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The Spanish Trap: More Evidence on Pitfalls of Senate Immigration Amnesty Proposal

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The Senate's "Comprehensive Immigration Reform Act of 2006" (S. 2611) would allow most of the millions of illegal immigrants who have broken U.S. immigration laws to remain in the United States. That is amnesty. And amnesty will only encourage further law breaking. That is the lesson the United States can take from a similar initiative in Spain.

An Act of Amnesty

S.2611 would allow individuals unlawfully present in the United States for over five years to remain. Those who have been in the U.S. for two to five years could apply for the proposed temporary worker program without leaving the country. Finally, the law prevents deporting any individual who makes a "prima facie" case that he or she qualifies for either status. In short, most of the millions unlawfully present in the United States would be legally allowed to remain in the U.S.. The bill assesses some fines and tax penalties, but it still amounts to an amnesty, rewarding those who have broken the law and moving them to the head of the line for gaining the privilege to live and work the United States.

Amnesty is troubling not only because it undercuts the rule of law, but also because it would undermine all efforts to control the nation's borders, decrease the illegal population, and

discourage employment of undocumented workers. Much evidence supports this conclusion, Spain offering the most recent example.

Spain's Serious Problem

Spain offered four amnesties for illegal immigrants between 1985 and 2000. None of them slowed the flow of undocumented migrants. In February 2005, Spain tried again, announcing a grant of temporary residence to illegal aliens who could prove that they had been in the country for at least six months. The Spanish government legalized 700,000 during a three-month window. The plan did not stem the tide. Instead, the influx of illegal immigrants from Africa increased dramatically. The government recently acknowledged that 7,500 illegals arrived in the Canary Islands during the first half of 2006, compared to 4,751 in all of 2005. Spanish police documented about 12,000 attempts by Moroccan migrants to enter the Spanish town of Melilla. Illegal border crossing has been matched with a skyrocketing number of cases of fraud from individuals trying to qualify for amnesty, overwhelming immigration officials,

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who have been unable to cope with processing, screening, and adjudicating the flood of amnesty applications.

Stop the Insanity

The Spanish example suggests offering amnesty will almost certainly make the problem worse. That should come as no surprise. It happened here as well. Following passage of the Immigration Reform and Control Act of 1986, 2.7 million undocumented workers received amnesty. Over the next twenty years, the number of illegal immigrants in the U.S. exploded to about five times that number.

Congress should pass comprehensive immigration and border security reform. The bill should not grant amnesty. Denying amnesty will send a powerful signal that the United States is serious about enforcing immigration laws and deter further illegal border crossings.

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