart, “Immigration and Terrorism: Moving Beyond the 9/11 Report on Terrorist Travel,” *Center for Immigration Studies*, September 2005.

⁸ *Terrorist Attacks Upon the US, 9/11 and Terrorist Travel* (Washington, DC: National Commission on Terrorist Attacks Upon the US, August 21, 2004).

⁹ “Prior to September 11, while there were efforts to enhance border security, no agency of the US government thought of border security as a tool in the counterterrorism arsenal.” *Id.* preface.

¹⁰ Southern Poverty Law Center, “The Puppeteer,” *Intelligence Report*, Issue 106, Summer 2002.

stated that “if Western civilization succumbs to ... multiculturalism, I believe we are finished,”¹¹ and Tanton’s FAIR accepted approximately \$1.2 million over a ten year period from the Pioneer Fund, an organization founded to achieve “racial betterment” which has been described in the media as “neo-Nazi.”¹² Another big player in the Congress, House Judiciary Committee Chairman James Sensenbrenner, is keen to attach his name to any proposal related to border security – he delayed the passage of the 9-11 Commission Bill until Congress promised to pass anti-immigration measures (the REAL-ID Act) this term.

Many Republicans align themselves with the more moderate pro-business wing of the immigration debate, but as the Tancredo line gains ground (his caucus membership has expanded from ten members before the September 11 attacks to 91 members in the 109th Congress), the rift is becoming more distinct – and contentious. As the *National Review*’s David Frum has warned, “No issue, not one, threatens to do more damage to the Republican Party or the president than immigration.”¹³

The political complexity of immigration cannot be overemphasized. Americans are very ambiguous on immigration, “on the one hand reveling in the nation’s immigrant past and on the other rejecting much of its immigrant present.”¹⁴ But in part, this is because neither political party has taken a clear position on the issue or come up with a meaningful platform for reform. Democrats must learn one key lesson from the Republican Party – not to split hairs on immigration reform. Our party must answer the public’s call for better immigration enforcement – but also create good policy that is realistic, enforceable, and humane.

Policy Background

The debate over temporary and permanent immigration to the United States is far from new. The mixed results of several key programs over the course of our country’s history have contributed to the ambiguity with which we now approach immigration policy.

The Bracero Program was the first seasonal work program with Mexico initiated to meet the US food supply needs during World War II. The popular program, which ran from 1942-1964, tried to ensure the workers’ return by having the Mexican government withhold ten percent of their wages to be released upon their return. However, because immigrants were tied to one employer, the program led to abuse and exploitation, including poor working and living conditions.¹⁵ These and other problems eventually led to the program’s cancellation. Meanwhile, Mexico managed the withheld funds and failed to return them to the workers.¹⁶

¹¹ In the interview, Tancredo also recommends NumbersUSA and FAIR as good sources for immigration information. John Hawkin, “An Interview with Congressman Tom Tancredo (R-CO),” *Right Wing News*. <http://www.rightwingnews.com/interviews/tancredo.php>.

¹² *London Sunday Telegraph*, December 3, 1989.

¹³ David Frum, “GOP, You Are Warned,” *National Review*, January 10, 2005.

¹⁴ Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882*, New York: Hill and Wang, 2004.

¹⁵ David Bacon, “Fast Track to the Past: Is a New Bracero Program in our Future,” August 8, 2002, <http://dbacon.igc.org/Immigrants/17FastPast.htm>.

