

## 6. Immigration

DESPITE immigration's positive role in America's history and economic expansion, there is widespread and deepening concern that current immigration policies are not working. The poor design and weak enforcement of those policies have led to disturbing vulnerabilities in homeland security. The presence of millions of illegal immigrants in our country belies the core principle of the rule of law. Continued large-scale immigration without effective assimilation threatens social cohesion and America's civic culture and national identity. In addition to its responsibilities concerning national defense and commerce with foreign nations, Congress has the responsibility "to establish an uniform rule of naturalization" that sets the conditions of immigration and citizenship. This suggests a comprehensive reassessment of our immigration laws and procedures that is consistent with the fundamental principles, constitutional obligations, and best traditions of this great land of opportunity.

### Recommendations

**1. Secure America's borders.** Americans deserve secure borders, but any effective solution for reducing illegal border crossings must address all three aspects of the problem: internal enforcement of immigration laws, international cooperation, and border security. Internal enforcement and international cooperation are essential to reducing and deterring the flood of illegal entrants, making the challenge of securing America's borders affordable and achievable. A disorganized and chaotic immigration system encourages the circumvention of immigration laws and is a clear invitation to those who wish to take advantage of our openness to harm this nation. America's immigration system must be a national strength, not a strategic vulnerability.

**2. Coordinate all of the nation's border assets into a single coherent security system.** Our borders require enhanced and secured infrastructure, appropriate screening, inspection of high-risk cargo and people, persistent surveillance, actionable intelligence, and responsive interdiction. Combining these instruments into effective border security requires not just integrating assets at the border, but also linking them to all activities involved in cross-border travel and transport, from issu-

by *Matthew Spalding, Ph.D.*  
*James Jay Carafano, Ph.D.*

### Notes

ing visas, passports, and overseas purchase orders to internal investigations and the detention and removal of unlawful persons. The way to do that is to build a “system of systems” that welds all of the nation’s border assets into a single coherent security strategy—addressing the issue from the point of origin, in transit, at the border, and within the United States—and strengthens all of the activities, assets, and programs necessary to get the right asset to the right place at the right time.

**3. Uphold and enforce the rule of law.** Immigration is no exception to the principle that the rule of law requires fair, firm, and equitable enforcement of the law. Immigration reform in general and any new program in particular must go hand-in-hand with a much stronger approach to violations of our immigration laws. Federal and state governments should provide law enforcement with the necessary resources to enforce and prosecute these laws, and the federal government should expand programs to assist states and territories in immigration law enforcement. This includes credible workplace enforcement that imposes steep employer penalties for willfully violating immigration laws and, without requiring a new large federal bureaucratic program, targets the largest employers of unlawful labor and the most egregious violators of immigration laws. Policymakers should recognize that any new program that is vague or unenforceable, or that allows temporary visitors or workers to disappear when their legal status expires, would not only mean a larger illegal immigrant community, but also invite new illegal immigration—and thus create an even larger public policy problem.

**4. Do not grant amnesty to illegal aliens.** Regardless of the penalties imposed, any program that grants individuals who are unlawfully present the legal permission to remain here rewards illegal behavior and is unfair to those who obey the law and go through the regulatory and administrative requirements to enter the country legally. Those who enter the United States illegally should not be rewarded with permanent legal status or other such benefits, and they should be penalized in any road to citizenship. Those who enter and remain in the country illegally are violating the law, and condoning or encouraging such violations increases the likelihood of further illegal conduct. The only fair way to resolve this problem is to insist that individuals currently in the country who have violated immigration statutes leave and then apply for admission through legal means.

**5. Deliberate very carefully before pursuing a temporary worker program.** While a balanced and well-constructed temporary worker program could foster better national security and serve a growing economy, an ill-defined and poorly constructed temporary worker program would make matters worse. To be acceptable both in principle and in

## Notes

practice, and to contribute to the objectives of comprehensive immigration reform, a temporary worker program must be truly temporary, not encourage illegal immigration and not be an amnesty program. It must also include serious enforcement mechanisms, be administratively feasible and fully implemented, and require bilateral agreements with participating countries. Given the federal government's poor track record in consistently enforcing national immigration laws and providing the resources necessary to carry out its own policies, there should be measurable border security, internal enforcement, and program infrastructure timetables, benchmarks, and goals that must be met in order to proceed with implementation of a temporary worker program.

