

Coalition for Comprehensive Immigration Reform (CCIR)

Questions and Answers

Updated, March 7, 2007

1) What does “comprehensive immigration reform” mean?

For reform to work, it must be comprehensive. That means it has to address the problems with our immigration system holistically. Any proposal that would simply tweak the already broken laws on the books to make them tougher will not fix our broken system. Any legislative package that proposes to fix our broken system must include:

- 1) Restore the rule of law: A combination of legal immigration reforms and smart enforcement strategies at the border and the workplace will bring immigrants *and* immigration out of the shadows and under the rule of law. In particular, we need to get tough on bad actor employers who hire and exploit immigrant workers and undercut the wages and working conditions of all workers by doing so.
- 2) Earned path to citizenship for undocumented immigrants: As part of a workable reform package, it is time to encourage the nation’s 12 million undocumented immigrants to come out of the shadow and get onto a multi-step, multi-year path to legal work status and eventual earned citizenship.
- 3) Protect workers: In order to reduce illegal immigration, workplace exploitation, unfair competition with American workers, and deaths at the border, we need to create wider legal channels so we can replace the current flow of unauthorized immigrants with a controlled and legal flow of needed workers. But we oppose new guest worker programs. Old-style, short-term, “work and return” guest worker programs don’t work, tie workers to employers, foster exploitation, and disadvantage all low-wage workers. What we support is a new worker visa program that enables workers to enter legally on renewable long-term visas, enjoy full labor protections and mobility, and have access to a path to earned citizenship. By guaranteeing new workers have access to full labor rights, the right to change jobs, prevailing wage protections, the right to join a union, the ability to be with close family members, the protection of constitutional rights, and the realistic option of getting on a path to earned citizenship, we enable new workers to protect themselves by voting with their feet, and protect the wages and working conditions of American and immigrant workers alike.
- 4) Unite families: Close family members are separated for years, even decades by restricted visas and backlogged government processing. By reducing the backlogs, we promote stronger families, grow the economy, and ensure that those waiting in line get on a path to citizenship faster than those here without papers who come out of the shadows.
- 5) Respect due process: Effective enforcement requires checks and balances to guard against abuses by the government, discrimination against those who look or sound “different,” and the ability to have one’s day in court to impartially review questionable government decisions.
- 6) Promote English and citizenship; help local communities: As part of comprehensive immigration reform, America needs to renew its commitment to teaching English and promoting citizenship so that new immigrants can become fully-participating new Americans. We also need to provide assistance to local communities to help with legitimate education, health and other costs related to new arrivals.

In addition, advocates are seeking ways to include in the legislation a variety of elements to strengthen immigration reform legislation and/or to ensure that critical issues are addressed following the enactment of it. These include: addressing the root causes of migration; assisting disadvantaged U.S. workers, especially African Americans, through job training and anti-discrimination measures, and restoring due process and civil rights protections eroded by already enacted immigration and anti-terrorism legislation.

The bottom line is this: piecemeal reform won't rise to the challenge of fixing our dysfunctional immigration system. Only a comprehensive approach that includes these elements will solve the problem.

2) Why does reform need to be bipartisan?

Legislation to fix the broken immigration system has to be comprehensive to work and bipartisan to pass. The legislation must be bipartisan because, with Congress nearly evenly divided, and with both parties representing a range of views on immigration, reform-minded Republicans and Democrats need each other in order to enact lasting immigration reform. In the last Congress, Republican House leaders favored the partisan approach, trying to portray their opponents as out of touch with the American people. In the last election, however, Americans rejected the partisan strategy and demonstrated that they are more interested in solutions than in slogans. Although control of Congress has switched parties, any legislation that stands a chance of enactment will still need reform-minded members of both parties to craft a solution acceptable to a majority in Congress and also acceptable to the President.

3) Don't the American people just want us to enforce our laws?

