



# BACKGROUND

*To embrace and uphold our tradition as a nation of immigrants.*

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## Comprehensive Reform of Our Immigration Laws

### **Introduction: Symptoms of a Broken System**

Any look at the nation's immigration policy reveals a system greatly in need of reform. Outdated policies keep American families separated from loved ones in other countries. Employers, faced with an insufficient pool of legal workers, increasingly rely on hard-working but unauthorized workers. Immigrants trekking through remote desert territory to gain entry to the U.S. die from the heat and lack of water. The rights of American workers are undermined when unscrupulous employers have their way with unauthorized workers who risk deportation if they stand up for their rights. Our enforcement personnel, who should be focused on security threats and criminals, are burdened with the task of chasing farmworkers, busboys, and nannies. States and communities, in the absence of federal action to fix the broken system, must figure out on their own how to deal with a growing undocumented population. The frustration of the American people grows as politicians, rather than solving the problem, play politics with the issue.

For more than two decades, American policy makers have taken the approach of spending ever greater sums of money trying to enforce our broken immigration laws. This approach simply has not worked. It has been the failure to face economic and social realities, not failure to provide enforcement resources, that has led to the current chaotic, deadly system. We need a new approach to managing migration, one that recognizes reality and regulates it effectively; an approach that will make the immigration flow safe, orderly, and legal instead of deadly, chaotic, and operating outside the bounds of the law.

### **The Problem: Our Immigration Laws are Broken**

Currently, there are estimated to be more than twelve million immigrants here without legal papers. Each year, an estimated 300,000 or more join that population. These people are coming here to work, to join family members, or both. Many ask: why don't they just apply to come legally? Some Americans believe that good laws are being violated by bad, selfish, impatient people. That point of view, however, may come from the misunderstanding that legally immigrating to the United States is a relatively easy process. In fact, people trying to come here to work or join family find themselves caught in a hodge-podge of outdated immigration laws and a famously inept and unpredictable immigration bureaucracy. Many rational people are making the decision to risk being in the U.S. illegally in order to work and make money at abundantly available jobs in the U.S. These are not bad people violating good laws; they are rational people making difficult choices to improve their lives and assist their families.

In the decade and a half since our immigration laws were last updated, the number of immigrant visas available has remained static, while the demand has grown—from American families seeking to reunite with loved ones in other countries and from American employers seeking workers. Waits can be as long as 22 years for some categories of immigrants in the family preference system. Faced with years or decades of waiting to reunite with family members, some immigrants attempt to enter the U.S. illegally or use temporary visas for permanent immigration.

Those coming for work face similar obstacles to coming here legally. America's economy and demographic shifts demand more workers, while our economic ties to Latin America and the rest of the

world provide the economy with reserves of willing workers desiring nothing more than honest work and honest pay. However, there are very few visas available for immigrants to come here and work if they don't have particular skills—only 5,000 per year. Meanwhile, our economy has been absorbing hundreds of thousands. A father seeking work so he can make a better life for his family must choose to wait in a decades-long line or risk capture, humiliation, second-class status—and even his own life—in order to provide for his family.

The disconnect between the need for worker and family visas on the one hand, and what our immigration system provides on the other, has serious consequences not only for immigrants, but for the country as a whole. A black market for fake documents has grown tremendously. Smuggling cartels have become big businesses, with smugglers becoming more violent as the stakes have grown. The rights of American workers are undermined when there are so many unauthorized workers in the workforce fearful of deportation, as unscrupulous employers are able to use this fear to limit the rights and undercut the wages of all workers. In the context of the threat of terrorism, policies that drive the undocumented further underground will have enormous consequences for our ability to detect and deter terrorism. If our enforcement continues to focus primarily on immigrant workers, and our economy demands more workers than we allow in legally, our ability to detect and act against terrorists will be diminished.

Immigrants want to follow the rules and would choose to immigrate legally if that were a realistic option. The question for us then becomes, should we continue to restrict immigration ineffectively or should we embrace reality, update our laws, and manage immigration effectively?

