

ENDING THE DISHONESTY: THE WAY FORWARD ON BORDER CONTROL AND PATRIOTIC IMMIGRATION

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WORKING PAPER

BACKGROUND

There has been a breakdown of will on the part of America's leaders to control our borders and ensure that new immigrants learn to be American.

The thousands of people we now see marching in the streets of U.S. cities over immigration policy is the product of two decades of a fundamentally dishonest immigration system.

For two decades, the U.S. government has failed to control the borders while many U.S. businesses have profited by breaking the law. In turn, the U.S. government failure to enforce the immigration laws has encouraged outright defiance of federal authority by certain state and local jurisdictions. Adding insult to this state of affairs is an immigration bureaucracy that has been slow, cumbersome, rude, heartless, and incompetent in the discharge of its duties.

This dishonest system has lured millions to enter our country illegally and to obtain work here illegally.

As the United States acts to transform our immigration system from a dishonest to an honest one, it is understandable that those living and working here illegally--especially those who have lived and worked here illegally for a long period of time--are anxious and fearful about the future. While our two decade long failure does not mean that we are required to maintain a dishonest system, it does mean that we must have a humanitarian period of transition as we replace an illegal pattern of immigration with a legal one.

PRINCIPLES

Four and half years after 9/11, the government bureaucracy is so broken we don't even know who is in our country. No nation in an age of terrorism can afford to have inadequately controlled borders with millions crossing illegally at will. This is a major issue of national security. There is no point in having a \$9 billion a year national missile defense program

when the same terrorists can rent a truck in Mexico and drive the nuclear or biological weapon right across the border without being stopped. We have an absolute obligation to control our borders and coasts and that obligation is a question of national security. Not to close our borders, but to control them. The safety of our people depends on it.

The failure to control our borders has led to a dramatic increase in violent crime. According to a GAO investigation, in 2003 there were 74,000 criminals in state prisons who are here illegally and 147,000 in local jails. Arizona Congressman J.D. Hayworth points out in his recent book that Heather Mac Donald, a leading expert on illegal immigration and crime, estimates that fully 95 percent of all outstanding warrants for homicide (1,200-1,500) in Los Angeles are for people who committed these crimes while here illegally. She further estimates that up to two-thirds of all fugitive warrants (17,000) are for people in the same illegal category. Gang violence is also on the rise. In fact it is the only category of violent crime that is increasing. Violent gangs like MS-13, which *Newsweek* magazine called the most dangerous gang in America (and I did a Fox special about), are filled with people who are here illegally.

Moreover, a situation of pervasive illegal immigration to the United States marginalizes the migrant in society, exposes the migrant to exploitation, and has an insidious effect on the rule of law--undermining the very foundations of our democratic society. We see how it already teaches some American businesses to violate the law routinely and encourages numerous U.S. cities and two U.S. states to ignore immigration law altogether.

There are a number of steps we can take to protect the United States from would-be terrorists and criminals while simultaneously making it easier for legal work visa holders to enter the country legally and work here in dignity. But before examining the specific steps that can be taken, it is helpful to establish the principles that should guide us.

1. The borders of the United States must be controlled at the earliest possible time.
2. Immigration policy should be based on the rule of law. Immigration laws must be enforced throughout the United States, and any cities or states that fail to enforce immigration law should lose federal funding.
3. Those responsible for facilitating illegal immigration shall be sought, arrested and prosecuted to the full extent of the law, including drug smugglers, human traffickers, and those involved in the creation, distribution, or use of counterfeit documents.
4. A worker visa program should be established to make it easier for people to enter the country legally and to work here at a specific job for a set of period of time. This program should not be an automatic qualification for citizenship, though eventual citizenship could be held out as an opportunity.

5. Those families who qualify and wish to become citizens should be helped to patriotically integrate themselves as Americans. While strongly encouraging those immigrants who want to become citizens, it is important that we accept only those who want to embrace American values and culture.
6. The problem of millions of people here in the United States illegally did not happen overnight and we will not correct it overnight. Enforcing compliance with immigration law must be focused on holding American employers accountable. Any new immigration policy should sanction severely employers who willfully break the law by hiring workers without verifying legal status or by failing to pay employment taxes on them. The key to a legal worker visa program is ensuring that employers only hire employees with legal status because ultimately if employers don't hire undocumented non-citizens, they will stop coming and most would have to leave. There need not be any roundups of those who are working and living here illegally. Instead there should be a humanitarian period of transition as we replace an illegal pattern of immigration with a legal one.
7. There will be no criminalizing of those who provide humanitarian assistance to those who are living and working here illegally, such as provided by churches or charities. If any immigration law is ambiguous on this point, then the language should be made explicit as to exclude these organizations and their activities from the coverage of the law.
8. The U.S. immigration bureaucracy must be thoroughly transformed so that it can discharge its duties effectively, quickly, courteously, and humanely.

AMERICA MUST BE A “CONTINENT OF HOPE”

The United States is fast approaching the moment of decision on immigration policy.

The choices we make in the coming weeks will have dramatic and far reaching consequences for the future of both the United States and Latin America. The choice is between a future of hope and a future of despair for millions.

From the time of his first trip abroad to Mexico in 1979 to the mass he celebrated in Mexico City's Basilica of our Lady of Guadalupe in 1999, Pope John Paul II consistently spoke of America as a “Continent of Hope”. And by America, John Paul was referring to North and South America to express his desire for greater unity among the peoples of the two continents as well as to identify the closer bonds which the peoples and nations of North, South, and Central America seek with each other.