The American people know that the immigration system is broken and needs reform. They also know that deportation of twelve million undocumented immigrants is not realistic. They want a solution that recognizes we are a nation of immigrants *and* a nation of laws. Numerous public opinion polls conducted during 2005 and 2006 confirmed that Americans 60-75% of voters favor a comprehensive, realistic fix to our immigration system. In the exit polling conducted on Election Day 2006, 6 out of 10 voters favored a path to citizenship over an enforcement-only approach. In the recent elections, in the races in which immigration was a factor, the enforcement-only candidates mostly lost, and the comprehensive reform candidates mostly won. The overwhelming majority of voters crave a real solution that will actually fix the system. They want solutions, not slogans.

4) Shouldn't we get control over our borders first, before making any other changes to the law?

We've tried the enforcement-only approach for decades. We've tripled the number of border patrol agents, quintupled the enforcement budget, and escalated workplace raids and deportations. What has been the result? People still cross the desert, but in the most remote and dangerous areas; by necessity, they've come to rely on smugglers and document forgers; and once inside the United States they are afraid to call the police, take their children for

immunizations, or return to their home countries because the risks of going back and forth are too great. The undocumented immigrant population has swollen to more than 12 million people.

We simply cannot deport our way out of the current immigration mess, nor should we want to. Obviously we need a new approach. Only by first making our laws enforceable through legal immigration reforms can we expect to effectively enforce them. By moving immigrant workers through legal channels, providing immigrants already here with an earned path to citizenship, and reducing the backlog in family visas, immigration will become manageable, and our efforts at the border and at the workplace will become more effective.

5) Is comprehensive immigration reform “amnesty?”

No. “Amnesty” means a free pass, an automatic pardon, and a trip to the front of the line. No one in Washington is seriously talking about granting anyone an automatic pardon or instant citizenship. Instead, comprehensive reform proposes an appropriate fine for being in the country without permission; it would require undocumented immigrants to submit to security and health screenings and criminal background checks; if they are not a threat to public safety or security, they will be granted a probationary period to stay and work legally; and, over a period of many years, if they can show that they have paid back taxes, are learning English, and have maintained a good character and work history, they could to earn the right to permanent status and eventual citizenship in the U.S.

This approach recognizes the reality that the millions of undocumented immigrants already working in the U.S. are vital to the economy and to their communities. It recognizes that immigrants are not likely to voluntarily go back to impoverished countries no matter how tough we get on them here. It recognizes that it is better from a security perspective to know who is here, and that we will fail to restore the rule of law to our immigration system if we leave millions of undocumented immigrants in the shadows.

6) Isn't comprehensive reform unfair to those waiting patiently in line?

Comprehensive reform includes rectifying the current problems with our backlogged legal immigration system. For example, it increases the number of legal visas so that relatives of U.S. citizens and legal permanent residents who are currently waiting years and even decades to immigrate can reunite with their loved ones in a reasonable time frame. With these changes included, undocumented immigrants would not be able to “jump the line” and gain permanent residence over those who applied for legal admission through the regular process.

7) Does comprehensive reform reward illegal behavior?

No. The broken status quo rewards illegal behavior. Handsomely. Employers who seek out workers made vulnerable by fear of discovery and deportation gain an unfair advantage over law-abiding competitors; smugglers make millions by ferrying workers to jobs across the border when we do not allow them to come legally; and those who sell fake documents are happy to have such a large and growing market. By combining a path to legal status for

those already here, legal channels—with more realistic limits—for those who otherwise might come illegally, and tough enforcement that makes the new system relatively air-tight, we will replace widespread illegality with a legal, orderly system, and the bad actors will be out of business and on the run.

8) Why don't immigrants come legally in the first place?

Immigrants want to come legally, but with legal channels so divorced from the demands of our labor market and of American families seeking to reunite with loved ones, illegal immigration is inevitable. Researchers estimate that approximately 500,000 immigrants arrive illegally (or stay after their visa expires) and settle in the U.S. each year. Most come in search of full-time, low-skilled service jobs. So why don't these immigrants get in line and do it the right way? In part, because there is no line to get into and almost no such visas available. The current U.S. immigration system supplies annually just 5,000 permanent visas for workers to fill these jobs. And this tiny category is so backlogged it has been rendered useless. Of the other immigrant visa categories available for employment and training, only two are available to industries that require little or no formal training, and these two categories are seasonal and inadequate.

