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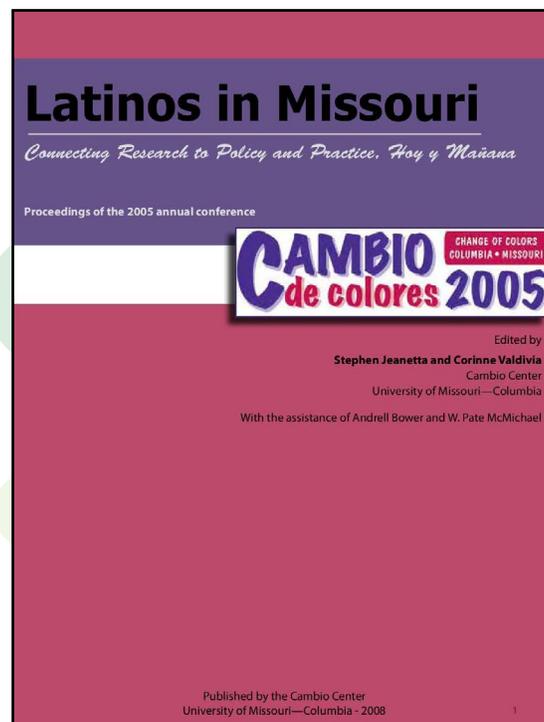
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Immigration Reform: Comprehensive Solutions for Complex Problems

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home language and English acquisition; and well-designed and carefully implemented English immersion programs for ELLs could lead to short-term gains in English acquisition (Rice and Wilcox, 1995) but loss in native language fluency over time (Oller and Eilers, 2002).

The literature on bilingual education has repeatedly reported linguistic, cognitive, metalinguistic and early literacy advantages for children who successfully become bilingual over monolinguals. It is clear that many conceptual, literacy and language skills transfer from the child's first language to English. However, there are many unanswered questions about the impact of social class and bilingual education for young children who have not yet developed proficiency in their first language. When ELL children from low SES families enter early childhood programs, what are the costs of adding English when their native language abilities are significantly delayed? How much native language fluency is necessary before adding a second language? Does this vary by a child's individual characteristics and the resources of the program? While there are clearly social, economic and cultural benefits to becoming bilingual and biliterate, the research has yet to conclusively describe the best methods for achieving this goal.

Nevertheless, a consensus of researchers in bilingual education and language acquisition recognizes that the following propositions have strong empirical support and implications for early childhood:

- Native-language instruction does not retard the acquisition of English
- Well-developed skills in the child's home language are associated with high levels of long-term academic achievement
- Bilingualism is a valuable skill, for individuals and for the country

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► Immigration Reform: Comprehensive Solutions for Complex Problems

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Overview

In January 2004, after more than two years of silence, President George Bush reignited the national immigration debate when he proposed a new guest worker program. Members of Congress of both political parties have entered the debate by introducing proposals of their own. While the content of immigration reform proposals varies – sometimes dramatically – nearly everyone from all sides of the

immigration debate agrees that the current system is not functioning well, is not in the best interests of the U.S. and needs to be reformed. This debate is likely to continue for several years; immigration reform has always been a contentious issue in this nation of immigrants. This paper explains why the current system is inadequate and needs to be overhauled and lays out National Council of La Raza's principles for comprehensive immigration reform.

Problems with the Current Immigration System

Although the current immigration system appears generous and reasonable on paper, it is not in tune with current economic or social realities. Immigrants with work or family needs feel pressure to enter the U.S. without visas for several reasons: employers continue to hire undocumented labor, needed workers who do not fit into the employment-based immigration preference system have few legal channels to come to the U.S., and the system separates close family members for long periods of time.