### **Solution: Comprehensive Immigration Reform**

We cannot solve our immigration problems through enforcement alone. We must step back and re-think our immigration system, and make the changes we need to effectively focus our enforcement resources on fighting terrorism and criminals, satisfy the needs of our economy for workers, and give American families the opportunity to be united with immigrant members in a timely manner.

Reform that will make our laws more realistic, so they can be effectively enforced, must adhere to the following principles:

- **It Must Provide a Path to Citizenship:** Opportunities should be provided for undocumented immigrants currently living in the U.S. to receive work permits (or to access educational opportunities) and travel permission once they undergo background and security checks. Those who choose to settle in the U.S. should eventually be eligible for permanent residence and citizenship.
- **It Must Protect Workers:** Wider legal channels must be created so needed workers can be admitted legally to fill available jobs. To avoid the exploitation and abuses of past, failed guestworker programs, a new worker program must adequately protect the wages and working conditions of U.S. and immigrant workers. It must also allow workers to change jobs, provide for adequate enforcement of both the program's rules and existing labor laws, protect law-abiding employers from unscrupulous competitors, and provide an option for workers to gain permanent status independent of an employer sponsor.
- **It Must Reunite Families:** Immigration reform will not succeed if public policy does not recognize one of the main factors driving migration: family unity. Restrictive laws and bureaucratic delays too often undermine this cornerstone of our legal immigration system. Those waiting in line should have their admission expedited, and those admitted on work visas should be able to keep their nuclear

families intact. Reform should also ensure that in the future, close family members are not forced to wait years and even decades to reunite with loved ones living in the U.S.

- **It Must Restore the Rule of Law and Enhance Security:** Enforcement only works when the law is realistic and enforceable. A comprehensive overhaul will make our immigration laws more realistic, permitting an intelligent enforcement regime that should include smart inspections and screening practices, fair proceedings, efficient processing, and strategies that focus on detecting and deterring terrorists and cracking down on criminal smugglers and lawbreaking employers. Such a system will better enable the nation to know who is already here and who is coming in the future, and will bring our system back into line with our tradition as a nation of immigrants and a nation of laws.
- **It Must Promote Citizenship and Civic Participation and Help Local Communities:** Immigration to America works because newcomers are encouraged to become new Americans. It is time to renew our nation's commitment to the full integration of newcomers by providing adult immigrants with quality English instruction, promoting and preparing them for citizenship, and providing them with opportunities to move up the economic ladder. The system should also offer support to local communities working to welcome newcomers.

### **Conclusion: We Can No Longer Afford the Failed Status Quo**

Our immigration system will continue to be troubled until our laws more closely reflect reality. Unfortunately, key members of the 109<sup>th</sup> Congress were more interested in politics than in good policy. Their focus was on creating ever harsher punishments for undocumented immigrants, while completely ignoring the needs of our economy. States and localities across the country have been left to their own devices in dealing with their undocumented population and the local businesses that rely on undocumented workers.

An exclusive focus on enforcement turned out not only to be bad policy, but to be bad politics as well. Fortunately, more rational voices have refused to be silenced. The President continues to speak out about the need for comprehensive reform. Business groups worry about the ability of our economy to continue expanding without more worker visas to match up employers with willing workers in the future. Labor groups want workers to be brought out of the shadows so that they can enjoy the same labor protections as other workers. Religious and ethnic groups are calling for reform to speed the reunification of families and end the deaths in the desert. Border state politicians, seeing this death toll rise as immigrants try to cross into their states seeking better lives, push for more opportunity for immigrants to come through legal channels. Security experts point out that earned legalization will allow us to know who is here and check their background, while an expanded number of entry visas will allow us to better screen people who are entering our country. Finally the American people, in poll after poll, have indicated that they prefer a realistic, comprehensive, and fair approach to immigration reform—one that includes a path to citizenship for immigrants who, though undocumented, are otherwise obeying our laws.

With a new Congress, there is a new opportunity to reform our immigration laws in a realistic manner. Harsh enforcement alone has not worked as policy. Harsher enforcement has not worked to boost political fortunes. It is time for Congress to try something that will be good policy *and* good politics—overhauling the immigration system in a comprehensive manner.

Prepared by the National Immigration Forum  
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