Meanwhile, our family immigration system is so out of date that many people must wait five or ten years, or even longer, to reunite with loved ones. Long waits and growing backlogs sometimes serve as a perverse incentive for separated family members to violate the law and reunite with loved ones illegally. If we create more opportunities for people to come legally, immigrants will move through legal channels, and we will replace the chaotic and unregulated status quo with a controlled and legal immigration system.

9) How will comprehensive immigration reform reduce illegal immigration?

If we match our allotment of *legal* immigration visas with our nation's need for new immigrants, *illegal* immigration will be dramatically curtailed. The key is to link our reforms to the reality of human nature and the reality of our growing economy. No single program will solve all our problems. We must provide for a variety of needs simultaneously, including our economy's need to fill growing labor shortages with immigrant workers and a growing need for family visas. If *all* we do is create a temporary worker program, we plant the seeds for future illegal immigration.

We may never *entirely* eliminate illegal immigration, but once we match our needs with legal opportunities for immigration, our enforcement infrastructure will be freed up to focus on the smaller number of persons who will forgo the more abundant legal opportunities to enter the country. Enforcement will also be able to focus on employers who continue to use undocumented workers rather than a more abundant *legal* workforce. They will have fewer opportunities to evade the legal hiring system, because comprehensive reform includes stronger enforcement mechanisms, such as an electronic employment verification system that will enable workers to prove and employers to verify who is eligible to work and who is not. Such a system, if it is to be workable, must offer appropriate safeguards, privacy and anti-discrimination protections, and access to accurate data.

10) Does comprehensive immigration reform mean an increase in immigration?

Comprehensive immigration reform is not about bringing in *more* immigrants, but about taking the migration flow that is currently happening *illegally* and funneling it through *legal* channels. It replaces the illegal flow with a legal, orderly flow. It regulates what is already happening by setting realistic caps, limits, and controls; ensures screening of those entering the country; and makes enforcement more manageable. By contrast, much of our current immigration occurs outside of the unrealistic controls that are in place, and many immigrants are unscreened. Comprehensive reform will make the new limits honest, realistic, and enforceable. Moreover, most workers in our economy would be fully and protected by U.S. labor laws, which will improve conditions for all workers.

11) Are proponents of comprehensive reform advocating open borders?

No. The options aren't for open borders or closed borders—neither is realistic nor desirable. Comprehensive reform would bring the overwhelming majority of well-intentioned immigrants through our *legal* system so that we can screen them and admit them if they would contribute to our nation, or bar them if they intend to harm us. The system we advocate has enforceable quotas and limits, in contrast to our current chaotic system in which unauthorized entry is a daily occurrence and enforcement resources do not distinguish between those who might try to harm us and those coming to work. By writing realistic immigration laws and enforcing them to the letter, we will finally achieve border control that is good for national security, our families, and our economy. We must replace random and ineffective enforcement with targeted and efficient enforcement.

12) Will comprehensive reform lead to more immigrants taking jobs from U.S. workers?

Comprehensive reform helps fill a mismatch between the kinds of jobs created and the kinds of workers available in the U.S. Our society is aging. As baby boomers retire, they require more services. Most Americans want their kids to go to college, not work in the fields, factories, or service sector. More than half the new jobs being created in our economy require hard work but not formal degrees. Comprehensive reform meets U.S. labor needs with a limited but legal flow of workers matched to available jobs in industries that are attracting fewer and fewer native-born workers.

13) Won't this proposal depress the wages of U.S. workers?

In fact the status quo leads to wage depression, as many industries and regions rely upon undocumented workers. Immigrant workers afraid of being discovered and deported are subject to abuse and exploitation from employers seeking to gain unfair advantage over law-abiding competitors. These workers are less likely to assert their rights in the workplace and to join unions, and their bargaining power is limited because of their lack of legal status and legal protections.

