

# WebMemo



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## Reducing Illegal Immigration: How Congress Can Support Federal Initiatives

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One of the most contentious issues in the debate over immigration reform is how to deal with the estimated 12 to 15 million illegal aliens in the United States. Supporters of “comprehensive” reform often falsely present the issue as a choice between permanent legalization and the forced deportation of each and every illegal immigrant. As the latter is unacceptable, the only reasonable position, “comprehensive” reform proponents contend, is legalization, the approach adopted by the amnesty provisions of the Senate’s immigration legislation.

The “legalization” approach is deeply flawed; it has been tried before and failed miserably. The better solution is to rely on law enforcement and market forces to end America’s addiction to undocumented labor and to create legitimate opportunities for immigrants to continue their contributions to keeping America safe, free, and prosperous.

As part of this superior approach, the Department of Homeland Security (DHS) has recently initiated a pilot program to encourage those unlawfully present to leave voluntarily. Congress should build on this initiative with measures creating better alternatives to illegal immigration.

**Enforcing the Law Works.** Enforcing immigration laws is essential to restoring respect for the rule of law. Recent research suggests that enforcing U.S. immigration law deters individuals who either illegally entered the country or over-stayed their visa from remaining unlawfully in the United States. For instance, a study by the Center for Immigration Studies reports that—as a result of increased

efforts to enforce immigration laws—the unlawfully present population has dropped by over a million.

Enforcement efforts, however, should be undertaken in a manner that is both effective and compassionate. To that end, DHS recently announced a one-month program to be piloted in five U.S. cities (San Diego, Santa Ana, Phoenix, Chicago, and Charlotte) for assisting those unlawfully present to leave the country. Called Operation Scheduled Departure, the program offers these individuals the opportunity to avoid detention and have up to 90 days to put their affairs in order before they have to depart the U.S. The only requirement is that the individual have no criminal record or pose risk to public safety or national security. As a DHS official recently pointed out, “This is a great opportunity for those advocacy and faith-based organizations who have asked us to look at other ways to conduct fugitive operations to really step up to the table and bring their clients to us and work with us to schedule their departure.”

**An Opportunity for Congress.** Congress should monitor the effectiveness of the pilot program and consider how it could assist in building a national program to help voluntarily reduce the unlawfully

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present population while providing further incentives for lawful migration. Such assistance should include:

- **The Creation of a National Trust for Voluntary Return.** Once the United States has operationally secure borders and reasonable legal opportunities for visas, green cards, and access to a true temporary worker program, many of those who are unlawfully present would willingly return to their countries of origin, and take steps to return to the United States to live and work legally. To assist them, immigration reform legislation should establish a program of financial assistance to help illegal aliens return to their home countries. This should be a privately run, community-based volunteer program administered by a private commission with government oversight and funded by private donations. The trust's funds could be drawn on by accredited NGOs that would use the funds to assist individuals to return voluntarily to their places of origin.
- **A Strong Emphasis on Legal Immigration.** The process by which individuals enter the country legally must be fair, orderly, and efficient; welcoming those who abide by immigration laws and denying entry and advantages to those who violate the law. The integrity of this process is important to protecting and encouraging a meaningful naturalization and citizenship process.
- **The Creation of Flexible Legal Opportunities to Work in the United States.** Reforming existing visa programs and creating a balanced and well-constructed temporary worker program—one that allows for a market-driven source of labor provided by a rotating temporary workforce—would diminish the incentives for illegal

immigration by providing an additional option for legal entry and, in combination with other reforms, gradually reduce the population of illegal aliens. Such reforms would better foster national security and serve to grow the economy.

- **The Reformation of the U.S. Citizenship and Immigration Services (USCIS).** Reforms must provide adequate revenue to support services that: (1) meet the needs of customers; (2) protect the interest of the nation, including the integrity of the naturalization process and security and immigration enforcement; and (3) are expandable to adapt to surges in demand quickly and reliably. Congress might, for example, establish a revolving fund that USCIS could draw on to implement infrastructure and workforce enhancements and then replenish funds from future fees. Congress could also establish a national trust fund to cover the programs for which USCIS cannot charge fees. These include amnesty applications and the naturalization of military personnel.

DHS should be lauded for Operation Scheduled Departure. Congress should learn from this initiative and take responsible measures to help reduce the unlawfully present population in the United States in a manner that is effective, fair, compassionate, and gets employers the legitimate workers they need to help grow the U.S. economy.

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