NCLR's significant experience on this issue suggests the current legal immigration system is insufficient. One common question is why don't immigrants enter the U.S. legally. The answer is that most immigrants who come to the United States each year do come legally. However, the law's employment-based and family-based visas are limited to individuals with particular skills or family relationships. People who wish to come on an employment-based visa and who fit into one of the categories must have a job offer in the U.S. and an employer willing to sponsor him or her – a process that can be expensive and take a long time. Although many sectors of the economy rely on the hard work of immigrants who do not qualify for the "highly-skilled" visa categories, the law provides only 5,000 permanent visas each year for "unskilled" workers. This means that employers in restaurants, hotels, and other service jobs who want to petition for immigrant workers because the local labor pool does not meet their demand face visa backlogs reaching 10 years. As a result, the system provides no legal avenue for those who wish to come to the United States to work in industries that need them. Family-based immigration is also restricted in that only close family members of persons who are U.S. citizens and legal permanent residents can immigrate to the U.S. The product of this imbalance is a significant population of undocumented immigrants who live and work in the United States and who have no way to obtain a legal visa.

Millions of undocumented immigrants are contributing to the U.S. economy. Although estimates vary, researchers calculate about 9 million undocumented immigrants living in the U.S. Unauthorized urban workers, a subset of the total undocumented population, number about 6 million, or 5 percent of all U.S. workers. Ninety-six percent of undocumented men are in the labor force, which exceeds by more than 15 points the labor-force participation rate of legal immigrants or U.S. citizens. Updated estimates of the number of undocumented immigrants are not available, but in 2001 an estimated 620,000 undocumented workers worked in the construction industry, 1.2 million worked in manufacturing, 1.4 million worked in wholesale and retail trades and another 1.3 million worked in the service industry. These immigrant workers are already filling important gaps in the labor market; legalizing their status would bring them into the formal economy, increase tax revenues and improve wages and working conditions for all workers. Alan Greenspan, former chairman of the Federal Reserve Bank, recognized the need to re-examine U.S. immigration policies in order to maintain a strong economy. He stated,

I've always argued that this country has benefited immensely from the fact that we draw people from all over the world. And the average immigrant comes from a less benign environment, and indeed that's the reason they've come here. And I think they appreciate the benefits of this country more than those of us who were born here. And it shows in their entrepreneurship, their enterprise, and their willingness to do the types of work that make this economy function.

Undocumented immigrants pay taxes. Many Americans believe that undocumented immigrants do

not pay taxes. However, there is strong evidence that they do pay far more in taxes than they receive in benefits. Immigrants who use false Social Security Numbers have taxes withheld from their paychecks but never receive credit for those taxes paid. The greatest evidence is the existence of the Social Security Administration's Earnings Suspense File, a fund with more than \$420 billion of cumulative earnings paid by employees who never claim benefits. Much of this is the taxes undocumented immigrants paid using false SSNs. Furthermore, many undocumented immigrants file tax returns using Individual Taxpayer Identification Numbers. More than 1 million taxpayers reported wages of almost \$7 billion and paid more than \$305 million to the IRS in 2001 using ITINs. More importantly, three-quarters of all ITINs issued were reflected in tax returns, prompting Nina Olson, the taxpayer advocate, to refer to the ITIN population as a "very compliant sector of the U.S. taxpayer population."

Family reunification backlogs have increased. Even those immigrants who are eligible to apply for family-based visas have difficulty receiving their green cards. Waiting to be reunited with their families, millions of close family members remain in visa backlogs for years. These backlogs are threefold. First, each year the U.S. Citizenship and Immigration Service, the agency within the Department of Homeland Security responsible for processing immigration benefits, receives more applications than there are visas available. Second, even when family-based applications are approved and visas are available, the USCIS takes a long time processing applications, which adds additional years to the long waiting times. Third, a 1976 immigration law created equal per-country caps for all countries in the world, regardless of size and demand. Mexico, which was previously excluded from all numerical quotas, is assigned the same annual quota as every other country, thereby severely limiting the number of visas available each year for

Exploring the implications of changing demographics on policy

*Rachel Higginbotham
Adelante Staff*

Since between 1990 and 2000, Missouri has seen a 50 to 99 percent increase in immigrant families, who often live in poverty and have at least one parent with limited English proficiency, said presenter Donald Hernández.

Hernández, professor of Sociology at the University of Albany, SUNY, provided research and census data on the growing number of immigrant children and families in the U.S., particularly in Missouri. In the spirit of connecting research to policy, the breakout including his presentation opened the plenary sessions.

According to 2000 census data, 20 percent of children in the U.S. are from immigrant families, compared to 13 percent in 1990. Sixty-two percent of these immigrant families are from Latin America.