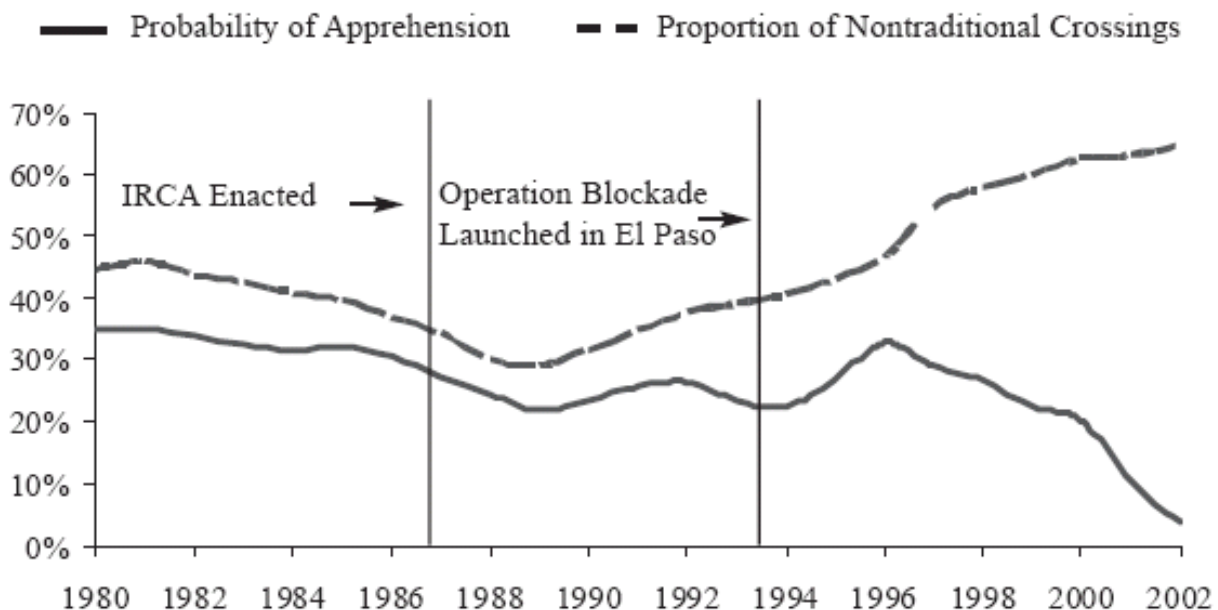
¹⁶ Doris Meissner, “US Temporary Worker Programs: Lessons Learned,” *Migration Information Source*, March 2004, <http://www.migrationinformation.org/Feature/display.cfm?ID=205>.

Today the United States has a number of temporary worker programs which admit about 250,000-300,000 immigrants into America each year—far, far less than the numbers demanded by our economy. Moreover, most of these spots are designated for highly skilled, specialized workers and annual quotas limit their availability by country, further reducing legal entry channels for needed unskilled labor.¹⁷ It's no surprise, therefore, that the illegal immigration population has been growing. The United States has a back-and-forth relationship with these illegal immigrants – we depend on their relatively cheap labor to support our economy, but are concerned about the security and other problems an undocumented population creates. Because mass deportation is financially and practically infeasible, and the sudden elimination of the undocumented workforce would be hazardous to our economic growth, the United States has instead relied upon legalization programs such as the 1986 Immigration Reform and Control Act (IRCA) to bring illegal immigrants out of the shadows.

President Reagan's IRCA contained a three-tiered plan: a variety of legalization programs for the illegal population, stronger border enforcement (including a 50 percent increase in Border Patrol staff), and sanctions for employers who 'knowingly' hired illegal immigrants.¹⁸ If this sounds familiar, it should – the goals and policies contained in IRCA are very similar to those being proposed today.

But IRCA did not work. The policy had no provisions to deal with a future flow of illegal immigrants; it assumed that border enforcement alone would solve the problem – and it was

Trends in Use of Nontraditional Crossing Points and Probability of Apprehension, 1980–2002



Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002), pp. 107 and 128; and computations by the author using Mexican Migration Project data.

¹⁷ *Id.*

¹⁸ Betsy Cooper and Kevin O'Neil, "Lessons from the Immigration Reform and Control Act of 1986" *Independent Task Force on Immigration and America's Future*, Migration Policy Institute Policy Brief No. 3, August 2005.

wrong.¹⁹ Employers evaded sanctions because the program was poorly funded and allowed them to accept any document that appeared genuine. And border enforcement was ineffective – it just led immigrants to abandon traditional crossings for hard-to-find entry points. The result: more illegal immigrants crossed into America following IRCA than before, and they crossed in the Sonoran desert and other nontraditional crossings – leading to far more immigrant deaths, and a far lower probability of apprehension.

