

Center for American Progress



Principles for Immigration Reform

Guidelines for Fixing Our Broken Immigration System

By Marshall Fitz and Angela Kelley December 2009

Executive summary

Our broken immigration system undermines core national interests and must be reformed. The public demands it. Our security requires it. Global competitiveness and economic reality compel it. Our identity as a nation of immigrants and a nation of laws depends on it.

A truly comprehensive and coherent immigration policy will address the terms and conditions of admission to and presence in this country, as well as the external forces that propel migration. Flight from war, repression, and poverty are reasons for migration as old as human history. Pursuit of higher-order economic opportunity is a more modern phenomenon that played an important role in our country's founding, growth, and success. But a far more recent development is playing an increasingly important role in driving mass migration: economic globalization.

We must forthrightly acknowledge as we debate immigration policy that the U.S. economy is inextricably linked to the global economy; that globalization has made it increasingly more efficient to move capital, goods, and services across national borders; and that this global economic integration has increased the importance of and opportunity for labor mobility. We must create modern, formal, and legal channels for the movement of labor that is already occurring in order to succeed in this new economic paradigm.

U.S. international economic and development policy can and must do more to address migration pressures by helping generate decent work and improve the quality of life in the predominantly poor countries that are birth places of many of the immigrants coming to the United States.¹ But those important challenges, while ultimately integral to a coherent immigration policy, are beyond the scope of the current debate. Of necessity, the immediate focus is on legislative solutions that will restore order to the system, level the playing field for workers and employers, and protect core values.

The failures of our immigration system stand in sharp contrast to the powerful contributions that immigrants have made to our country. Immigrants have become part of the American mainstream, and they are essential to our economic growth. They are the entrepreneurs on Main Street, U.S.A., and they have risen to the top of every segment of society along with their children, including the U.S. Supreme Court and the U.S. presidency.

We must develop a system that recognizes those contributions and treats immigration as a national resource to be managed and embraced. This requires that we develop strong enforcement mechanisms at the border and worksite that will expose future illegal border crossers and employers who seek to hire undocumented workers. It requires that we deal realistically with the fact that more than 5 percent of our national workforce is undocumented. It requires that we allow families that have been separated for years or decades to be united quickly. It requires that we create flexible immigration channels to enable foreign workers to enter the country without disadvantaging U.S. workers. And it requires that we provide immigrants with the tools they need to integrate into our communities.

Opponents of reform will continue to foment fear and cling to the status quo. But public opinion polling shows that voters expect their elected officials to solve tough problems with pragmatic policies while standing on principle. As the president and Congress begin work on this issue, the Center for American Progress offers the following framework of principles and solutions for comprehensive immigration reform.

We believe that comprehensive immigration reform's core architecture must advance five central goals and embody the following recommendations:

Goal one: Establish smart enforcement policies and safeguards. Meaningful reform will restore the rule of law by marrying smart workplace and border enforcement initiatives with legal reforms that embrace 21st century economic and social imperatives. Reform must restore the integrity of our borders and the legality of our workforce. Efforts in recent years to expand immigration enforcement by state and local authorities have resulted in an uneven patchwork of laws and have undermined community policing initiatives.

Recommendation: Focus on both the border and the workplace. Deploy smart border technology designed to disrupt the drug and human trafficking networks on both sides of our borders. Reform should phase in the universal implementation of a secure electronic employment verification system as accuracy and privacy benchmarks and other important safeguards are met. Reform should also make clear that immigration enforcement is the federal government's domain and preempt all state and local efforts to regulate in the civil immigration arena.

Goal two: Resolve the status of those illegally present in the United States. Reform cannot restore the rule of law if it ignores the 12 million residing in the United States without legal status—to do so amounts to amnesty by inaction. It is unrealistic to suggest that the government pursue mass deportation for 12 million people; doing so would require a convoy of more than 200,000 buses that would stretch more than 1,800 miles. CAP research estimates that mass deportation would cost nearly \$300 billion over five years.

Recommendation: Create a tough but realistic program to register undocumented immigrants. The program must require undocumented immigrants to submit to background checks, pay taxes, learn English, and pay a fine in order to obtain legal status for

themselves, their spouses, and minor children. The program must bar those convicted of serious crimes or who pose a security threat. But effectively solving this problem means that the program must be structured to register the greatest possible number of undocumented immigrants in as efficient and streamlined a way as possible. And the program must offer confidentiality in the application process as well as interim legal status with the eventual prospect of permanent status in order to ensure broad participation.

Goal three: Create legal channels that are flexible, serve the U.S. interest, and curtail illegal immigration. Current family and employment immigration channels are rigid, cumbersome, and outdated. Reform will require dealing with the remnants of the decades of a broken immigration system by facilitating the entry of individuals with applications stuck in backlogs. But we cannot simply focus on addressing the byproducts of the current broken system and not expect new problems to arise. We must establish a 21st century system that replaces illegal immigration and unconscionable backlogs with a flexible framework that advances the nation's dual interest in economic growth and family unity.

Recommendation: Enhance legal immigration channels by creating a discretionary pool of visas that can be allocated flexibly. CAP recommends maintaining the current family and employment preference categories and level with only slight modification, while also creating a new discretionary pool of immigrant visas that amounts to the difference between average legal immigration admissions and average actual immigration levels over the last 15 years. Allocation and use of these visas would be decided by a commission that would make annual recommendations on allocating the discretionary pool of visas among the current categories based on an assessment of shifting national interests. Any employment visas issued would require a new limited provisional visa with full labor rights including job portability and a path to permanent residence to drive undocumented economic migrants into legal channels. Existing backlogs should be cleared within seven years through a separate, discrete channel of new visas dedicated exclusively to this purpose.

Goal four: Protect U.S. workers from globalization's destabilizing effects. Replacing undocumented immigration with regulated immigration is necessary but not sufficient to protect native U.S. workers and future immigrant workers from exploitation. Future immigrants must be afforded the full panoply of labor protections to prevent employers from playing native and foreign workers off against each other in a race to the bottom.

Recommendation: Employ an array of measures to target bad actor employers and ensure an even playing field. These measures should fund and strengthen worksite enforcement mechanisms while stiffening penalties against employers who violate employment and labor laws. Immigration worksite enforcement must not interfere with labor law enforcement efforts. Reform should also protect visa holders in current temporary worker programs from exploitation by authorizing such workers to change employers freely and pursue permanent residence independent of employer control.

Goal five: Foster an inclusive American identity. The integration of large numbers of immigrants constantly tests and ultimately strengthens and deepens our national commitment to equality, freedom, and opportunity. The success of immigration reform over the long haul will therefore hinge on our ability to integrate current and future immigrants into the nation's social and cultural fabric by effectively promoting English language learning, civic education, and volunteerism.

Recommendation: Invest in turning newcomers into new Americans. Expanding the Department of Homeland Security's authority and resources to establish and coordinate integration programs throughout the country will promote the national interest in a civically engaged citizenry. Cultivating public-private partnerships and expanding the process of integration beyond arrival to the education and workplace arenas will allow us to reinforce our commitment to shared national values.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