For John Paul II, America is a Continent of Hope in part owing to the force of its numerous young people, the value given to family, and the deep religiosity of its peoples. America as a Continent of Hope is a beautiful and compelling vision that the Congress should keep in mind as it debates a comprehensive immigration reform plan.

We, the people of the United States of America, must never lose sight of the self evident truths affirmed at our founding. That we are all created equal--citizen and non-citizen alike, and that we are all endowed by our Creator with certain inalienable rights, among them life, liberty, and the pursuit of happiness.

If these truths are to have any meaning, then we must recognize that every person has an inherent human dignity that must be respected, including those in the U.S. illegally. And that these truths morally bind us to create a workable immigration solution so that legal status and legal channels for migration replace illegal ones just as a controlled border replaces an uncontrolled border.

Comprehensive immigration reform here at home should be considered as only one strategy within the pursuit of this larger vision of America as a Continent of Hope.

For the United States, fulfilling this vision means that we must constantly conceive and implement strategies to achieve greater safety, health, prosperity, and freedom for every person in the hemisphere.

It also means that we should work with willing governments of Latin America so that they can carry out the difficult domestic economic reforms that will expand opportunities for their peoples. While U.S. immigration policy has clearly failed to keep up with the millions of migrants who have come to the U.S. in search of economic opportunities, it must be readily acknowledged that this failure is owed in substantial part to the failed economic policies of their home country governments.

For too long, these governments have placed too much reliance on foreign remittances from the United States to sustain their economies. These remittances have eased the pressures on their domestic politicians to act, but it has come at a terrible human cost. Failure to create jobs at home has sent millions to the United States and has emptied much of the countryside, devastating many villages, especially in Mexico. Not only in the countryside, but in 31 percent of Mexican municipalities, population is shrinking due to migration to the United States. This situation has torn apart families and caused tremendous suffering for a large part of the population.

Economic opportunities in the United States, including a legal worker visa program, can surely provide hope for individuals who seek a better life for themselves and their families, but it cannot be the only or the primary source of hope in the Americas. Latin America in

general and Mexico especially, has tremendous natural resources, hard working populations, and wonderfully rich cultures. Mexico has a free trade agreement with the United States and has the largest economy in the world as its neighbor and market for its products. Its economy must be made to work. As U.S. Ambassador to Mexico Tony Garza said in a May 2005 speech in Mexico City: "Let's be honest with each other. Reliance on remittances from the U.S. and windfall revenues from high oil prices is simply not an economic policy."

It is altogether reasonable that the United States pursue an immigration policy that makes sense to our citizens and is sensible economically. Part of that orderly rational immigration policy is a systematic, effective, and enforceable worker visa program. The program should include criminal background checks but it should also include a verifiable electronic "smart card" program with biometric identifiers outsourced to a private sector company with experience in operating a secure card program like Visa, MasterCard, or American Express.

At the same time we develop solutions for our immigration policy, we must find ways to work with our Latin American neighbors to seek solutions and economic opportunities for their citizens.

There is a danger that the immigration debate in Congress will cause deep divisions. It need not. We must keep our focus on the larger vision of improving every life in the hemisphere and affirming the values we share throughout the Americas: family, work, community, freedom, security, and peace.

Let us not be divided, but united. We are neighbors, friends, and families. We must not be disunited.

A workable immigration policy that respects the dignity of the individual and the sanctity of families is within reach. This reform will serve as a critical foundation of law upon which a Continent of Hope can be built.

COMPREHENSIVE IMMIGRATION REFORM INVOLVES THE IMPLEMENTATION OF ELEVEN POLICIES

1. **Gain Complete Control of the Border and Coasts.** When the Director of Central Intelligence (Porter Goss) testified before Congress that he is worried that "it may only be a matter of time before Al Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons" and in the same day the Deputy Secretary of Homeland Security (Adm. James M. Loy) testified that intelligence "strongly suggests" that Al Qaeda operatives have considered using the Mexican border as an entry point, it is time to get serious about controlling the borders and the coasts. Attached as **Appendix A** is a list of recent statements by Administration officials that underscore the need to gain complete control of the borders and coasts.

We have the technology and the capability to control border crossings. We simply need the will to enforce it. This may require tripling the Border Patrol, building fences where necessary and using electronic surveillance elsewhere but it is clearly doable. As a matter of national survival it must be done. Yet, recent news reports do not suggest that we are approaching the task of securing our borders with the necessary urgency. On April 12th, *The Washington Times* reported that we are beginning a “bid process to hire a prime contractor to work with U.S. Customs and Border Protection to develop a border security program in *five years*.” Five years is entirely too long.

Fortunately, a bipartisan consensus has emerged that securing the borders is indeed priority number one. Three national leaders have it exactly right in their shared view that border control is the first step. Senator Frist is exactly right when he wrote recently that “to build confidence among Americans and Congress that the government takes border security seriously, we have to act to help get the border under control right now.” Senator Clinton is also right when she recently recognized the need for a “smart fence” along the border to enhance security. And Democratic National Committee Chairman Howard Dean is also right when he said last week that “the first thing we want is tough border control.”

Accordingly, the Congress should tackle first things first. And the first thing is securing the border. The Congress should pass a border control bill immediately. There is no reason the Congress cannot immediately pass such a bill, and then concentrate on additional immigration reform measures later. The Congress should immediately act on this one aspect of immigration reform around which there is widespread agreement. America needs real border control immediately.