**6. Pursue market-based solutions.** Part of the problem of immigration—and part of the solution to that problem—has to do with economic incentives. Getting those incentives right is good for immigrants, good for employers that wish to hire immigrants legally, and good for the larger community. Assuming that other requirements are met, a temporary worker program should be as flexible and market-based as possible, in accord with basic principles of free-market economic analysis. Rather than being micromanaged by government agencies, such a program should leverage the private sector's capacity to develop innovative and effective ways of matching sponsoring employers to eligible employees. A temporary worker program should also provide economic incentives for participants to abide by the rules of the program and return home at the end of their program tenure, for both the participant (perhaps in the form of withheld income or investment accounts) and the employer (perhaps in the form of a bond to control the flow of workers and promote compliance).

**7. Renew a national commitment to patriotic assimilation and citizenship.** A successful immigration policy must include and emphasize a deliberate and self-confident policy that welcomes and assimilates permanent immigrants and encourages them to become American citizens. That means clarifying rather than blurring the distinction between citizens and non-citizens, strengthening the naturalization process, and making the process more meaningful: New citizens must understand the principles of free government, speak our common English language, demonstrate good character and civic virtue, and establish an allegiance to this country. A temporary worker program must not be allowed to become a legal way to circumvent the rules and procedures of the naturalization process, thereby creating de facto permanent residents without permanent legal status. To the extent that the need is for a larger permanent working population in the United States, the policy preference ought not to be workers who are temporary but assimilated immigrants who understand and are willing to take on the long-term responsibilities and obligations of citizenship.

## Notes

**8. Encourage economic freedom abroad.** Most individuals and families that come to the United States legally (and illegally) are seeking economic opportunity. One way to reduce illegal immigration in the long run is to promote economic growth in the nations that these individuals forsake. The United States should encourage other countries to adopt sound governance and economic policies—allowing foreign investment, reducing regulation, and improving property rights—that will provide for a strong and stable entrepreneurial, free-market economic system. If economic conditions were better in their own countries, their citizens would not need to seek low-paying jobs in the United States.

## Facts and Figures

■ Estimates of the number of undocumented residents and workers in the U.S. vary widely. The Pew Hispanic Center estimates the number of currently undocumented U.S. residents at nearly 11 million, based on extrapolations of data from the U.S. Census Bureau, and that over 7 million of the 11 million total are undocumented workers.

■ The Federation for American Immigration Reform, however, estimates that 13 million illegal immigrants live in the United States, which translates into approximately 9 million unlawful foreign workers.

*This chapter can be read online at [issues2006.org/immigration](http://issues2006.org/immigration).*

## Notes

## Additional Reading

Tim Kane, Ph.D., and Kirk A. Johnson, Ph.D., “The Real Problem with Immigration...and the Real Solution,” Heritage Foundation *Backgrounder* No. 1913, March 1, 2006, at [www.heritage.org/Research/Labor/bg1913.cfm](http://www.heritage.org/Research/Labor/bg1913.cfm).

Edwin Meese III and Matthew Spalding, Ph.D., “Permanent Principles and Temporary Workers,” Heritage Foundation *Backgrounder* No. 1911, March 1, 2006, at [www.heritage.org/research/governmentreform/bg1911.cfm](http://www.heritage.org/research/governmentreform/bg1911.cfm).

James Jay Carafano, Ph.D., “Safeguarding America’s Sovereignty: A ‘System of Systems’ Approach to Border Security,” Heritage Foundation *Backgrounder* No. 1898, November 28, 2005, at [www.heritage.org/Research/HomelandDefense/bg1898.cfm](http://www.heritage.org/Research/HomelandDefense/bg1898.cfm).

William E. Simon, Jr., “On Becoming American: Reasserting Citizenship in the Immigration Debate,” Heritage Foundation *Lecture* No. 890, July 21, 2005, at [www.heritage.org/Research/PoliticalPhilosophy/hl890.cfm](http://www.heritage.org/Research/PoliticalPhilosophy/hl890.cfm).

Edwin Meese III, James Jay Carafano, Ph.D., Matthew Spalding, Ph.D., and Paul Rosenzweig, “Alternatives to Amnesty: Proposals for Fair and Effective Immigration Reform,” Heritage Foundation *Backgrounder* No. 1858, June 2, 2005, at [www.heritage.org/Research/LegalIssues/bg1858.cfm](http://www.heritage.org/Research/LegalIssues/bg1858.cfm).

Edwin Meese III and Matthew Spalding, “The Principles of Immigration,” Heritage Foundation *Backgrounder* No. 1807, October 19, 2004, at [www.heritage.org/Research/GovernmentReform/bg1807.cfm](http://www.heritage.org/Research/GovernmentReform/bg1807.cfm).