Hernández noted that his information was somewhat inaccurate because it was recorded in

2000 and because it does not take undocumented immigrants into account.

Michele Waslin, senior immigration analyst for the National Council of La Raza, connected Hernández's research to federal, state and local immigration policy.

"The current (immigration) system is desperately broken and in need of repair," she said, noting that a green card holder could wait up to 13 years to legally bring a spouse to the U.S.

Waslin spoke specifically about the increasing interest in immigration policy as an attempt to curb terrorism since Sept. 11. Waslin said that policies such as Arizona Proposition 200 and the federal CLEAR and Real ID Acts could violate civil rights for many immigrants.

Waslin concluded the session by encouraging attendants to write government officials to prevent such policies from being implemented and to promote positive immigration reform, "so that families can be reunited, workers can be treated fairly and people don't have to live in the shadows."

Mexicans and creating a backlog for Mexican applicants. This backlog is already large due to the country's proximity to the U.S., its economy and the size of its origin immigrant population.

The convergence of these three backlogs means that more and more family members are waiting an extremely long time to receive their visas. U.S. citizens who petition for unmarried children over 21 years old from Mexico must wait as long as nine years to be reunited. Legal permanent residents from Mexico who petition for their immediate family members, spouses and minor unmarried children, might wait as long as seven years. Because of the strict laws on issuance of temporary visas, many spouses and children do not qualify for tourist visas to the U.S. because immigration officials fear they will overstay the visa and remain in the U.S. Rather than endure long waiting periods, some family members add to the undocumented population by choosing to risk their lives and coming to the U.S. without a visa to be reunited with loved ones. The current allocation of visas in the family preference system is clearly inadequate to account for the millions of immigrants attempting to play by the rules and enter the U.S. legally.

Increased border enforcement has not slowed the tide of unauthorized migration. Enforcement of immigration laws is ineffective, yet the U.S. Border Patrol continues to receive an increased budget. In 1986, the border patrol was a relatively small agency with an annual budget of \$151 million. Since the mid-1990s, the number of agents has tripled, and the border patrol's budget has gone from \$740 million in 1993 to \$3.8 billion in FY 2004. The border patrol has also increased technological resources, such as sensors, fences, cameras and aircraft. However, the number of undocumented immigrants trying to enter the U.S. has not decreased but remained at roughly 500,000 per year, and migrants' length of stay in the U.S. has increased. Researchers have demonstrated the inefficiency of increased border patrol funding by examining the number of apprehensions per linewatch-hour. In 1986, for every 1,000 hours spent patrolling the border, there were 700 arrests made; in 1998 the number dropped to 340. By 1998 the number of arrests dropped to 240 per 1,000 linewatch-hours. Despite a 176 percent increase in linewatch-hours from 1986 to 1998 and a 130 percent increase in the number of border patrol officers, the number of undocumented immigrants apprehended fell dramatically. Looking at it another way, the amount of taxpayer money spent per undocumented entry has increased dramatically in the last two decades. U.S. taxpayers now spend billions of dollars annually to fund border enforcement that has not slowed the rate of unauthorized border crossings.

Immigrants die on the U.S.-Mexico border every day. Immigrants continue to risk their lives because they want to work and reunite with their families. Operation Blockade and Operation Gatekeeper, initiated in 1993 and 1994, respectively, and other enhanced border enforcement measures have succeeded in closing off the traditional ports of entry and have diverted migrants into more dangerous crossing areas. Because the number of immigrants attempting to enter the U.S. has not decreased, the probability of death or injury as the result of drowning, heat exhaustion, suffocation and exposure has increased. Data shows that the number of border deaths has increased dramatically in recent years and now reaches an average of nearly one death per day. Since the beginning of the border enforcement buildup in 1993, there have been more than 2,600 deaths related to border crossings, which amounts to 10 times more lives than the Berlin Wall claimed during its 28-year existence.