2. **Enforce the Law.** With lax federal enforcement of the laws along the borders as well as against employers who hire illegal workers, it is not surprising that many cities across the country are raising a white flag in the fight against illegal immigration. The corrosion of the rule of law that began on the border and which has spread to so many American businesses now also touches some of our largest cities. Declaring themselves “sanctuary cities”, these lawless cities are prohibiting their police from asking about immigration status and enforcing employment laws (a “don’t ask, don’t enforce” policy that encourages breaking the law).

According to the Congressional Research Service, these lawless cities include: Anchorage and Fairbanks, Alaska; Chandler, Arizona; Fresno, Los Angeles, San Diego, San Francisco, Sonoma County, and San Jose, California; Durango and Denver, Colorado; Chicago, Evanston, and Cicero, Illinois; Cambridge and Orleans, Massachusetts; Baltimore and Takoma Park, Maryland; Ann Arbor and Detroit, Michigan; Minneapolis, Minnesota; Durham, North Carolina; Albuquerque, Rio

Arriba County, and Santa Fe, New Mexico; Austin, El Cenizo, Houston, and Katy, Texas; Seattle, Washington; and Madison, Wisconsin.

And not only cities, the entire states of Oregon and Maine are lawless when it comes to federal immigration law.

Comprehensive immigration reform will require the enforcement of existing laws everywhere, including in the lawless “don’t ask, don’t enforce” cities and states. If these cities and states continue to flout federal immigration law, all federal aid should be cut off to them. These deliberately lawless cities and states have become safe havens for crime by people who are here illegally and it must end. We must stop defining America down by our abandonment of the rule of law on our borders and in our cities and states.

Enforcement of existing law will require additional manpower and financial resources. We must provide it. Our national security and the safety of our citizens are at stake. We must have zero tolerance for violations of immigration laws. We must end “catch and release” policies that have resulted in a situation where we have 465,000 people here illegally with pending deportation orders running free in our communities.

Once a workable worker visa program is put in place, draconian financial penalties on employers who continue to hire workers illegally must be vigorously imposed. After the implementation of a worker visa program, we must send a signal to business that they can only hire legal work visa holders who have newly created work visa holder “smart cards” (as described below). Once this new system is in place in which it will be easy to verify legal status, any continued hiring of workers illegally will lead to staggering financial penalties that escalate dramatically with a second and third offense. The federal government did not levy a single fine on a single employer for the hiring of illegal workers in 2004. This deliberate policy of non-enforcement by the federal government has contributed to an explosion of illegal immigration. The U.S. government must enforce its own laws.

3. **Use Technology to Keep Track of Who Enters the Country.** A bio-metric identifier, such as a thumbprint and/or embedded iris scan shall be required from everyone entering the United States from abroad, as well as a background check that screens out those with a criminal record. Foreign governments that want their citizens to participate in a worker visa program will be required to turn over records of convicted felons as quickly as they currently collect this data, or on a monthly basis, whichever is fastest.

4. **Establish a Worker Visa Program.** Along with total border control, we need to make it easier for people to get work visas to enter the country legally and to work here at a specific job for a set of period of time and as long as they obey the law. We need a worker visa program that ensures that work visa holders pay taxes, get driver's licenses, buy auto insurance, abide by the law. Such a program will also filter out criminals and potential terrorists, which is why we will require from foreign governments a continually updated list of their criminals.

Required Elements of a Worker Visa Program. As a part of this program, every work visa holder will be required to:

- a. Carry a "smart card" with a photograph and bio-metric identifier, like a thumbprint and/or an embedded retinal scan that will be entered into a database so that their presence in the United States can be validated;
- b. Sign an agreement in which the work visa holder agrees to pay taxes, obey the law, and waive any rights to appeal his or her removal from the United States within 72 hours for violating their agreement; and
- c. Open and maintain an account at any U.S. financial institution with an American Bankers Association routing number into which employers of work visa holders will be required to electronically deposit their wages. No bank account, no smart card.

Additional Incentives for Work Visa Holders.

As we think through every aspect of a practical and enforceable legal policy on immigration and work visa holders, we must continue to be creative in crafting additional incentives that will ensure compliance with the rules of a worker visa program.

One example of a creative incentive is to require each work visa holder to establish a mandatory 10% tax free savings account drawn on a regular basis from the wages that are being deposited into the work visa holder's required bank account. This account will have a tax free build up, which the work visa holder would be allowed to withdraw upon his or her timely return to the home country. Requiring such an account would provide an additional assurance that the work visa holder will return home on time as well as create a nest egg for the work visa holder to use to start a business or go to school back home. In the event that a work visa holder failed to return to their home country in the time period set out in their agreement, their bank account (and 10% savings account) would be frozen until such time as the work visa holder returned home.

Administrative Aspects of a Worker Visa Program.

As an administrative matter, the worker visa program smart card system will be outsourced to a company like Visa, Mastercard or American Express so people who actually know how to run a sophisticated card and computer program with expert systems for tracking fraud would be implementing the smart card program. We should have zero confidence that a federal government agency can run this program effectively.

These companies can work with Kelly Services-like companies in Mexico and elsewhere to coordinate the work visa holder program and provide screening (e.g. felon check lists, other background check). Kelly Services-like companies offer staffing solutions that include temporary staffing services, staff leasing, outsourcing, vendor on-site and full-time placement and would therefore be valuable components of a worker visa program. The Vernon K. Krieble Foundation has been in the forefront of thinking through the design of such a private sector approach to managing a worker visa program that has met with widespread support.