Since IRCA, we have had an increase in illegal immigration—from 3 million to 11 million illegal immigrants. President Bush’s concessions to the right wing’s desire for an “enforcement force” have worsened the problem. Undocumented immigrants, especially those who used to come here for agricultural work, and then go back home during the off-season, now stay out of fear that they won’t be able to get back. Meanwhile, illegal immigrants are no longer primarily employed in agriculture, but work in many industries across the country. They are crucial labor in restaurants, hotels, meat-packing plants, poultry plants, and many other industries.

What lessons can we take from our history with immigration? There are a number of key elements that need to be reconciled in any new immigration policy:

Illegal Immigration: *Does the proposal provide a feasible and thorough way to bring current illegal immigrants out of the shadows and into the legal process? How will this proposal make our country more secure?* Proposals that secure the border alone have not only proven to be ineffective, but do nothing to deal with the 11 million illegal immigrants already in our country. To deal with those immigrants, there must be a balance between carrots such as legalization, to coax them out of the shadows, and penalties.

Enforcement: *Does the proposal deal with enforcement both at the border and in the interior of the United States? Is it sufficient to deal with the illegal immigrant population, both today and tomorrow?* Adding more Border Patrol agents alone won’t stop the flow of illegal immigration. We must attack the enforcement problem from all angles, including rechannelling illegal immigrants into legal paths, and punishing employers who employ illegal immigrants – not just closing off the border.

Strengthening Our Economy: *Does the proposal provide enough immigrants with access to our labor market to ensure the robust and continued growth of our economy?* We must create a realistic legal immigration system to accommodate the needs of our economy, and bring people out of the shadows of the informal economy in which many illegal immigrants operate.

Securing the Legal Immigration System: *Does the proposal take into account other security weaknesses in our immigration system, including the Northern border, visa overstays, and the screening of legal immigrants?* We are in danger of being unable to see the forest for the trees – by placing so much emphasis on our Southern border, we are ignoring the crucial entry points that terrorists have already exploited to enter our

¹⁹ This policy was even more preposterous given that the largest legalization only accepted persons who could demonstrate that they arrived in the United States on or before January 1, 1982. The program was not implemented until 1987, meaning that five years’ worth of illegal immigrants were unable to legalize – creating many problems, including ‘mixed-status’ families. *Id.*

country. Our overriding goal must be to improve security – not to punish immigrants or offer band-aids that look good but don't do the job.

Values Driven Policy: *Does the policy respect American values, including our commitment to humanitarianism, respect for diversity, and role as international leaders?* While a solution like “building a wall” may seem simple and easy, we risk belittling the basis values of our country and undermining the foundations of our democracy. America is not the kind of country that builds the Berlin Wall in our backyard. It is bad policy: it will not stop the real problems of illegal immigration, and will spread animosity with countries whose help we need to really stop the flow of illegal migrants. But equally crucial, it is simply un-American. Our country's symbol is Lady Liberty, welcoming those who come to our shores wanting to work hard and achieve in a land of opportunity – not the Berlin Wall.

Pending Policy Proposals

A number of proposals are currently on the table for immigration reform, frontlined by the Sensenbrenner bill which passed the House on December 17th. (See Appendix A).

The bipartisan McCain bill is a good piece of legislation, which is closest to the Truman policy suggestions; however, where it is strong on other aspects of immigration reform, it lacks substantial enforcement provisions. The other current efforts to reform immigration policy, particularly Republican bills, are worse – they are marked by a lack of originality and suffer from some common weaknesses.

- *Wasteful enforcement provisions.* All the proposals call for an employee verification system, and many provide for large increases in immigration enforcement staff at the border. But none offer concrete proposals to make those staff effective at their jobs.
- *Underfunding overworked local law enforcement – a sure recipe for failure:* Some of the new programs place the impetus for enforcement on our already overworked state and local enforcement to double as immigration officers – making it even more difficult for them to do their jobs.
- *Unrealistic illegal immigration proposals.* The Senate bills provide for a temporary worker program for illegal immigrants. However, the Republican bills require illegal immigrants to return home before they can apply. It is a rather lofty expectation to assume that 11 million people will return home to apply for a temporary visa with no promise that they will have the opportunity to stay more permanently if they so wish)
- *Unsupported temporary worker plans.* Unless these first two problems are fixed, a temporary worker program is doomed to failure.

