

## Developing a Strong Border and Immigration Policy

### THE ISSUE:

For far too long, the United States has failed to enforce its immigration laws. Its visa system does not adequately serve the needs of the economy, legal immigrants, or U.S. citizens. Cartel violence and continued illegal immigration along the U.S. southern border have many Americans concerned. Americans are demanding a border and immigration policy that will keep the U.S. free, safe, and prosperous—not an amnesty that simply exacerbates the problem.

### THE FACTS:

- **Border Violence on the Rise, Illegal Immigration Continues.** The U.S. has made progress on securing the border, but the border is still not secure. Drug cartels have seized control of major parts of Mexico's northern border—with more than 6,000 murders in 2008 from drug cartel violence. The threat of spillover violence in the U.S., as well as continued illegal immigration, remains a significant problem.
- **State and Locals Overwhelmed.** Once in the U.S., illegal aliens consume a significant share of government services, such as health care, law enforcement, and education. Particularly hard-hit are state and local governments, which often bear the cost of footing this bill—a multibillion-dollar unfunded mandate. It is estimated that in 2007, illegal aliens in California cost the state between \$9 billion and \$38 billion in public services.
- **Interior Enforcement Rollbacks.** Instead of building on past progress, the current Administration has reversed a number of effective interior enforcement efforts. For instance, it has switched from random workforce checks

to soft audits and has instituted changes in the 287(g) program, a state and local immigration enforcement program, that will discourage participation. In FY 2009, the number of worksite arrests was down “by more than 50 percent” from the previous fiscal year.

- **U.S. Visa Policies Are Broken.** U.S. visa and naturalization programs remain inefficient and lacking in significant infrastructure investments that could help legal immigration to run more smoothly. The U.S. still has not explored a market-based temporary worker program that would allow immigrants to come to work in the United States legally.
- **Amnesty Will Make the Problem Worse.** The current Administration has placed amnesty for the 10.8 million illegal immigrants in the U.S. at the top of its policy agenda. Amnesty would simply encourage more illegal immigration, making the current problems even worse, while remaining fundamentally unfair to those who came to the U.S. legally.

### THE SOLUTIONS:

- **Provide Comprehensive Security.** The United States must have a complete security system—from the point of origin, in transit, at the border, and within the United States—that strengthens all of the activities, assets, and programs necessary to secure America's borders. Immigration legislation should create an integrated security system that addresses border infrastructure and links border management to all activities involved in cross-border travel and transport, from issuing visas and passports to internal investigations and the detention and removal

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of unlawful persons and the enforcement of immigration and workplace laws.

- **Allow for operational flexibility.** Over the past 10 years, the United States has tripled border spending and manpower as border incursions have skyrocketed. The Department of Homeland Security (DHS) must be given operational flexibility to achieve its objectives, rather than specific mandates from Congress to undertake specific measures such as building border obstacles or deploying forces from the National Guard. Effective border security must be measured by “outcomes,” the results achieved on the ground, rather than “outputs,” how much money Washington has poured into securing the border.
- **Invest in Adaptive Technologies and Assets.** Federal, state, and local law enforcement must be provided technologies that will allow them to match the adaptive threat of the transnational cartels and shifting patterns of illegal immigrations. These technologies include small adaptive, unmanned vehicles, and fixed and mobile sensors that detect and track border activity in real time. Wiser investments would also include funding cost-effective initiatives that would rapidly increase security at the border, such as private-sector contractors and using state defense forces as a means for organizing the contributions of citizen volunteers.
- **Target Federal Support to State and Local Authorities.** To secure the border, Congress should allocate about \$400 million per year over the next three years out of the projected spending on homeland security grants. Congress must resist the temptation to turn these grants into earmarked pork-barrel programs and direct these resources to state and local authorities for community policing and related public safety and security programs for improving border security. The number of Border Enforcement Security Task Forces should be increased and robust support provided for state, local, and tribal participation. Federal support for 287(g) and Secure Communities programs, which expand the capacity of local law enforcement to deal with illegal immigration, should be greatly expanded.
- **Enhance Workplace Enforcement.** The use of E-Verify, an electronic system for employee eligibility verification, should be expanded to the maximum extent practical. By law, the Internal Revenue Service should be authorized to share Social Security “no-match” data with the

Department of Homeland Security for the purpose of enhancing enforcement.

- **Authenticate Identification.** Immigration reform should include implementation of the Intelligence Reform and Terrorism Prevention Act of 2004 and the REAL ID Act of 2005. These laws do not create a national identification card, but rather establish that when key identification materials, such as driver’s licenses (and the documents used to obtain them, like birth certificates), are issued at any level of government and used for a federal purpose (such as security checks before boarding commercial passenger planes), these documents must meet national standards of authenticity. Such documents should be issued only to persons living lawfully in the United States. To prevent tampering, counterfeiting, or fraud, and to enhance privacy protections, the laws also establish standard security features concerning identification cards. Congress should appropriate the money to help states establish systems to meet requirements under the REAL ID Act.
- **Implement Effective Temporary Worker Programs.** American employers need the means to get the workers they need when they need them to help grow the economy and create more jobs. Pilots for new forms of temporary worker programs should be established and expanded as the U.S. economy recovers and the demand for temporary labor grows. While recognizing that a temporary worker program would contribute to the task of policing borders and coastlines, a comprehensive plan for integrated border security must be implemented and operational control of the border must be achieved in concert with any new programs that substantially increase permanent or temporary workers in the United States. Triggers could be established to phase in temporary worker programs.
- **Establish a National Trust for Voluntary Return.** Congress should charter a National Trust for Voluntary Return—a program to help and encourage illegal aliens to return voluntarily to their home countries. The National Trust for Voluntary Return should be privately run and funded by private donations. It should be a community-based volunteer program. Individuals participating in the program should be required to register with US-VISIT before they exit and agree not to return unlawfully.