5. **Zero Tolerance for Amnesty.** As Governor Arnold Schwarzenegger put it so eloquently in a Los Angeles Times op-ed on March 28, “We can embrace the immigrant without endorsing illegal immigration. Granting citizenship to people who are here illegally is not just amnesty ... it's anarchy. We are a country of immigrants, yes. But we are also a nation of laws. People who want to be citizens will want to do it the right way.”

And doing it the right way means that all those who are currently working in the United States illegally and who wish to apply for the worker visa program must return to their home country and apply. Application for the worker visa program should not be permitted in the United States under any circumstances.

Anything less than requiring people who are working here illegally to return home to apply for a worker visa is amnesty.

There are several reasons why amnesty would be a disaster for the United States *and* migrants and why those who are working here illegally but who wish to take part in the worker visa program must first return home to get in line and apply:

- a. **Amnesty Will Lead to Greater Illegal Immigration.** Any rewarding of a person's initial breaking the law upon entering the United States will send a very strong signal that the United States will not enforce its laws, and that the awarding of the next amnesty will only be a matter of time. The United States is not the only country that has an experience of a one time amnesty leading

to more illegal immigration. Spain sent such a signal and has had six amnesties since 1990.

- b. **Amnesty is an Injustice to Those Who Are Complying with U.S. Immigration Law.** Amnesty makes a fool out of the cousin back home or the hopeful individual in Asia or Africa who is following the rules and has been waiting for years for an honest visa because they wanted to obey American law and be a good citizen. Amnesty would discourage this type of behavior in the future and encourage illegal entry into the United States.
- c. **Amnesty Undermines the Rule of Law.** Amnesty undermines the rule of law. As we learned from New York City's successful turnaround in the 1990s, disrespect for the law, even for minor infractions, leads to lawlessness. This is as true for immigration laws as it is for urban crime. Individuals cannot be allowed to start their time in the United States by breaking the law. We see how disrespect for the rule of law already teaches some American businesses to violate the law routinely and has taught several American cities and two U.S. states to ignore the law with impunity.
- d. **Amnesty Discourages Political and Economic Reform in Migrant's Home Countries.** Since any amnesty will only encourage greater levels of illegal immigration, the political leadership of their home countries will have less pressure upon them to reform their countries' political and economic structures to provide better domestic opportunities to their peoples. Instead, they will continue to rely on the economic engine of the United States to relieve them of the need to change.
- e. **Amnesty Hides The True Number of Individuals Offered the Opportunity For Permanent Legal Immigration Due to Increased Eligibility to Bring In Additional Family Members.** It is this point that led Senator Sessions to say on the Senate floor that the McCain/Kennedy bill "would add 30 million people to our nation in the next ten years. We ought to be spending some time talking about that. It's a big, big deal." Attached as **Appendix B** is a breakdown of the numbers of the numbers of individuals that would be eligible for permanent legal immigration to the United States under various forms of amnesty.
- f. **Amnesty Will Fail to Stop the Marginalization of Individuals in Society.** Since any amnesty will only encourage greater levels of illegal entry into the United States, these migrants will continue to find themselves marginalized in society and subject to exploitation from a life lived in the shadows.

It should also be mentioned that advocates of amnesty should not be taken seriously if they claim to be also in favor of tougher border control. It is simply not credible that advocates of amnesty will be reliably tough on controlling the borders.

Notes on Returning Home to Apply for Worker Visa Program. While a worker visa program should authorize a substantial number of work visa holders, it must be stressed that this number will not be unlimited and that there will be no guarantee that every person currently working in the United States illegally will be awarded a slot in such a worker visa program.

The choice about the size of a worker visa program, and how it might be adjusted from year to year, is a political decision that weighs a number of factors. It must balance the needs of U.S. business *and* the needs of low income Americans, especially certain groups of African-American and first generation Mexican-Americans, whose wages are negatively impacted by the presence of work visa holders. What balance to be struck is a question to be answered by legitimate U.S. political bodies in democratic decision-making; it is not to be dictated by the presence of people working in this country illegally and by the pressures of foreign governments.

Additional considerations about the size of a worker visa program involve to what degree American society is capable of assimilating new citizens and the presence of large numbers of work visa holders. Again, these are legitimate questions for democratic decision-making to answer in the light of ongoing experience.

A workable comprehensive immigration reform plan should create an environment that permits policy makers to direct their focus on these types of questions (having already addressed border control and law enforcement) and once a decision is made that may impact the overall size of a worker visa program, to have full confidence that these decisions will be enforced and complied with.

The more effective and orderly the system, the larger the number of work visa holders the American people will support.

Incentives for Migrants to Return Home to Apply for Legal Work Visa Holder Status. A worker visa program that is accompanied by total border control, uniform enforcement of existing laws (including draconian penalties on employers who continue to violate employment laws after a worker visa program is established), and the rejection of amnesty will have powerful incentives for individuals working here illegally to comply with the law and return home and apply.

First, it will become extremely difficult to find jobs as few employers will risk receiving high fines by employing persons without legal work visa holder status, especially since there will be growing numbers of willing and legal work visa holders.

Second, the only way to receive legal work visa holder status is to apply in one's home country. With each passing month, an individual illegally working in the United States will face a longer and longer application "line" of those applying for legal work visa holder status to get behind.

