

POINT OF VIEW:

The Case for Comprehensive Immigration Reform

By Gordon Quan

There is little disagreement that our present immigration system doesn't work. Efforts to tighten border control and compel employers to verify documents have had little effect. The amnesty program adopted in 1986, which legalized 2.9 million individuals, was to have resolved the problem of undocumented aliens. Instead, we have seen the undocumented population in the U.S. balloon to an estimated 12 million, of which 30% to 40% are minor children who do not know their homeland. Yet at the same time, we have seen a ten-fold increase in the Border Patrol budget between 1986 and 2002.

Insanity has been defined as continuing to do the same thing and expecting a different result. Building walls and hiring more Border Patrol agents haven't worked. The Center for American Progress has estimated the cost of forcibly removing the unauthorized population at \$41 billion dollars per year. This figure exceeds the entire budget for the Department of Homeland Security! Like Prohibition, we need to accept the reality of the situation and address the root causes and develop a system to regulate and control the flow.

The Pew Hispanic Center confirms that the primary reason for persons entering the U.S. is to meet labor demands. Approximately 1.5 million immigrants enter each year. Our current immigration system, which has not changed in 16 years, only permits 140,000 employment-based immigrant visas annually including spouses and children. Therefore, the actual number of workers allowed is only about 40,000. It is little wonder that most countries' quotas are backlogged by over four years. The situation for temporary working visas is no better. The 65,000 visas for professional workers (H-1B) were fully exhausted within two months of the date they could be accepted for processing. The 66,000 visas for temporary seasonal workers were used so fast that hundreds of employers were left with rotting crops in their fields.

With an unemployment rate at 4.5%, the U.S. has virtually full employment. While some might point to the homeless population, studies have shown that 35% are incapable of work due to mental or physical disabilities and 55% require continuous counseling for drug and alcohol dependencies or other problems. The country has not only absorbed the undocumented workers, it has come to depend on them. The Bureau of Labor Statistics reports that the 86.2% growth in the production, craft and repair workforce and the more than 60% growth in service workers are attributable to foreign-born workers. We have done such a good job of promoting college that few Americans see these as desirable occupations. Let one believe that foreign-born workers are only in labor-intensive fields, they also comprise 30% of Ph.D.'s.

The truth is we need these workers. Each day, 8,000 baby boomers turn 60 years old. As America's 82 million boomers retire, the Department of Labor predicts at our current birth rates there will be only 67 million U.S.-born replacement workers. The



Congressional Budget Office reports that immigrant labor will be needed to make up the difference. In fact, these new, young workers will be needed to keep our Social Security System afloat.

I believe three steps need to be enacted to gain control of the situation:

First, enact a plan to register and legalize those in the U.S. For security's sake, we need

to know who is living in our country. Like the bill passed by the Senate, conditions should be placed on these individuals. Make them pay taxes, maintain a clean record, learn basic English and pay a hefty fine to cover the cost of this program. We are currently losing billions of tax dollars to the underground economy in place. Put them at the back of the line, behind those seeking to follow the rules. Make them prove that they deserve the right to be granted permanent resident status. Some will make it. Others may elect to return to their country of origin.

Second, we need to create realistic quotas that process those who have followed the law. Without adequate visas, business leaders like Bill Gates have threatened to move more operations to India and other countries where they can get needed technical workers. These departures would also mean the loss of thousands of ancillary jobs in housing and the service industry. Legality should be the norm, not the exception. Temporary visas allow circularity of movement. Guest worker programs closely monitored by the government will not only help industries in need of workers but the sending countries so that persons will not need to leave. Families can remain at home while the worker fulfills his/her contract.

Third, develop databases for prompt, accurate verification of employment authorization. Direct adequate resources to monitor employers and conduct random audits with severe penalties for non-compliance. Technology should also be used to check backgrounds for issuance of visas, so that persons flying to the U.S. are cleared before boarding and can be cleared quickly at land borders.

We live in a global economy. With the passage of treaties in trade and increased bandwidth, goods and communication flow at rates never before imagined. While the sovereignty and security of nations must be maintained, we need to adopt laws that reflect the increased movement and migration of people in this global economy. Separating those who wish to be productive members of America versus those few who wish us harm can be accomplished by these measures. Let's not throw out the baby with the bath water.

About The Author:

Gordon Quan is the former Mayor Pro Tem for the City of Houston. He is board-certified in immigration law and manages Quan, Burdette & Perez, one of the largest U.S. immigration law firms in the country with offices in Houston, San Antonio, the Rio Grande Valley and Mexico City. The firm was recently ranked number one in Texas in immigration law by Chambers & Company.