In addition, a number of important issues are not at all addressed in any of the proposals:

- *Visa overstays and screening.* While all of our money and focus is on the Southern border, the visa system was what the September 11 terrorists used – and still remains the easiest way to get into the United States.
- *International cooperation.* Because our borders are, by definition, globalized locales where two countries meet, our government already relies on cooperation with other countries, such as with the Smart Border Accords between the U.S., Canada, and Mexico. Even so, the latest reform proposals provide no incentives other than development aid for

this continued compliance, nor mechanisms to ensure that the security of our immigration system is obtained.

- *Special needs of Latin America.* Fundamentally, illegal immigration is a Latin American problem. Yet, current immigration law restricts any country from sending more than 7 percent of our permanent immigrant population, leading to huge backlogs for people waiting from countries like Mexico. What will ensure that Mexicans won't get tired of waiting 20 years for their green card – and go back to being illegal?
- *Protecting Birthright citizenship.* Our founding fathers endowed us with a constitution that ensures that everyone who was born on American soil has United States citizenship. Birthright citizenship is not only a cornerstone of our history – it ensures that we do not create a permanent underclass of illegal residents which threaten our security, as has recently occurred in France and throughout Europe.
- *The integration of immigrants.* Immigration isn't just a security issue – people are also concerned with how immigrants are changing their communities and broader American culture. We also need to help our immigrants learn English and integrate into our communities to prevent them from being exploited, and enable them to make the most of the opportunities America offers. Yet, the United States still has no formal immigrant integration program or clear policies to help immigrants and the communities they live in build stronger relationships.

The Truman Democrat Policy Proposal

To make our country secure, keep our economy competitive, and protect our rich immigrant heritage, America must pursue four courses of action to improve our immigration system

I. Secure the Border and Interior

The first step of any immigration reform proposal must be to secure our lax immigration system. Our porous dangerous borders and uneven enforcement of immigrant labor laws are significant security risks. However, such policies must be practical in the short as well as long term. No matter how good our technology or substantial our investments, a secure border will not be achieved overnight. And we cannot forget that enforcement at the workplace and the security of our visa system are just as important as the border itself.

***WHILE ABROAD:*²⁰**

Create a Secondary Inspection System at Consulates. The average consulate interview lasts six minutes; in that time, the consular officer (who are usually only in their first or second year of the Foreign Service) has far too many decisions to make. Junior officers should be given better training, and experienced consular officers should be available to take on the most difficult applications and perform rigorous interviews; not just to spot check junior officers.

Create a Single, Working Terrorist Watch List. When President Bush moved the visa policy and security process to the Department of Homeland Security, he started a turf battle that has harmed our security. We need one terrorist watch-list accessible across agencies, updated, and

²⁰ The author made similar recommendations with coauthors Stephen Yale-Loehr and Demetrios Papademetriou, *Secure Borders, Open Doors: Visa Procedures in a Post-September11 Era*, Migration Policy Institute

accessible whenever anyone applies for a visa, anywhere, as well as trained officials specializing in visa security and fraud prevention made available to every Consulate and border crossing post.

Get Information Quickly and as Far Away as Possible. The more information we can collect on visa applicants, and the further away we can keep potential security threats from our soil, the better protected our borders will be. We must:

- Expand the number of airports where full immigration inspections can be performed abroad, before travelers even get on a plane.
- Install an electronic application system such as the one proposed by DHS as quickly as possible, so that staff at the borders have access to the full visa application and all the information provided by the applicant.
- Make sure that all countries whose residents are allowed to travel to the United States without a visa are fully cooperating with us, including by sharing terrorism-related intelligence.