While the transition from an illegal pattern of migration to a legal system of immigration will take time, it may be possible to create additional incentives to accelerate this transition. For example, it is possible to imagine establishing--in conjunction with stepped up border control and law enforcement--a narrow window of time (60-90 days) in which those working here illegally may apply for and receive a type of legal transit visa that would require some of the same information required for the worker visa program (photo, bio-metric identifier). After the receipt of this transit visa, an individual working here illegally would have some limited period of time (6-12 months) in which to return home and apply for the worker visa program.

While such a transit visa should not guarantee a slot in the worker visa program, there should be a strong presumption in favor of providing a work visa holder slot to such a transit visa holder if they do not have a criminal record and indeed return home in the specified time period, as it would provide a concrete demonstration of their efforts to comply with U.S. law.

On the other hand, once a worker visa program is in place and a person is found to be working here illegally, their bio-metric information should be taken down as a part of their removal proceedings and they should be barred from applying for the worker visa program for some set period of time.

The key in all of this is to create a set of incentives for the individual working here illegally to choose to comply with the law. If an individual working here illegally knows that improved border control will make it nearly impossible to cross the border again, that stepped up law enforcement and removal will dramatically increase the chances of being picked up and returned to their home country (with the penalty of being barred for a period of time of returning legally), that there is a legal way to work here, and that there is a very reasonable transition period in which to return home and apply, then we should be able to expect a swift migration to a dramatically improved immigration system that will save lives and protect the rule of law.

Family Considerations in Returning Home to Apply for Work Visa Holder Status. As the Congress designs the details of a worker visa program, it should waive in certain instances the requirement to return home to apply for children and spouses (and elderly parents) who are living here but not working and for whom a return trip home may impose a physical hardship. Nevertheless, it should be necessary for all such members of a family that are living here illegally to also provide bio-metric information at the same time that the member of the family seeking work visa holder status is applying for the transit visa.

Notes on Transition Period. The problem of millions of people living and working in the United States illegally did not happen overnight. The transition to a workable immigration system that controls who enters the United States and dramatically lowers the number of people working here illegally will likewise not take place overnight. There need not be any roundups of those who are living and working here illegally. As described above, the set of incentives we put in place should have a dramatic effect in reducing the size of the population that is working here illegally.

The key again is that border control and law enforcement must be real, amnesty must be rejected, and a worker visa program that works is put in place. Furthermore, the real pressure on illegality should be on illegal employers not on people working here illegally. Once there is a sound worker visa system, there is no excuse for an American business to deliberately violate the law. Once verifying the legality of a job applicant is as simple as swiping a credit card the burden on the illegal employer should grow dramatically. There is no reason to focus on the person working here illegally when it is the employers who are creating the problem by breaking the law. Focusing the enforcement on the employers will require those working here illegally to adjust to the new reality.

6. **Dramatically Increase H1B and H2B Visas.** We should have an increase in H1B visas (and H2Bs also), so we have enough workers. We should provide a preference for anyone with a Masters or PhD degree. Preferences for these workers should ensure a brain drain into the United States from other countries. H1B and H2B visas should be issued in response to employment opportunities.
7. **Deportation Law Reform.** Change laws to permit removal of people here illegally within 72-96 hours of being picked up. The courts are simply wrong to suggest that the 14th amendment applies to those who are here illegally. We need to change the laws to permit prompt removal of people entering the country illegally. It is utterly irrational that 90% of certain groups of people here illegally who are apprehended are lost in the Court system and are never sent home.

8. **Citizenship Reform.** The worker visa program should not be an automatic qualification for citizenship, though eventual citizenship could be held out as an opportunity. While many work visa holders will have no intention of becoming American citizens, for those workers and their families who qualify and wish to become citizens, we should carefully consider how to help patriotically integrate them. Our country has a rich history of immigration. It has been a primary source of our creativity and our prosperity. We should continue to strongly encourage those who want to become citizens, but it is important that we accept only those who want to embrace American values and culture. There is no such thing as a genetic American. To become an American citizen means becoming an American in values, culture, and historic understanding.

Therefore, as a part of any comprehensive immigration reform we must renew our commitment to education about American citizenship based on American history, the English language, and an understanding of the Founding Fathers and the core values of American civilization. We must insist that immigrants learn the key values and key facts of American history. Senator Lamar Alexander has introduced an excellent bill (S. 1815) that lays the foundation for the patriotic integration and growth as citizens of new immigrants.

Promoting the patriotic integration of immigrants is not a new notion. President Theodore Roosevelt had some very clear ideas about what we should demand of immigrants and how we should treat them:

In the first place, we should insist that if the immigrant who comes here in good faith becomes an American and assimilates himself to us, he shall be treated on an exact equality with everyone else, for it is an outrage to discriminate against any such man because of creed, or birthplace, or origin. But this is predicated upon the person's becoming in every facet an American, and nothing but an American...There can be no divided allegiance here. Any man who says he is an American, but something else also, isn't an American at all. We have room for but one flag, the American flag... and we have room for but one sole loyalty and that is a loyalty to the American people.

In a recent op-ed, Peggy Noonan captured quite well the underlying anxiety many Americans have that we are not today making the type of demands envisioned by President Roosevelt to create Americans out of immigrants as we have done in the past. It is attached as **Appendix C** and well worth reading.

As the U.S. Congress moves to reassert the importance of patriotic integration of immigrants, we can expect fierce opposition, including from foreign governments. When this happens, we should make the point clearly that those foreign governments

which object to this program are precisely the governments which have failed their own people. Opponents of patriotic integration must be challenged to defend their anti-American position.

