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Private Employers and Border Control

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I would like to talk about a new approach to immigration, which we call “Two Paths to Safety.” I’d like to start at the beginning and review some of the key things that we know about this problem.

Two Problems That Must Be Faced

The first, of course, is that we have a national security problem. The security problem is internal, with 10 million to 20 million people who are already here illegally. Obviously, that’s a broad span of numbers, and we don’t know exactly how many there are. We also don’t know who they are or where they’re going. We don’t know what they’re doing, when and if they’re leaving. In this day and age, that simply isn’t safe, and it isn’t smart.

These people are also no longer confined to one area. We know that of the Mexican illegals, only 3 percent are in the farming community when they used to be almost completely in the farming community. Now they’re in all states of the Union, in all types of jobs from entry-level jobs to high-level jobs.

They also have their families here. It is sad to say that there are 3 million citizen children in the United States who have illegal parents, and that number is growing. People need to pay very close attention to the 14th Amendment and that special clause that says, if under the U.S. jurisdiction, your children are citizens.

The cost of this illegal activity is almost impossible to nail down, but it’s estimated at around \$45 billion a year, and we know that that’s mostly in education, in incarcerating criminals, and health services.

Talking Points

- America has a national security problem: 10 million or 20 million people are already here illegally, and approximately half a million people are sneaking across the border illegally every year.
- The cost of this illegal activity is estimated at around \$45 billion a year, mostly in education, incarcerating criminals, and health services.
- There is a solution to this problem that unites us and that is both practical and doable: Let the free market work. Let private employment agencies licensed by the government open offices in Mexico and other countries, and empower them to issue guest worker permits with no government-imposed limits.
- Border security would be easier and cheaper with most of the illegals gone, solving the problem without bigger bureaucracy or higher taxes.

This paper, in its entirety, can be found at:
www.heritage.org/research/governmentreform/h1924.cfm

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We also know that this problem is growing at a very significant rate because approximately a little less than half a million people are sneaking across that border illegally every year. If you don't provide legal means to deal with this, there are going to be illegal means, and a criminal element will be very heavily involved.

Second, we also know we have an economic problem. We know our economy does depend on the labor that these people provide, and we do estimate that each laborer provides three and a half jobs in support of the job that they do. We also know businesses require some kind of availability. They need to know they've got employees. They need to know how long they're going to be there, that they can count on them for the duration of specific jobs.

When there is a demand like that in the economy, there is always a supply. The market works. Right now, the most vociferous group of people are demanding national border security at all costs. That, they feel, is the only issue that is important, and to heck with the economy or any of the business-side needs of that second issue.

Why Closing the Border Is Not Enough

The question is, why can't that happen? Why can't we just close that border? It's almost an impossibility right now.

First of all, it's logistically very complex. We have a very long border with Mexico where the problem is, and we know lots of people are sneaking across it. Most of the people, however, who are sneaking across it are people who want work and would like to be legal, and because there is no current way of doing that, they can't be. We estimate that that's between 80 percent or 90 percent of the people who are sneaking across that border. It is so hard to come in legally. I have a lot of experience with it because I do use guest workers in my business, and it is a nightmare.

So if you were able to take that 80 percent or 90 percent of the people out of the mix through legal means, the problem would be hugely reduced. If there were only 10 percent or 15 percent of what's coming across now, closing that border would be a very, very different issue. We do not need, under

those conditions, a gigantic hi-tech wall, and we don't need vastly increased armed military at the border. That would no longer be the requirement.

It's important to remember that those techniques have been used by the Israelis and were used by the Russian empire, the former Soviet Union, when there were enemies on the other side of that wall. On the other side of any wall that we build is a peaceful nation with whom we have a free-trade agreement and that is an ally of ours.

I have often thought that if we build a gigantic wall, I can see Ronald Reagan standing by that wall, facing America, and saying, "Governors, tear down this wall."

In Canada, there have been a number of security experiments on closing the border. Of course, they have nothing like the influx of people we have trying to sneak across the southern border into the U.S., but in some places it's fairly significant. They have used unmanned drone airplanes with heat sensors and a communication capability to the agents on the border, and they found in an experiment done fairly recently that they caught every single heat-blip crossing that border that was bigger than a rabbit.

That's 100 percent border security. The person who told me about this and who was present at the experiment was Congressman Tom Tancredo of Colorado, and he was extremely enthusiastic about it. What we have felt in framing this debate is that perhaps we don't frame it correctly, and therefore we're not successful in talking about it.

As we've said, most illegals who come into the U.S. are here to work, and a few studies suggest that very few of them actually want or intend to become American citizens. If they are not here to become citizens, they are not immigrants. If they are coming here to work, they are guest workers. And that rather redefines the whole thing. Most of them are also not a security risk.

Quite simply, we believe that guest workers should be separated from immigrants and that we should define it as two different paths. One path is for immigrants, and that's the green card citizenship path, for which we have a well-defined program. How to improve that is a subject for another day.

The second path should be for guest workers, and these two paths should have nothing to do with each other. Our problem isn't immigration; it is illegal guest workers. Being a guest worker should give absolutely no leg up on the immigration process, and there should be nothing that says that if you are a guest worker you can't be applying for a green card. There is no interconnection. You can go through that process as people who wish to be U.S. citizens do.

The Political Dilemma

We all know what the political dilemma is that we face: There's a conservative base, and it's split absolutely evenly between the law-and-order conservatives who want to close the border and the business groups who are concerned about growth in the economy. And we know that the solution should be simple enough: Control your border and have a guest worker program simultaneously so that you can deal with both well.