Smugglers are profiting from increased border enforcement. Because of the government's policy of increased enforcement along the U.S.-Mexico border and the associated risks of crossing the border, many unauthorized immigrants cannot survive the trip alone and rely on professional smugglers. Since the increased border control of the 1990s, migrants are now paying tremendous sums to smugglers, coyotes, to assist them and their family members in crossing the border. According to Doug Mossier, spokesperson for the border patrol's El Paso sector, coyotes charge between \$100 and \$500 to cross people from Ciudad Juárez, Mexico, to El Paso, Texas. A move from the interior of Mexico into the U.S.

costs \$1,500 to \$5,000. Often, migrants are indebted to these coyotes for years after they arrive in the U.S. and sometimes work as indentured servants until they pay their fees. The border patrol approximates that at least 20 networks of coyotes are active in the Ciudad Juárez region. Moreover, there have been increased reports of violence associated with rivalries between smuggling networks, which affects both immigrants and border communities.

The length of stay in the U.S. has increased. Before to the buildup of border enforcement in the mid-1990s, a portion of undocumented immigration to the U.S. tended to be circular. Immigrants came to the U.S. to work for a short period of time and earn money and then returned to their home countries. They often repeated the cycle several times. This phenomenon has changed in recent years as migrants who intend to return to their home countries find themselves stuck in the U.S. Research has found that increased border enforcement has not succeeded in deterring people from entering the U.S., but it has discouraged those undocumented immigrants already in the U.S. from returning to their home countries. Because of increased border enforcement and the increased risks and costs of crossing the border, the length of time undocumented immigrants remain in the U.S. has increased. According to Massey, Durand and Malone, “the end result of a border buildup is typically longer trip durations, lower probabilities of return migration, and a shift toward permanent settlement.” In the early 1980s, the average stay of an undocumented immigrant was about two to three years; by 1990 it was nine years, and the probability that any one undocumented immigrant would return home had decreased. What had been a circular flow of temporary migrants has transformed into permanent settlement.

Undocumented immigrants often receive poor wages and endure dangerous working conditions. Their lack of legal immigration status makes them extremely vulnerable. They have few labor protections and are often afraid to assert their rights, join an organizing campaign or complain about workplace conditions. A recent study by the Associated Press found that death rates of Mexican workers are rising even as the U.S. workplace grows safer overall. In the mid-1990s, Mexicans were about 30 percent more likely to die on the job than native-born workers; now they are about 80 percent more likely. The annual death rate for Mexicans in the workforce is now one in 16,000 workers while the rate for the average U.S.-born worker is one in 28,000. Although Mexicans represent one in 24 workers in the U.S., they constitute one in 14 workplace deaths. Furthermore, Mexicans are nearly twice as likely as the rest of the immigrant population to die at work. Construction and agriculture are the most dangerous occupations for Mexicans. The AP found that, while their odds of dying in the southeast and parts of the west are far greater than the U.S. average, the fatalities occurred across the country. Mexicans died cutting North Carolina tobacco, processing Nebraska beef, felling trees in Colorado, welding a balcony in Florida, trimming grass at a Las Vegas golf course and falling from scaffolding in Georgia.

The Supreme Court has curtailed immigrants’ rights and, as a result, wages and labor conditions have suffered even more. When one sector of workers accepts low wages and poor working conditions and is fearful of reporting safety hazards or labor law violations or participating in labor organizing campaigns, all workers suffer. This situation was made worse by a recent Supreme Court decision. In March 2002, the Supreme Court issued a decision that overturned the long-standing precedent that all workers are covered equally by labor laws, regardless of their immigration status. In the *Hoffman Plastic Compounds v. National Labor Relations Board* decision, the Court decided that employees working in the United States with false documents are not entitled to back pay from employers, even if they are fired illegally. By denying a remedy to one group of workers, the Hoffman decision undermines the status of all workers and strengthens employers’ incentive to hire unauthorized workers because they can fire these employees when they engage in any activity deemed unfit without suffering any legal ramifications. The Hoffman decision hurts all American workers because it lowers wages, encourages poor working conditions, discourages organizing and harms law-abiding employers who receive unfair competition

from employers who take advantage of undocumented labor.

Undocumented immigrants live in the shadows of society in fear of contact with the authorities and vulnerable to crime. Undocumented immigrants are often more vulnerable to crime because they are more likely to have a lot of cash on hand. Because many cannot open bank accounts due to a lack of proper documentation, undocumented immigrants use check-cashing outlets. These immigrants are often reluctant to report to the police crimes that they have witnessed or been a victim of because they fear that they might be reported to the immigration authorities. For example, Mexican national Petra Martinez, 31, was murdered along with her son, Urel Martin, 2, on July 19, 2003, in their home in a predominantly immigrant neighborhood in Clearwater, Fla. The local police department believes that some members of the community have information on the case but are declining to come forward for fear of immigration-related repercussions. In some areas of the country, criminals have exploited this fear and have targeted immigrants for crime. In Durham, N.C., thieves told their victims that if they called the police, they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by thieves and other police. Undocumented immigrants are vulnerable to crimes other than robbery; domestic violence victims often fail to report their abusers because their immigration status is used to threaten them. In 1998, a New Jersey woman was found murdered in the basement of her apartment. Friends of the woman reported that the suspected murderer, her former boyfriend, threatened to report her to the immigration authorities if she did not do what she was told.

The USCIS is unable to handle its workload, which leaves more immigrants vulnerable. Since the Immigration and Naturalization Service was abolished and immigration services were moved into the Department of Homeland Security, the USCIS has not decreased the backlogs and waiting times for applications for naturalization, green cards, travel documents, work authorization documents, and other immigration transactions. A January 2004 General Accounting Office report claims that 6.2 million applications for immigration benefits were pending as of September 2003 — a 59 percent increase from the previous two years. In fact, despite the Bush administration's vow to cut backlogs and \$160 million earmarked for such backlog reductions, the average processing times increased dramatically; the wait to replace a lost green card has grown from four months to 19. Some people who already have been awarded permanent legal status in immigration court have waited six months or more to receive the paperwork that proves it. Immigrant workers and students have trouble closing gaps in their legal status due to USCIS bureaucracy and backlogs. As a result, an increasing number of immigrants find themselves out of status, unable to travel, unable to work and vulnerable to immigration violations.

Immigration law prohibits some people from gaining legal status and forces them to remain undocumented. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act created three-year, 10-year, and permanent bars on admission to the U.S. for individuals who have been unlawfully present in the U.S. for a specified period of time. Individuals who have been unlawfully present in the U.S. for more than 180 days but less than one year and who voluntarily depart may not re-enter the U.S. for three years. People unlawfully present in the U.S. for an aggregate period of one year or more who voluntarily depart are subject to a 10-year bar. The permanent bar applies to anyone who was ever ordered removed, leaves the U.S. and then returns or attempts to return unlawfully. Because of these bars, individuals who are eligible for employment-based or family-based visas are unable to adjust their status in the U.S. because Section 245(i) of the Immigration and Nationality Act has expired, and if they leave the U.S., they are unable to receive a green card at a U.S. consulate abroad until the three- or 10-year period has passed. As a result of these harsh penalties, undocumented immigrants eligible for visas are encouraged to stay in the U.S. undocumented rather than be separated from family members for up to 10 years or even permanently. An example of the result of this policy is the death of Juan Jose

Morales, who as the husband of a U.S. citizen was eligible for a family visa. However, because he had been undocumented for a period of time, he was subject to the bars of admissibility. This essentially forced him to remain undocumented; processing his visa would require him to leave the United States without the ability to enter again for many years. Rather than separate from his family, he chose to remain undocumented. He returned to Mexico secretly to visit his mother for Mother's Day in 2003, then used a smuggler to return to his home and his wife; he was one of 19 who suffocated in a trailer trying to re-enter the United States. It is widely believed that a substantial portion of the undocumented population are immigrants who are eligible for family visas but cannot use them without separating from their families.

The current immigration system impedes our national security goals. In the post-Sept. 11 world, the public is understandably concerned about national security. Like all Americans, Latinos want to be safe and prevent future terrorist attacks. Although immigrants and terrorists cannot and should not be equated, it is important to look at immigration policy and its relationship with security. Unfortunately, the current immigration system does not enhance national security. Nearly 10 million people in the U.S. live in the shadows and fear reporting suspicious activity to the police. Because they cannot obtain valid government-issued identification documents, many immigrants buy fraudulent documents on the black market or misuse the documents of others. Americans cannot be secure under a system in which smugglers and traffickers, rather than the U.S. government, decide who enters the country. Immigration reforms that bring people out from the shadows, correctly identify all people and encourage immigration to occur through legal channels would be beneficial to U.S. security efforts.

In summary, Although the current U.S. immigration system appears fair, reasonable and highly regulated on paper, the facts illustrate that the current system is broken and in vast need of reform. Under the current system, people die at the border, families endure long separations, people are forced to live an underground existence in the shadows of society and U.S. government resources are spent tracking people who would prefer to comply with the law rather than those who wish to do us harm. Because of these problems, the current immigration system hurts U.S. businesses, families and security while it benefits unscrupulous employers, traffickers and smugglers who profit from the broken system. The status quo is unacceptable, and the problem will continue to worsen unless comprehensive reforms are initiated immediately.

The Need For Comprehensive Immigration Reform

Because the problems with the current immigration system are so complex, truly comprehensive reforms are needed to get to the root causes of undocumented immigration and fix the system so that it can benefit the U.S. economy, American families, and national security more effectively. Rather than the chaotic, poorly functioning, unfair system the U.S. currently has, a reformed immigration system would be safe, orderly and fair. Perhaps most importantly, the U.S. immigration system would encourage and allow legal immigration. Immigrants currently living undocumented in the U.S. should be allowed to earn their legal status, future flows of immigrants should have channels to come legally and those families who are playing by the rules and attempting to enter lawfully must be allowed to do so in a reasonable timeframe.

Toward these ends, NCLR has developed principles for a three-pillared comprehensive immigration reform package.

Legalization or earned adjustment of status

The first step in any comprehensive immigration reform is to legalize the status of undocumented immigrants currently in the U.S. This is not an amnesty. Immigrants who can prove they have been living and working in the U.S. for a specified period of time, paid their taxes and otherwise obeyed the law and

who undergo background checks and are proven not to be threats to the U.S. would be eligible to apply for earned legalization. Furthermore, applicants would have to pay an application fee and a fine in order to qualify for the program. An added benefit, therefore, is that the revenue generated from this program could cover the costs of administering the legalization. Legalizing current undocumented immigrants would bring them out of the shadows. They could obtain valid identification, travel to and from their home countries and work in the formal economy, which would generate more annual tax revenues. In addition, legalization would greatly diminish the number of suspicious individuals. The DHS could focus its enforcement resources and concentrate on finding the dangerous people, including terrorists, smugglers, traffickers and unscrupulous employers.

Temporary worker program

NCLR recognizes that legalizing all of the undocumented immigrants already in the U.S. would not stop future migrants from entering the country without visas. The root causes of undocumented immigration must be addressed in order to control the future flows of migration and deter undocumented immigrants. Because the overwhelming majority of undocumented immigrants come to the U.S. to work, creating legal channels for needed workers is an important pillar of comprehensive immigration reform. However, the Latino population has a long history with temporary worker programs like the Bracero program and has suffered abuse and exploitation as a result. Any new temporary worker program must be markedly different than past or present programs, must protect both U.S. and immigrant workers and must provide a path to permanent residency for those who desire it. The following principles are critical to the success of any new temporary worker program:

- Wages and benefits

There must be some method for determining foreign temp workers' minimum wages that would be comparable to U.S. workers' wages. It would be insufficient and catastrophic for U.S. workers, including immigrants with permanent visas, if the only requirement is that employers will observe all federal, state and local laws regarding minimum wage. Should a temporary worker program be enacted without a more stringent wage requirement, foreign workers would be left vulnerable. Wages and benefits of U.S. workers would be reduced because foreign workers might come to the U.S. willing to work long hours at minimum wage and without benefits, even in the most dangerous industries.

- Job portability

Foreign workers must not be tied to a particular employer for the entire length of the program. Past experience has shown that tying workers to a particular employer allows unscrupulous employers to exploit those workers who have no alternative but to accept bad working conditions and wages or leave the program and return to their home country. Such a situation is bad for both immigrant and U.S. workers.