Specific assimilation reform measures should include:

- a. Returning to English language ballots, to a focus on English language literacy as a prerequisite of citizenship, to an insistence that U.S. dual citizens vote only in the United States and give up voting in their birth nations; These were principles widely understood and accepted for most of American history and they enabled us to absorb millions of immigrants and assimilate them and their children into an American civilization;
- b. Enforcing the Oath of Allegiance (and making its understanding and affirmation part of the citizenship test, including specific programs to study for the citizenship test emphasizing American heroes, including military heroes);
- c. Focusing federal funds on teaching American history and the principles of American civilization;
- d. Rescinding Executive Order 13166 requiring multilingualism in federal documents; and
- e. Maintaining English as the primary language of America. English is not and never has been the only language in America. We have a long tradition of people speaking many languages in their local community and with other immigrants. But English has been and should remain our primary language. There should be a National Program for English Instruction that is modeled after the highly successful “Ulpan Studies” program in Israel. This would provide highly intensive English and American history and civics training for new immigrants so that they can have the practical skills to participate in every day American life and become employed. To encourage participation, immigrants would be incentivized with a reasonable stipend. Other benefits could include a shortening of the naturalization period for successful completion of the course.

Chris Cox of California describes the program in a bill that he introduced in Congress:

Like the United States, Israel has a polyglot immigrant mix, including Eastern Europeans, Central Asians and Ethiopians, most of whom

Speak little or no English. Every new immigrant to Israel is entitled to 500 hours of intensive Hebrew language training, which is designed to give them the language and practical skills to participate in everyday Israeli life. Although the program is not compulsory, participants receive a small stipend to defray expenses and receive a certificate upon successful completion of the program. This certificate has real value, since many employers require an "Ulpan certificate" for a job and many schools require one for admission.

Chris Cox's proposal is the kind of innovative solution that is a "win-win" for new immigrants and the future of America. Like the Israeli program, it would provide highly intensive English, American history and civics training for immigrants so they can acquire the practical skills to fully participate in their communities and workplaces. To encourage participation, immigrants could be given a stipend. In addition, the time required for naturalization could be shortened for those who successfully complete the program.

9. **Require a Written Test in English of American History for any Legal Immigrant Who Wishes to Become a Citizen and Meets all Qualification Criteria.** I strongly favor legal immigrants becoming American citizens. This has been a primary source of the creativity and prosperity of America. For those who want to become citizens, we must require that they take a test about American history in English.
10. **Extensive Communications Campaign Domestically and Internationally by U.S. Authorities about the New U.S. Immigration Policies.** A comprehensive immigration reform plan will only work if people understand it. There must be a substantial emphasis on the communications strategies that will be employed to explain the details of this program both at home and abroad.
11. **Positive U.S. Approach to Latin America.** Once a comprehensive immigration reform is adopted, the U.S. should make a concerted effort to explain its details to governments throughout Latin America and make it clear in no uncertain terms that the United States will not take kindly to any action by a foreign government that seeks to actively undermine our laws. In addition, U.S. diplomats should make clear that the U.S. government stands for greater safety, health, prosperity, and freedom for every person in the hemisphere and that its policies are devoted to that end. The U.S. should also aggressively promote the adoption of reforms in other countries in the Americas that are aimed at reducing corruption and promoting greater economic opportunities for their citizens.

WE CAN DO IT

We can protect America from would-be terrorists and criminals while simultaneously making it easier for work visa holders to enter the country legally and work here as long as they obey the law. Millions of people are working here illegally because Americans are hiring them. They have jobs in your neighborhood. They may be serving you at a restaurant, washing your car, or mowing your lawn. They are probably working the construction projects you drive past each day. The illegal status of these hard working people makes them vulnerable to criminals and keeps them from playing responsible roles in our communities.

America has experience in successfully tackling this type of large challenges. In the early 1990s it was widely assumed that New York City and other big cities would simply have to get used to high levels of crime. That changed with Mayor Rudy Giuliani and NYPD Chief Bill Bratton starting in 1995. Making it very clear that there would be zero tolerance for crime, they transformed New York, making it the largest safe city per 1,000 people in the country. In New York City, almost sixteen thousand people are alive today who would have died if the murder rates of the early 1990s had continued, and almost thirteen thousand women were saved from rape in the same time period.

Smart policies matter. Smart policies can make a difference. They can save lives and improve the life and well being of the entire community.

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**STATEMENTS OF ADMINISTRATION OFFICIALS THAT
UNDERScore THE NATIONAL SECURITY
THREATS POSED BY OUR UNCONTROLLED BORDERS**

Uncontrolled Borders Present a Terrorist Threat:

- “There's been one instance that I'm aware of in which...operatives were assisting others with some association with Hezbollah and coming into the United States. So that was an organization that we dismantled and identified those persons who had been smuggled in...over the southern U.S. border.” (Testimony of FBI Director Robert Muller, before the House Committee on Appropriations, Science, State, Justice and Commerce and Related Agencies Subcommittee (March 28, 2006).
- “To defend this country, we have to enforce our borders. When our borders are not secure, terrorists, drug dealers, and criminals find it easier to sneak into America.” (President George W. Bush, Radio Address (October 22, 2005).
- “The ability of undocumented individuals to enter our country represents an obvious homeland security threat...When we do not control our borders, we also risk entry into the U.S. of terrorists or others wishing to do us harm.” (Testimony of Homeland Security Secretary Michael Chertoff before the Senate Judiciary Committee, *border security, interior enforcement and immigration reform* (October 18, 2005)).
- “Al-Qa'ida is intent on finding ways to circumvent US security enhancements to strike Americans and the Homeland.” (Testimony of Director of Central Intelligence Porter J. Goss before the Senate Select Committee on Intelligence (February 16, 2005)).
- "It may only be a matter of time before Al Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons," (Testimony of Director of Central Intelligence Porter J. Goss before the Senate Select Committee on Intelligence (February 16, 2005)).
- “Recent information from ongoing investigations, detentions, and emerging threat streams strongly suggests that al-Qaida has considered using the southwest border to infiltrate the United States. Several al-Qaida leaders believe operatives can pay their way into the country through Mexico and also believe that illegal entry is more advantageous than legal entry for operational security reasons.” (Statement of Deputy Secretary Admiral James Loy on *The Worldwide Threat*, before the Senate Select Committee on Intelligence (February 16, 2005).

- “Their intent to attack us at home remains--and their resolve to destroy America has never faltered.” (Testimony of FBI Director Robert Muller, before the Senate Select Committee on Intelligence (February 16, 2005).
- “The biological warfare and terrorism threat to US national security is on the rise as rogue states and terrorist groups also exploit the ease of global travel and communication in pursuit of their goals.” (Chairman John C. Gannon, National Intelligence Council, *The Global Infectious Disease Threat and its Implications for the United States* (January 2000).
- In February 2006, Customs investigators seized grenades, pipe bombs and material to make improvised explosive devices near the border in Laredo, Texas amid warnings that drug traffickers are helping terrorists with possible al-Qaeda ties cross the Texas-Mexico border into the United States:

"The weapons seized are a stark reminder of the vulnerability created by the federal government's failure to secure our borders...Texans are rightly concerned by the state of our borders and the potential means for a terrorist to exploit that vulnerability." (Senator John Cornyn, as reported in: David McLemore, “Cache of Explosives Found Near Border”, *Dallas Morning News* (February 3, 2006)).

Uncontrolled Borders Bring Crime and Gangs:

- “Transnational street gangs pose a growing public safety threat to urban and rural communities throughout the United States. Their violence, sophistication and scope have reached intolerable levels.” (Julie Myers, Assistant Secretary of U.S. Immigration and Customs Enforcement (ICE), Press Conference with Secretary of Homeland Security Michael Chertoff and Other Senior Officials on Operation Community Shield (March 10, 2006)).
- “Smugglers and gangs that bring illegal immigrants across the border also bring crime to our neighborhoods and danger to the highways.”(President George W. Bush, President Discusses Border Security and Immigration Reform at Davis-Monthan Air Force Base, Tucson, Arizona (November 28, 2005).
- “Flagrant violation of our borders undercuts the rule of law, undermines our security, and imposes particular economic strains on our border communities.” (Testimony of Homeland Security Secretary Michael Chertoff before the Senate Judiciary Committee, border security, interior enforcement and immigration reform (October 18, 2005)).

Appendix B

AMNESTY BY THE NUMBERS: HOW MANY PEOPLE ARE BEING OFFERED AMNESTY UNDER THE VARIOUS AMNESTY PROPOSALS

1. Federation for American Immigration Reform (FAIR)'s Numbers--Report: "The Hidden Dangers of McKennedy"

Under the McCain-Kennedy Bill, H-5B aliens who are given Amnesty would be able to immediately petition for spouses and children living outside the U.S. (estimated at a 1:1 ratio), **for a rough total of 21 million estimated immediate beneficiaries within four years of implementation.**

With their new green cards, adjustment-phase beneficiaries would be able to begin sponsoring members of their extended families for immigrant visas. S.1033 Title VI provides for a very large increase in the numbers and kinds of derivative relatives of illegal aliens eligible to enter the U.S. as immigrants.

- Immediate relatives (spouses, minor children and parents) of US citizens and most parolees would be removed from counting against the ceiling for family-based immigrant visas, and
- the definition of immediate relatives, who are exempt from any visa limits, is expanded to include
 - the children of children (i.e. grandchildren),
 - children of spouses (i.e., step-children), and
 - children of parents (i.e., siblings) of U.S. citizens.

These provisions would free up at **least 400,000 new family preference immigrant visas per year**, and **could easily double the number of admitted derivative relatives, to 800,000 additional immigrants per year, supplemented by a pool of unused immigrant visa numbers from prior years.**

- For example, a U.S. citizen will be able to sponsor for immediate entry, outside of any limits, all of the U.S. citizen's siblings, grandchildren, spouses' children by prior marriage, etc. When those family-sponsored relatives arrive, as immediate permanent residents, they will be able to immediately apply to bring in additional family members, spouses, and children.