Unfortunately, none of the legislation that's currently in the Senate deals with both of those issues. The problem that remains is what Mr. Arme y so eloquently calls the cork at the end of the bottle, and that is the 10 million or 20 million illegals who are already here. We have given them absolutely no incentive to leave, and they have no guarantee that if they do leave they can ever get back.

We also know that Americans, through all polls, will not support amnesty in any shape or form. Illegal workers invariably answer questions, if they will, that they do not wish to be illegal. There is no advantage to being illegal in our society, but their disincentives are way too strong to have them go home.

First of all, the bureaucracy just doesn't work for them. I take 10 guest workers a year. It's an enormous hassle to get all the paperwork done, and then we go down across the border, get our guys together, and go to the consulate to get the last step of this done to get the actual visas.

Two years ago, we stood in the sun for eight hours in that line, my general manager and the potential staff. It was blazing hot. We finally got to the front of the line, and the little girl who was in

charge took our paperwork. She held it up like a dead rat, looked at us, and said, "You folded your paperwork wrong; go to the end of the line." That's what I mean when I say the bureaucracy doesn't work for people. It is almost impossible for a Mexican to get a guest worker visa.

Second, we have limited their number, and when you limit a number to 60 thousand or 67 thousand or 70 thousand people and there are probably a million people interested in that job, who feel that they can get jobs when and if they get into the country, we are forcing the majority of them to become illegal if they want to work. And once here, I think it would be a very brave person who would return home, knowing that he might be the 60,001st person to apply for a visa and not be able to come back.

Relying on the Private Sector

This is where, perhaps, our innovation comes in: Our concept is a private-sector initiative. We feel that the private sector can solve this problem, and as conservatives, that's the way we have all been taught and believe we should go.

We believe you should let private employment agencies licensed by the government open offices in Mexico and other countries. We believe that you should empower them to issue guest worker permits with no government-imposed limits.

If there is a job and there is a worker who wishes to have that job, put them together with the profit motive that employment agencies have, which makes them be efficient and do the job well. Nobody comes in with a guest work permit if there isn't a job, so they're not standing on street corners hoping you're going to pick them up to employ them.

Require instant background checks, as you would in a gun shop, to be sure that there is no criminal activity in the U.S., and work out a treaty where Mexico, in particular, would have similar records and share them. Issue guest worker cards that have a photo, a magnetic strip on the back that's encoded with all the required information to make these new cards secure. To eliminate security risks almost totally, you can have fingerprints on

them as well as photos; their job name, the address of their job; the date of the expiration of the job; the agency that issued the visa, with all the information that they would hold. You can track these workers with an extraordinary level of security that is not in place under the current system.

How to make this work, from a government perspective, is fairly simple. Private companies will create the new card system and the background checks and maintain the databases. There are companies all over the country that do it for a living and do it exceptionally well. We're asking professionals to do a job that is a professional job, not consulates.

The program would be paid for by user fees and not tax money. I pay at least \$1,000 a person to find a visa and to process it. I'd be happy to pay \$500 to have a professional do this and do it correctly with proper documentation and security for my country. I don't think that huge tax appropriations are the correct way to work on this.

Employer enforcement should be economic, not criminalized. If it costs you \$500 to get a guest worker visa, and if you get caught with an illegal guest worker and the first time you have to pay \$5,000, and the second time, \$10,000, and the third, \$25,000 per worker, you're eventually going to say it's cheaper and easier to just get legal help.

Enforcement would become easier, and border control would become easier, because most of the people currently crossing illegally would not be there and because this provides powerful incentives for workers to become and remain legal. If they have certainty of re-entry if they go home to apply or re-apply, and that there will be fast turn-around and they can get back and continue with their jobs unless they have a criminal record, that is a big incentive for them. They can cross the border at will, back and forth, to visit their families, to go on vacation. Even today, anybody who's got a guest worker permit goes through the border a lot easier than a Hispanic who's got a U.S. passport because the belief is that, if you have a U.S. passport, it's illegal, it's fake, and if you're a guest worker, it's real.

The guest worker would have a chance at better wages and better benefits. He is part of the American work force at that point, and there would be a strong, I would hope, financial incentive to return home—namely, that their employee contribution to Social Security would be refunded as they cross back over the border.

Breaking the Political Deadlock

With this approach, the political deadlock can be broken. Everybody really gets what they want, and it can unify our base.

- The law-and-order conservatives get 100 percent border control.
- Businesses get affordable and available workers.
- New workers get good jobs and the ability to become legal without having to work within a quota and the fear of being outside the quota if they have to go back across the border.
- Illegals already in the U.S. get a way to keep their jobs because they can become legal. They can jump in a car, go across the border, apply for their visas, and be back. It would take maybe three or four days from anywhere in the United States, and then they can come out of the shadows and become regular people in the United States and get regular benefits that American workers get.
- The government gets national security without more bureaucracy and higher appropriations. If any of you have read the two major bills in the Senate, when you get to the appropriations page and a huge expansion of bureaucracy, it is truly appalling in both of those bills.
- And the American people get secure borders, a strong economy, and a safer America.

Finally, let me reiterate why this really does make sense for us, for the conservative base. If we don't break this deadlock of a split in our base, we are divided and will be conquered. The solutions we'll probably end up with are the ones that are currently in progress: more bureaucracy, which always means less freedom, higher appropriations, and bigger government; amnesty for lawbreakers, almost certainly in one form or another—no matter

how you clothe it, it's still amnesty; and possibly even a backdoor approach to national health insurance starting with illegal aliens.

We need to find a solution to this problem that unites us on the middle ground and is practical and doable—not utopia, but practical. And the solution

to this dilemma that we face is just as old as America itself: Let the free market work.

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