- Labor protections, including the right to organize

All workers must be granted the same workplace conditions and protections – not doing so is harmful to vulnerable foreign workers and U.S. workers. To the extent that foreign workers have different and fewer rights in the workplace than U.S. workers, any employer might seek to lower their employee costs by relying on foreign workers rather than U.S. domestic workers. Unscrupulous employers cannot be allowed to hire vulnerable foreign workers with few rights at the expense of U.S. workers. Labor protections must go beyond minimum wage and must include protection from sexual harassment and discrimination of any kind, workers' compensation, health and safety laws, a mechanism for these workers to accrue benefits under Social Security for work during their participation in the program and the right to organize. It is also absolutely necessary that protections afforded to foreign workers be enforceable.

- Path to legal permanent residency and citizenship

Without a path to citizenship, temporary foreign workers will forever remain vulnerable, second-tier workers without the ability to attain the full rights of U.S. citizenship and full participation in U.S. society. Guestworker programs in Europe and even here in the United States have shown that this is not desirable. Foreign workers must have the option after a reasonable and specific time period to choose to become lawful permanent residents of this country. Some will prefer to work in this country for a period of time and ultimately choose to return to their country of origin, but others would eventually like to become U.S. citizens. They must have that choice.

- Family unity

Any foreign worker program that contemplates bringing in workers for more than just a few months must also allow such workers to bring in their spouse and minor children during the period of the program. Not only is it inhumane to separate nuclear families for long periods of time, but the lack of family unity provisions might inadvertently lead to more unauthorized entries of family members who do not wish to remain separated.

Reduce family backlogs

NCLR recognizes that the current backlogs in the family-based immigration system either separate close family members for long periods of time or encourage family members to enter the U.S. before their paperwork is completed. This adds to the total undocumented population. To be truly comprehensive, immigration reforms must address the family backlogs and ensure that those who have waited to immigrate to the U.S. legally are first in line to receive their green cards.

In addition to these three basic pillars of comprehensive immigration reform, two other areas that must be taken into account: immigration enforcement and international economic development.

Immigration enforcement must be conducted strategically. A successful comprehensive immigration reform that includes a temporary worker structure would not entirely eliminate the need to conduct immigration enforcement at U.S. borders and the interior. But this enforcement must be aimed at large-scale smugglers and employer networks that deliberately import workers from other countries in order to skirt U.S. wage and other laws that protect workers. Enforcement at the border and the interior must also be conducted according to a strict set of standards to protect the civil and human rights of those who come into contact with enforcement personnel. In addition, the ineffective and discriminatory employer sanctions regime should be replaced by a new system that emphasizes labor law enforcement and eliminates the economic incentive for unscrupulous employers to hire unauthorized workers.

Economic development efforts must be targeted to create opportunity in areas where migrants originate. If the experience of the 15-plus years since the Immigration Reform and Control Act of 1986 was enacted has taught us anything, it is that even the toughest laws, vigorously enforced, are no match for the global social and economic forces that drive migration. As the U.S. properly revises the laws that affect what happens within its borders, it must also look closely at the so-called “push” factors that drive migration. Migration is clearly a global phenomenon, and U.S. domestic policy can only go so far in stemming the conditions that produce immigration to the U.S. In the long term, if we wish to alter the migrant stream that originates in Mexico and other countries, we must include economic development in those communities as part of our overall migration strategy.

Taken together, this discussion clearly shows that the current U.S. immigration system is not meeting the nation’s economic, social, or security needs. Creating a safe, orderly and fair immigration system that makes legal immigration the norm is possible and highly desirable. Although most people agree that reform is necessary, the debate over how the immigration system will be reformed is likely to continue

for several years. NCLR will continue to work closely with ethnic organizations, business groups, labor organizations and other interested persons as well as with both political parties to craft comprehensive immigration reforms that benefit U.S. families, communities and the economy.

The National Council of La Raza (NCLR) is the largest national Hispanic civil rights and advocacy organization in the U.S. NCLR is a private, nonprofit, nonpartisan, tax-exempt organization established in 1968 to reduce poverty and discrimination and improve life opportunities for Hispanic Americans. This paper is based on *Immigration Reform: Comprehensive Solutions for Complex Problems*, NCLR Issue Brief #13, <http://www.nclr.org/content/publications/detail/28596/>.

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