AT THE BORDER:

Expand Border Patrol By At Least 10,000 Agents in the Next Five Years. We agree with Republicans that the Border Patrol needs to be expanded, and fast, to have a chance to slow the illegal immigrant flow. More people alone will not stop the problem—but it is one important component of the solution. We also need to assure that among these agents are specialists at each border checkpoint, trained in passport security and fraud prevention.

Invest in Smart Border Enforcement. Republicans are using 20th century solutions, for 21st century problems. We want smart borders. We cannot just grow the Border Patrol indefinitely; they need better tools to do their jobs. We can start by disaggregating the border terrain and placing more people at the most vulnerable spots – which are not necessarily the ones the media harps on. The Northern border is too cold and remote to patrol adequately – but needs to be watched equally. The Border Patrol also needs access to the tools and technologies of our security agencies, including the NSA, CIA, and FBI. We should also make use of smart technology, like unmanned aerial vehicles, to catch those crossing illegally. And finally, we should give equal support to officials who work at ports of entry (a group separate from the Border Patrol) – they are our first line of defense against terrorist entry.

Make U.S.-VISIT Work. Right now, we not only don't know who comes into our country – we don't know who leaves. President Bush spent millions on the US-VISIT program to collect fingerprints and photos of every person who enters the US. Even so, five years after September 11, we still only track who enters – not who exits our country. Tracking illegal immigration needs to be done at entry *and* exit, but in a way that won't create backlogs at our borders. And we also need to ensure that the existing system can actually match fingerprints and interface with other government terrorist and criminal watchlists – a problem it has had in the past.

Reject Unworkable Ideas Such as Militarizing the Border. Our military has plenty of crucial priorities, including fighting terrorists in Afghanistan and fighting a war in Iraq. Militarizing our vast and expansive borders would waste the skills of our already overtaxed armed forces, and our military lacks the knowledge and specialized training to deal with immigrants and immigration issues. Worse, it would send the message that the United States is no longer open to immigrants, but views them as a threat worthy of military force. The same can be said for arming civilian populations along the border or building a wall across it. Not only are such measures impractical

in the long term, but they are un-American. Meanwhile, they threaten our relationship with immigrant sending countries, particularly in Latin America. Our only long-term solutions require the assistance of these sending countries.

IN THE INTERIOR:

Real Enforcement at the Workplace. Once a temporary worker program is enacted, employers will have no excuse to exploit illegal workers. Employers should be allowed an adjustment period to help their workers become legal – then the government should ensure enforcement with increased patrols and real inspections. Temporary workers should be issued smart IDs with biometric data, which would provide a more certain means of ensuring workplaces hire legally.

Reform the Interior Enforcement Agency. Immigration and Customs Enforcement (ICE) is chronically underfunded and unable to do its job. Yet time and again, Republicans have balked at reforming this besieged agency. ICE should be combined with Customs and Border Protection (the agency that performs border inspections), creating one integrated immigration enforcement agency, and taking the pressure off of local law enforcement to do what should be a federal immigration officials' jobs.

II. Temporary Worker Program

Enforcement can only protect us for the future, not address the immigration and security concerns that already exist. Secure borders alone will not help us decide what to do with the millions of undocumented immigrants already within our borders. As long as jobs exist here and not in home countries, immigrants will continue to come – if not by crossing the border, than by overstaying a visa. Thus, our national security is contingent on a *viable* plan – one that does not provide an amnesty – to stop the illegal immigrant population while enabling future, legal, workers to come. Fundamentally, illegal immigrants must “pay to play.” We must:

Give Illegal Immigrants Access to a Temporary Worker Program. Our security depends on identifying illegal immigrants. If they come here illegally to work, we won't be able to identify them. It's as simple as that. Up to 71 percent of Mexican illegal migrants would participate in a temporary worker program that eventually required them to return to Mexico.²¹ But they also must be able to register while in the United States and maintain their current jobs; few illegal immigrants will risk their employment status and leave this country without being assured they can go back to work.