FAIR has compiled a “conservative rough-magnitude tally of the additional amnestied or legal immigrants authorized by S.1033” as being **36.5 million** new permanent residents after eight years, based on the following calculation:

S.1033 Programs	Number of New Immigrants		Total
	<i>1st 4 years</i>	<i>2nd 4 Years</i>	
H-5B Amnesty	10,000,000	100,000	10,100,000
H-5B Fraud & Waivers	500,000	100,000	600,000
H-5B Derivative Relatives	10,500,000	1,000,000	11,500,000
Immediate Relatives	1,600,000	1,600,000	3,200,000
Family Preference Visas	1,600,000	1,600,000	3,200,000
Spec. Immigrant & NACARA	20,000	20,000	40,000
Employment Based Visas	600,000	600,000	1,200,000
FY 01-05 Unused Visas	240,000		240,000
H-5A Guest workers	1,600,000	1,600,000	3,200,000
H-5A Derivative Relatives	1,600,000	1,600,000	3,200,000
Total	28,260,000	8,220,000	36,480,000

This total identifies the incremental immigration authorized by S. 1033, and is in addition to existing levels of legal or illegal immigration.

http://www.fairus.org/site/PageServer?pagename=leg_hethmon_nov2005

2. **NumbersUSA Education and Research Foundation--Comparison of the Estimated Numerical Impacts of the Immigration Bills That Could Come Before the Senate (McCain, Frist, Specter, Sensenbrenner bills)**

[on next page]

Web link:

<http://www.numbersusa.com/PDFs/SensenbrennerSpecterMcCainFristNumbersComp.pdf>

Update: Hagel-Martinez Bill

"Initial estimates by NumbersUSA suggest that the Hagel-Martinez plan would allow a minimum of 32 million permanent immigrants into the United States over the next 10 years."

Source: NumbersUSA--<http://www.numbersusa.com/hottopic/specterproposal.html>

EXCERPT FROM OP-ED BY PEGGY NOONAN

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There are a variety of things driving American anxiety about illegal immigration and we all know them--economic arguments, the danger of porous borders in the age of terrorism, with anyone able to come in.

But there's another thing. And it's not fear about "them." It's anxiety about us.

It's the broad public knowledge, or intuition, in America, that we are not assimilating our immigrants patriotically. And if you don't do that, you'll lose it all.

We used to do it. We loved our country with full-throated love, we had no ambivalence. We had pride and appreciation. We were a free country. We communicated our pride and delight in this in a million ways--in our schools, our movies, our popular songs, our newspapers. It was just there, in the air. Immigrants breathed it in. That's how the last great wave of immigrants, the European wave of 1880-1920, was turned into a great wave of Americans.

We are not assimilating our immigrants patriotically now.

So far we are assimilating our immigrants economically, too. They come here and work. Good.

But we are not communicating love of country. We are not giving them the great legend of our country. We are losing that great legend.

What is the legend, the myth? That God made this a special place. That they're joining something special. That the streets are paved with more than gold--they're paved with the greatest thoughts man ever had, the greatest decisions he ever made, about how to live. We have free thought, free speech, freedom of worship. Look at the literature of the Republic: the Constitution, the Bill of Rights, the Federalist papers. Look at the great rich history, the courage and sacrifice, the house-raising, the stubbornness. The Puritans, the Indians, the City on a Hill.

The genius cluster--Jefferson, Hamilton, Adams, Madison, Franklin, all the rest--that came along at the exact same moment to lead us. And then Washington, a great man in the greatest way, not in unearned gifts well used (i.e., a high IQ followed by high attainment)

but in character, in moral nature effortfully developed. How did that happen? How did we get so lucky? (I once asked a great historian if he had thoughts on this, and he nodded. He said he had come to believe it was "providential.")

We fought a war to free slaves. We sent millions of white men to battle and destroyed a portion of our nation to free millions of black men. What kind of nation does this? We went to Europe, fought, died and won, and then taxed ourselves to save our enemies with the Marshall Plan. What kind of nation does this? Soviet communism stalked the world and we were the ones who steeled ourselves and taxed ourselves to stop it. Again: What kind of nation does this?

Only a very great one. Maybe the greatest of all.

Do we teach our immigrants that this is what they're joining? That this is the tradition they will now continue, and uphold?

Do we, today, act as if this is such a special place? No, not always, not even often. American exceptionalism is so yesterday. We don't want to be impolite. We don't want to offend. We don't want to seem narrow. In the age of globalism, honest patriotism seems like a faux pas.

And yet what is true of people is probably true of nations: if you don't have a well-grounded respect for yourself, you won't long sustain a well-grounded respect for others.

Because we do not communicate to our immigrants, legal and illegal, that they have joined something special, some of them, understandably, get the impression they've joined not a great enterprise but a big box store. A big box store on the highway where you can get anything cheap. It's a good place. But it has no legends, no meaning, and it imparts no spirit.

Who is at fault? Those of us who let the myth die, or let it change, or refused to let it be told.

You can turn any history into mud. You can turn great men and women into mud too, if you want to.

And it's not just the nitwits, wherever they are, in the schools, the academy, the media, though they're all harmful enough. It's also the people who mean to be honestly and legitimately critical, to provide a new look at the old text. They're not noticing that the old text--the legend, the myth--isn't being taught anymore. Only the commentary is. But if all the commentary is doubting and critical, how will our kids know what to love and revere? How will they know how to balance criticism if they've never heard the positive side of the argument?

Those who teach, and who think for a living about American history, need to be told: Keep the text, teach the text, and only then, if you must, deconstruct the text.

When you don't love something you lose it. If we do not teach new Americans to love their country, and not for braying or nationalistic reasons but for reasons of honest and thoughtful appreciation, and gratitude, for a history that is something new in the long story of man, then we will begin to lose it. That Medal of Honor winner, Leo Thorsness, who couldn't quite find the words--he only found it hard to put everything into words because he knew the story, the legend, and knew it so well. Only then do you become "emotional about it." Only then are you truly American.

(Peggy Noonan, "Patriots, Then and Now: With nations as with people, love them or lose them," Wall Street Journal Opinionjournal.com, March 30, 2006)