

ISSUE BRIEF

No. 3833 | JANUARY 17, 2013

Immigration Reform Needs Problem-Solving Approach, Not Comprehensive Legislation

Matthew Spalding, PhD, Jessica Zuckerman, and James Jay Carafano, PhD

In his upcoming State of the Union Address, President Obama will very likely address our nation's broken immigration system. Unfortunately, the President is expected to call for "comprehensive" immigration reform legislation. This very same approach has failed to garner support in Congress time and time again, and is likely only to foster greater division. We invite the President to instead take a problem-solving approach and welcome a discussion about finding real solutions to fixing our dysfunctional immigration system and advancing real immigration reforms.

Immigration reform can move forward on many fronts at the same time, focusing on some commonsense initiatives that begin to address the practical challenges of our immigration system. The key is

that just as the many aspects and elements of immigration are not all the same and immigrants in this country are not a monolithic block, there is not one comprehensive policy that will deal with all matters all at once. In fact, comprehensive legislation, likely to be written behind closed doors and loaded with measures for special interests, will make the problems it seeks to solve worse. A varied problem, instead, requires varied solutions which address each of our immigration system's challenges on its own track. America needs a comprehensive approach—not comprehensive legislation.

Lack of Strong Presidential Action. Four years ago, then-candidate Obama promised his administration would put forward an immigration bill within his first year in office. Yet even when Democrats controlled both houses of Congress and the White House, the Administration failed to offer up legislation to address the problems of our immigration system. Even the President's favored Development, Relief, and Education for Alien Minors (DREAM) Act did not receive a serious push from the Administration.

Instead, as the time ticked down on the end of his first term, the President chose to abuse his

"prosecutorial discretion" to allow as many as 1.7 million illegal immigrants brought to this country as children to have their deportation action temporarily deferred. The move not only abused presidential authority but also circumvented the legislative process and undercut a developing proposal by Senator Marco Rubio (R-FL). The President's deferred-action policy served to poison the well for collaborative reform efforts, and complicates attempts for finding long-term solutions through the legislative process.

The President is expected to push for a "comprehensive" immigration bill in his State of the Union Address on February 12. This approach has been tried and failed. Indeed, since the U.S. last passed such comprehensive legislation in 1986, the estimated illegal immigration population in the U.S. has quadrupled. And the very same approach has failed to garner support on either side of the aisle since President George W. Bush last proposed comprehensive immigration legislation in 2007.

That is because messy, compromised political deals will not solve problems. In fact, bills designed to solve everything, often loaded with payoffs for special interests and often introducing measures that

This paper, in its entirety, can be found at <http://report.heritage.org/ib3833>

Produced by the Douglas and Sarah Allison Center for Foreign Policy Studies

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

contradict each other, frequently wind up creating as many and perhaps more problems than they intended to solve. But perhaps in the view of some, failure is the preferred option, one in which they can demagogue the issue and blame their opponents for failure.

Need for a Problem-Solving

Approach. In order to solve our nation's immigration challenges we must not—and need not—compromise on principle or security. By its founding principles, this nation embraces those who come to this country honestly, armed with their work ethic, in search of the promises and opportunities of the American Dream.

Today, however, because of our misguided immigration policies, we lack a fair, orderly, and efficient immigration system. Far too many individuals are in the shadows. Still others, particularly poor and low-skilled immigrants, are caught in a generous welfare, education, and health system that breeds dependence rather than self-reliance. Immigrants come to America seeking a better life, and so we must restore *for everyone* an America of opportunity, upward mobility, prosperity, and the blessings of liberty.

Instead of a comprehensive bill, a problem-solving approach that treats each of the many issues in our immigration system in its own lane can offer a better solution. In this manner, reforms can move forward in multiple areas at the same time and advance toward meaningful and effective solutions. In so doing, lawmakers should:

Reform the legal immigration system. Such reforms would ensure that those who wish to come here legally can do so in a fair and efficient manner. These should include reforms at United States Citizenship

and Immigration Services, the streamlining of current visa programs, and enhanced avenues for the entry of skilled workers, particularly those educated in the U.S. For those who stay, we must have a deliberate and self-confident policy of immigrant assimilation.

- **Make immigration more responsive to the needs of the economy.** Such efforts should include a targeted temporary worker program tied to market and workforce demands that would supply a rotating, temporary workforce. Not only would a temporary worker program help to ensure employers' labor needs are met, but it would also help to disincentivize illegal immigration by supplying another avenue for legal entry and employment.
- **Reinvigorate interior enforcement measures.** Measures and programs such as Social Security No Match, random workplace inspections, checks of I-9 forms, and E-Verify help to discourage the use of illegal labor and send the message that the country takes enforcement of immigration laws seriously.
- **Enhance border security efforts.** Through the use of technologies like unmanned aerial vehicles and cameras/sensors, the Border Patrol can enhance monitoring and detection along the border in order to better protect U.S. sovereignty and halt illegal border crossings. Cooperation between Mexican and U.S. law enforcement through Border Enforcement Security Task Forces and the Merida Initiative, as well as ensuring that the U.S.

Coast Guard has the resources they need, also remain essential.

- **Recognize state and local authorities as responsible partners.** Through programs like 287(g), which allow Immigration and Customs Enforcement to train state and local police to enforce federal immigration laws, state and local authorities can enhance enforcement efforts and work with the federal government to play a significant role in immigration policy.

By beginning with the issues we agree on rather than those that divide us, we can make progress in immigration reform and rebuild an immigration process in harmony with our highest principles and best traditions.

Comprehensive Legislation Is Not the Answer. With comprehensive legislation everyone loses—our nation's immigrants, our employers, our citizens. Rather than continuing to play politics with immigration reform, our nation's leaders should take the responsible path and develop real solutions to address our immigration systems' core problems.

—**Matthew Spalding, PhD**, is Vice President of American Studies and Director of the B. Kenneth Simon Center for Principles and Politics; **Jessica Zuckerman** is a Research Associate in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies; and **James Jay Carafano, PhD**, is Vice President for Foreign and Defense Policy Studies and Director of the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation.