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State of the Union 2007: A Renewed Call for Immigration Reform

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In his State of the Union address, President Bush called for “an immigration system worthy of America—with laws that are fair and borders that are secure.” He restated his dedication to reducing illegal immigration and creating legal opportunities that will keep the U.S. economy growing. And he spoke of the need to promote assimilation, making the legal path to citizenship a true lifelong commitment to American principles and the rule of law.

The President was right when he said that only a comprehensive solution to the challenges of border security and immigration reform will do; unless all the issues are addressed—illegal border crossings, unlawful presence in the U.S., security and criminal threats, the fiscal burdens on state and local governments, and the undermining of civil society—the consequences of today’s immigration policy will continue to escalate. But while the Administration’s proposal for comprehensive reform contains several positive elements—upon which the President must insist for his approval—it still contains a fundamental flaw.

The Bush Plan

- *Border Security.* The Administration knows it must ramp up security quickly and effectively. Ending practices such as “catch and release,” which allowed apprehend illegal immigrants to abscond before they were removed from the country, and enforcing expedited removal, which sends illegal immigrants home quickly, will be important in deterring further illegal border crossings. Adding the right mix of per-

sonnel, infrastructure, and technology will produce the most cost-effective means for securing the border. Border security must be assured as a matter of law, not just through short-term policy initiatives—and it must be a priority.

- *Interior Enforcement.* Enforcing the immigration laws of the U.S. is also a vital deterrent against further illegal migration. This must include, as the Administration proposes, serious workplace enforcement that targets employers who intentionally hire undocumented workers. The Administration has rightly proposed using Social Security “no-match” data as a key tool to target enforcement and promoting effective initiatives, such as the 287(g) program, to gain the effective cooperation of state and local law enforcement. There must be “no excuse left for violating the law.”
- *Temporary Workers.* In reasserting his call for a temporary guest-worker program, the President is correct to insist that any such program must serve the U.S. economy as well as our law enforcement and national security objectives. He is also correct, and must insist, that any such program be truly temporary: Participation must

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be for a limited period of time; workers must return home after that period ends; and those that attempt to stay must be permanently ineligible for other visa programs, permanent residency, or citizenship.

- *Assimilation.* As in the past, patriotic assimilation is the key to the long-term success of any immigration policy. New citizens must be committed to America's civic principles, appreciate American history and culture, and share America's common language—and we should encourage immigrants to become citizens. The President is correct to elevate this element and must insist on its inclusion in any reform package. Amendments favoring assimilation that overwhelmingly passed the U.S. Senate provide a solid baseline proposal.

The Amnesty Flaw. The President is right to propose that the status of illegal immigrants currently in the United States should be resolved “without animosity and without amnesty.” But any measure that would allow millions of illegal immigrants who have broken U.S. immigration laws to remain in the United States is, by definition, an amnesty. Indeed, previous Administration proposals (and legislation approved last year by the U.S.

Senate) are very similar to the failed amnesty policy of 1986. As was the case then, amnesty now would only encourage further law-breaking. Amnesty is troubling not only because it undercuts the rule of law and is unfair to those immigrants who respect our laws, but also because it would undermine efforts to control the nation's borders, decrease the illegal population, and discourage the employment of undocumented workers. As such, amnesty violates core principles of immigration policy.

The Way Forward. Congress should debate, consider, and pass comprehensive immigration reform. But any such reform must be comprehensive in theory and in practice. Lawmakers must be confident that it includes principled and practical measures that enhance security, serve the economy, and respect the rule of law. Anything less will not work and would not be “an immigration system worthy of America.”

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