Do Not Give Illegal Immigrants Amnesty. Any temporary work program must impose strict penalties of \$3,000-5,000 per individual to enroll in the program – amounts similar to those charged by coyotes. Current illegal immigrants should pay this penalty to register. New immigrants would be charged the sum as a fee for entrance. The money immigrants pay will be used to fund the hospital services and local school districts immigrants use. Part of the fee should be repayable to the immigrant if they leave the country on time.

Meanwhile, future illegal immigrants should be made ineligible to immigrate to this country. Studies suggest that at least 30 percent or 3+ million people would not come forward for a temporary program. And many of those who would register might still revert to undocumented

²¹ Roberto Suro, “Survey of Mexican Migrants, Part One: Attitudes about Immigration and Major Demographic Characteristics,” Pew Hispanic Center, March 16, 2005.

status after their temporary status expired. Once we have created a functioning temporary worker program, we expect it to be used. Our borders should only be open to those who follow our laws.

III. Providing a Path to Legality

A temporary worker program is only a partial solution to the undocumented immigrant problem. We must also offer a realistic legal immigration system. We must:

Give All Immigrants the Possibility to Eventually Become Full, Legal Members of US Society. While all temporary workers help America, those truly committed to our way of life should ultimately be eligible to apply for citizenship in this country. Thus, a points system to earn citizenship should be created, and those who learn English, participate in the community, abide by our laws, and already have family members who are citizens should be given priority.²²

Remain Competitive for Highly Skilled Work. While low-skilled workers are needed in the labor force, and are more likely to take risks to enter our borders illegally, we also must not forget the importance of highly skilled immigrants. Many foreign graduate students have opted to study elsewhere. International corporations are setting up headquarters abroad. Losing highly skilled immigrants weakens our economy and competitiveness over the long term. As the international and commercial center of the world, the United States should create new visa programs that encourage the best and brightest of the world's population to come and stay here, and better facilitate the entrance of current applicants.

Acknowledge the Special Needs of Latin America (at least in the short term). All countries are capped at the number of legal immigrants they can send to the United States. No country can send more than 7 percent of the total US immigrant population for the year – meaning that the cap for Mexico is the same as the cap for Burkina Faso. This policy ensures that hundreds of thousands of workers in demand will not be able to legally migrate to America. To stop illegal entrants, short term immigration quotas should reflect our special relationship with Latin America, and DHS should dramatically reduce the tremendous application backlog that already exists.

IV. Integration.

Americans oppose immigration not just because of security concerns, but because they fear immigration could change the language and culture of our nation, or take away their jobs. These are valid concerns that have been part of the American conversation for centuries. However we want immigrants who live here to belong to our communities and join the American dream not to fear us.

Most Americans have multiple identities. They respect and celebrate their heritage as immigrants, but prioritize being Americans first and foremost. To help immigrants take a similar stake in the future of our country, the United States must institute a proactive integration policy. We must:

²² Demetrios Papademetriou has proposed one such system, through which immigrants who can obtain a certain percentage of points based on a number of criteria would have the chance to get permanent status after spending 3-5 years in a temporary worker program. See "Reflections on Restoring Integrity to the US Immigration System," Independent Task Force on Immigration and America's Future, Migration Policy Institute Policy Brief No. 5, September, 2005. http://www.migrationpolicy.org/pubs/Insight_Sept05_5.pdf

Create a Formal US Plan for Immigrant Integration. Such a plan should include incentives for immigrants to learn English and gain civics and history training to make them knowledgeable and empowered future citizens of America. Religious organizations, nonprofits, and businesses can be encouraged to offer these programs – and should be encouraged to do so with respect for immigrants’ first identities, encouraging them to blend these into their new American home.

Require Permanent Immigrants to Learn English. It is a hazard to our security, and to their own safety, to have immigrants living here who cannot communicate with us. We need to give immigrants access to language courses that combine practical on-the-job language needs with daily conversational skills. Making language and civics knowledge requirements for citizenship or part of an extended temporary worker program will encourage nonprofits and businesses to offer these courses, and immigrants to invest the time to take them.

