

ISSUE BRIEF

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Senate Immigration Reform: Another Misguided Call for Comprehensive Legislation

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On Monday, a group of Senators know in the media as the “Gang of Eight” announced their plan to achieve comprehensive immigration reform. The so-called bipartisan framework, signed onto by Senators Charles Schumer (D-NY), John McCain (R-AZ), Dick Durbin (D-IL), Lindsey Graham (R-SC), Robert Menendez (D-NJ), Marco Rubio (R-FL), Michael Bennet (D-CO), and Jeff Flake (R-AZ), is intended to provide an outline for legislation to be drafted by the end of March.

So far there is no actual bill—just a set of “principles” for the promised legislation. These principles, however, do not adequately address the tough issues that have to be tackled to provide lasting and beneficial fixes that strengthen the U.S. economy, security, and civil society. Indeed, neither this nor the promise of a comprehensive bill drafted in secret

by a self-selected committee bode well for the hope of meaningful immigration reform.

Meanwhile, on Tuesday the White House announced its own set of principles for immigration reform, promising to issue their own even more comprehensive bill if Congress does not move fast enough. If both initiatives do nothing more than reintroduce confusing, complicated, and contentious bills similar to the failed “comprehensive” bill of 2007, then our nation will be poorly served by these latest efforts.

What is needed instead is a problem-solving approach to immigration reform, one that does not try to group all of our nation’s immigration problems together and solve them in one colossal bill, but rather addresses each of the many challenges in their own track. Only by addressing each of these challenges individually can they receive the gravity of attention they deserve and true solutions for our nation’s broken immigration system be forged.

A “Bipartisan Framework for Comprehensive Immigration Reform.” While draft legislation is likely still many weeks down the road, the framework released on Monday establishes four basic pillars for comprehensive immigration

legislation. These pillars call on Congress to:¹

- “Create a tough but fair path to citizenship for unauthorized immigrants currently living in the United States that is contingent upon securing our borders and tracking whether legal immigrants have left the country when required”;
- “Reform our legal immigration system to better recognize the importance of characteristics that will help build the American economy and strengthen American families”;
- “Create an effective employment verification system that will prevent identity theft and end the hiring of future unauthorized workers”; and
- “Establish an improved process for admitting future workers to serve our nation’s workforce needs, while simultaneously protecting all workers.”

Though marketed as a targeted and novel approach, the framework simply lays out the latest iteration of a comprehensive approach to

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immigration reform that has been tried and failed time and time again. Indeed, when Congress last passed comprehensive reform in 1986, the deal did not look much different at its core. The bill put forward stipulations for increased enforcement and control of illegal immigration in the U.S. and, in exchange, amnesty was granted to the nearly 3 million illegal immigrants present in the country at that time. Today, that number is closer to 11 million. More than 25 years later, the same solutions still promise to produce the same results.

A True Problem-Solving

Approach. Helping the millions who remain stuck in the shadows, along with American employers and individuals legally seeking to come to the U.S., requires a different approach. This means rejecting the same old methods used in the past, namely rejecting comprehensive immigration legislation. Such an approach which tries to solve all of our nation's varied problems at once will help no one. Worse, promising to be loaded with political trade-offs, it is likely to hurt the very people it tries to help.

What is needed instead is a true recognition that there is no silver bullet to our nation's immigration problems; that no one solution, no matter how grand, can solve all of these challenges at once. Indeed, the very importance of fixing our nation's broken immigration system demands that these challenges be given the attention they deserve and addressed in their own lane. Doing this requires a true problem-solving approach. Included in such an approach, Congress 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 it needs, also remain essential.
- **Reject the comprehensive claim.** No matter what the name or the stipulations, there is no such thing as a "fair" approach to comprehensive legalization. At its core, it implies ignoring countless violations of the rule of law, as well as rewarding and incentivizing those who have come here illegally. By providing special privileges to those who came to this country illegally, consideration and respect for those who have followed the law is also forgotten.
- **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.
- **Establish fair, compassionate, and practical solutions for unlawfully present**

1. News release, "Bipartisan Framework for Comprehensive Immigration Reform," Senator Charles Schumer (D-NY) et al., January 29, 2013, http://www.mccain.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=87afa1c7-c0ac-6131-5e8e-9bf8904159e6 (accessed January 30, 2013).

populations. The circumstances of populations that remain unlawfully present in the U.S. are varied. Congress should examine these groups and propose responsible solutions. It should not, however, repeat the mistakes of the past.

Solving our Nation's Immigration Problems Once and For All. For some, the politics of the issue may have changed, but good policy has not. Comprehensive

immigration legislation failed to offer the right solutions in 1986 and the same is likely to hold true today. Finding “successful permanent reform” instead requires a problem-solving approach to immigration.

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