Helping immigrants integrate is the best way to help immigrants take advantage of the American dream and avoid exploitation. It is good for their safety for them to be well-integrated into their communities, and not afraid of our government. We do not serve immigrants by forcing them to remain in walled-off worlds of their own. America is stronger, and immigrants are safer, when we are one country.

Conclusion

With each generation of immigration, a struggle has ensued over our economy, over our values, and over our fundamental character as a nation. It is no coincidence that each time, immigration, the perennial call to the American Dream, has continued to win support. Our generation’s challenge is national security. Truman Democrats recognize that Americans need a secure, effective, and credible immigration system – one that can protect us from the evils of terrorism, and strengthen our economy against global competition. However, we also realize that immigration is fundamental to our nation’s character. Our society is built on the foundations of immigration and the strengths of multiculturalism. Fear, racism, and discrimination can undermine those pillars.

Because Democrats recognize the historical importance of immigration to this country, they are best equipped to lead a unified charge toward immigration reform. Furthermore, as the Republican divide on immigration continues to grow, the issue offers tremendous promise to make gains in the 2006 elections. Democrats must not back down from taking a hard stance on illegal immigration. We must secure our borders, bring the undocumented out of the shadows, and realign our immigration policies to match with 21st century realities. And we must do so while welcoming legal immigrants to our shores. Our nation’s security, and our nation’s values, are on the line.

Appendix A: Selected Provisions of Major Immigration Reform Proposals (as of mid-February 2006)²³

	President Bush's Proposal	Cornyn-Kyl (S. 1438)	Kennedy-McCain (S. 1033)	Specter (Chairman's Mark)	Sensenbrenner (HR. 4437)
<i>Current Status of Proposal</i>	-	-	-	Due for consideration in March 2006	Passed in House of Representatives
DEALING WITH THE ILLEGAL IMMIGRANT POPULATION					
<i>How to Bring Illegal Immigrants Into the Formal Labor Market</i>	Have access to guest worker program, but must leave the United States to apply.	Can stay in the United States for up to five years. Provides incentives for immigrants to leave earlier through increased fines and reduced access to guest worker program.	Can apply for a temporary visa (H-5B) specifically designated for illegal immigrants for up to five years.	Can apply for a temporary visa (H-2C).	-
<i>Requirements for Program Enrollment</i>	-	Must have been in the United States for at least a year; pay \$2000-\$5000 fine, depending on how long after the act passes they stay.	Pay a \$1000 fine, processing fees, and undergo background check; prove prior work history and continuing employment.	Pay \$500 processing fee, undergo medical exam and background check, show proof of employment, and pay back taxes	-
<i>Opportunities for Permanent Residency</i>	-	No – though they are not penalized if they apply to future temporary and permanent immigration programs.	Yes – after enrolling in the temporary program for six years and paying an additional \$1000 in fines.	No – though they are not penalized if they apply to future temporary and permanent immigration programs.	-
TEMPORARY WORKER PROGRAM					
<i>Type of Temporary Worker Program</i>	-	New W visa category	New H-5A visa category	New H-2C category	-
<i>Eligibility of Illegal Immigrants</i>	Illegal immigrants can apply without going back to their countries. If they enter	Illegal immigrants must go back to their countries to apply. They also can be prevented from entering the program for ten years if they do not leave the country.	Illegal immigrants can apply without going back to their countries.	Illegal immigrants can apply without going back to their countries.	-
<i>Requirements for</i>	Pay a fee; prove	Pay a \$500 fee; security and	Pay a \$500 fee; security and	Pay a \$500 fee; security	-

²³ The House passed the Sensenbrenner bill in December, and the Senate is expected to consider the Specter bill beginning in February 2006.

This chart is intended to give an overview, and is not comprehensive. For more details on the Bush, Cornyn-Kyl, and McCain-Kennedy proposals, see Eliot Turner and Marc R. Rosenblum, "Solving the Unauthorized Migrant Problem: Proposed Legislation in the United States," Migration Information Source, September 2005, <http://www.migrationinformation.org/Feature/display.cfm?ID=333>. This piece includes a more thorough side-by-side comparative chart. For more details on the Sensenbrenner bill, see Julia Gelatt, "House Passes Enforcement Bill Lacking Temporary Worker Program," Migration Information Source, January 2006, <http://www.migrationinformation.org/USFocus/display.cfm?ID=367>. For more information on the Specter Chairman's Mark, see Julia Gelatt, "President Bush Pushes for Increased Enforcement and a Temporary Worker Program," Migration Information Source, December 2005, <http://www.migrationinformation.org/USFocus/display.cfm?ID=363>. The draft Specter bill was released in late February, and a preliminary assessment of its provisions are included here.

Program Enrollment	employment opportunities	background checks; ensure that the sending country's government has agreed to work with the United States to facilitate return migration.	background checks; provide cooperative international programs for economic development in sending countries	and background checks.	
Length	Three year renewable visa; no specified limit	Two year renewable visa with at least one year in between each renewal; six year maximum	Three year renewable visa; six year maximum	Three year renewable visa; six year maximum	-
Opportunity to Adjust Status	No, but is not prevented for applying for permanent status through existing channels while in the temporary worker program	No, but is not prevented for applying for permanent status through existing channels while in the temporary worker program	Yes, after six years in the program or with employer sponsorship	No, but is not prevented for applying for permanent status through existing channels while in the temporary worker program	-
ENFORCEMENT PROVISIONS					
Border Enforcement	-	Authorizes increase in Border Patrol by 10,000, and other immigration agents and officials by 7,500 new employees.	Requires a DHS strategic plan, better coordination with Mexico, and the use and development of new technology	Increase the number of immigration agents by 4,500 and improve technology at the border	Build a fence along the Southern border in parts of California and Arizona;
Worksite Enforcement	-	Mandatory participation in Social-Security based electronic verification system; doubles penalties for employers; authorizes 10,000 new personnel for worksite enforcement	Mandatory participation in Social-Security based electronic verification system; doubles penalties for employers;	Mandatory participation in Social-Security based electronic verification system; adds at least 3,000 employees annually for worksite enforcement	Mandatory participation in based electronic verification system; raises minimum fine for employers from \$250 per illegal worker to \$5,000.
Legal Mechanisms	-	Clarifies role of state and local law enforcement, including requiring authorities to report immigration violations to the immigration authorities; increases penalties for smuggling and document fraud.	Requires DHS to create a plan with state and local authorities to combat human smuggling.	Allows state and local law enforcement to identify, detain, and transfer illegal immigrants to the immigration authorities; increases penalties for smuggling and document fraud.	Makes unauthorized status a felony rather than a civil crime; clarifies role of state and local law enforcement, including allowing them to enforce immigration law; increases penalties for smuggling and document fraud.
Expedited Removal and Detention	-	Adds 10,000 beds for detention; expands expedited removal to the entire Southern border	-	Expands the use and length of detention.	Requires the detention of all non-Mexicans apprehended at the Southern border; expands expedited removal to anyone within 100 miles of the border less than 14 days
Other	-	-	-	Expands visa caps for skilled workers.	Eliminates the Diversity Visa lottery program

The Truman Paper Series

The Truman National Security Project is dedicated to creating a Democratic Party with a strong, smart, principled national security stance that sets the terms of the U.S. foreign policy agenda.

Truman Democrats are united by a shared set of values and a shared commitment to America's national security. The policy views expressed in this document are those of the author and do not necessarily represent the policies of the Truman National Security Project itself.

About the Author

Betsy Cooper a Clarendon Fellow at Oxford University's Refugee Studies Centre , is a consultant for the Migration Policy Institute in Washington and the World Bank. She has compiled best practices of immigrant integration policies for the Dutch Presidency of the European Union, edited two volumes for the Hellenic Immigration Policy Institute, and is currently working on a literature review on social integration for the OECD. Cooper's recent publications include *Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era*, and a survey of lessons from the 1986 Immigration Reform and Control Act. Betsy has been a Truman Scholar and a Rotary Ambassadorial Scholar, and graduated from Cornell University.