Once well-intentioned employers have access to a stable and legal workforce, those hiring

undocumented immigrants will become marginalized and more easily targeted by labor law enforcement. Immigrant workers entering through the worker program and legalized immigrants will enjoy the same freedoms as U.S. workers, including the right to change jobs and to join a union. Their bargaining power in the workplace will rise dramatically, lifting the floor for all workers.

Indeed, after immigrants achieved legal status under the Immigration Reform and Control Act of 1986, their real wages rose 14% over five years. Employers benefited, too, as workers learned English and improved jobs skills, which combined to dramatically increase productivity.

14) Does business want comprehensive reform because they want cheap labor?

In reality, business wants to reform our immigration laws because they want *labor*. Currently, even with the immigrants that have entered the country in the last several years, the unemployment rate is nearly as low as it has been for many years. Even though there are some unemployed in this country, the individuals who are unemployed do not necessarily match up to available jobs for a variety of reasons, including geographic location and skills. For example, an airline mechanic laid off in Virginia will not likely want to move to Iowa to fill an opening in a meatpacking plant.

Without immigration reform, demographic trends will worsen the situation. When Baby Boomers were young, young people were more available to fill seasonal jobs when they were out of school. There were many Americans finishing school and entering the labor market. Now, those Baby Boomers are getting ready to retire. They will stop being providers of labor and become users of services catering to the elderly and retired. Young Americans today are more interested in going to college, and are less interested in jobs that require little education, but hard work. At the same time, the Labor Department projects that for the next several years, six of the top ten occupations with the greatest growth will require only moderate or short-term “on-the-job” training. At any wage, immigrants will be needed to fill the jobs that are projected to experience a shortage of U.S. workers.

15) Isn't the worker program that is part of comprehensive reform just another *bracero* program or other failed guest worker programs of the past?

No. We oppose new guest worker programs modeled on the discredited model of the *bracero* program. Yet we recognize that workers are coming to fill available jobs and yet there are no visas for them to apply for. Instead of tolerating the status quo, it would be much better for U.S. and immigrant workers alike if needed workers could enter the country *legally*, with full labor rights. Balancing the need to fill labor needs with the need to guard against the exploitation and abuses that have marked past guest worker programs, comprehensive immigration reform includes a “break the mold” worker program with more full labor rights, the ability to change jobs, the right to bring close family members, the right to join a union, and full labor protections. Employers will have to demonstrate that they cannot find a U.S. worker to fill the position. The jobs have to be advertised at and indeed pay prevailing wage

rates, and employers have to take significant steps to recruit U.S. workers first. If no U.S. worker is found, a worker may enter the country to fill the position.

The worker would have immediate job portability—that is, his visa would not tie him to the employer who first brought him to the country. In addition the worker would have the option of applying to remain permanently in the U.S., but he would not be at the mercy of his original employer to sponsor him. The worker will be able to self-petition to obtain a green card and remain in the United States. This is a key component of the worker program—it gives workers the right to control their own status without being completely dependent on an employer who might use his power to sponsor the worker for permanent status in order to get the worker to agree to substandard wages or working conditions.

These rights are in addition to other protections, including a prohibition on employers in high-unemployment areas from accessing the program and a new program to regulate and monitor labor recruiters. In all, the proposed approach is a far cry from the discredited guest worker schemes of the past. And, it is a vast improvement over the current situation, where undocumented immigrants with no visas die gruesome deaths in the desert, and those that make it into the country are routinely exploited.

16) How would comprehensive immigration reform improve our national security?

When people are admitted legally, their identities, photos, and fingerprints are checked against watch lists and criminal databases. Potential security threats can more easily be identified and either apprehended or deterred from entering the U.S. The key is intelligence—we must do a better job at gaining the intelligence we need to detect those who would do us harm.

As long as our legal immigration system fails to provide sufficient opportunity to come here legally—to satisfy our nation's demand for labor and the desire of families to be with their loved ones—a large percentage of immigration will occur outside of the system set up to screen those coming to the U.S. Fake documents proliferate and criminal smuggling enterprises turn huge profits, posing obvious risks that one day networks used by men and women seeking work in our economy will be exploited by those seeking to attack our nation.

Currently, twelve million people live in the United States without authorization. The government does not know who they are or where they are. Our enforcement resources are overextended chasing after workers and families when they should be focusing on real security threats. A path to legal status for the current undocumented population is integral to enhance national security. Once the good people come forward for registration and criminal background checks, the people who cannot and do not will be isolated.

A legal, orderly system that encourages undocumented immigrants to come forward so they can be screened, and a functioning system that funnels future immigrants through proper vetting procedures and legal channels will significantly reduce our vulnerability. We want our consulates and inspectors to properly screen those who come in through the front door, allowing the border patrol to focus on a much smaller number who continue to enter

through the back door, and giving our interior enforcement agents a manageable haystack through which to sift for bad actors.

17) By letting in more immigrants, aren't we jeopardizing our American values and American way of life?

America is a nation of immigrants. Studies and experience show that immigrants embrace America and our values. Within ten years of arrival, more than 75% of immigrants speak English well. More than 40% of this country's immigrants are naturalized citizens, with millions more in the pipeline. Immigrants are Americans by choice: people who want a better future for their families and who believe in the American dream. They bring their energy, their ideas, and their willingness to work hard. For over two hundred years, this has served America well. Yet, we could do more to help immigrants acquire our language and values. As a society, we do little to make English language instruction available for adult immigrants. Through higher fees, long delays, and confusing bureaucracy, the government is erecting more barriers to citizenship, assimilation, and civic participation. Comprehensive immigration reform includes provisions for a renewed commitment to teaching English and promoting citizenship so that new immigrants can become fully-participating new Americans.

18) We tried legalization before, in 1986. Why should we go down this path again?

The problem with the 1986 Immigration Reform and Control Act (IRCA) was that it did not deal with immigration comprehensively. First, the path to legal status was not complete enough. The legalization program left many undocumented immigrants ineligible for legal status due to a cut-off date that was several years prior to the enactment of the legislation. Second, the bill did not include reforms to our admissions system to allow more immigrants to come *legally* as our economy expanded, setting the stage for future illegal immigration to fill the gap between available and needed workers. Finally, the enforcement measures were ineffective. The law intended to punish employers who hired unauthorized workers, but the scheme Congress designed was unworkable, and little effort was made to find and punish these employers when it became clear that our economy depended on undocumented immigrants to fill the gap between needed workers and the available supply of legal workers.

By combining modern enforcement capabilities with legal channels for the future flow, and a path to legal status for those here without papers, we can make our immigration laws enforceable. This *combination* will turn a status quo rife with illegality into a modernized system that is legal and orderly. We can and must learn from the mistakes made twenty years ago—and by addressing the deficiencies of IRCA, we can craft a better law that will reduce illegal immigration in the short- and long-run.

19) By legalizing the undocumented, won't we be promoting a huge rush at the border by people who are trying to game the system?

Comprehensive reform legislation includes provisions that disqualify people who may come at the last minute to take advantage of the legislation. It does this by establishing a realistic

cutoff date. Anyone entering after the cutoff date will have to return to his or her country and apply to come in through legal channels.

More importantly, as long as reform is truly comprehensive, we will avoid this build-up of undocumented immigrants in the future. People enter the U.S. illegally because they are desperate to work and have no option for legal entry. Comprehensive reform would fix that problem by providing legal channels for migrants to come and fill available jobs or reunite with loved ones, without risking their lives. If we make progress toward a system that will ultimately provide greater legal opportunities, potential immigrants will more likely wait, knowing that they will be able to come in a safe, orderly manner rather than risking their lives crossing the desert.

Finally, our ability to detect and root out fraud in immigration applications is far more advanced than it was even a decade ago. All of these reasons, coupled with the imperative that we finally get a handle on this problem, show that in this day and age we are well-suited to the challenge of ending illegal migration. But again, only if the solution is comprehensive.

20) Why can't we just give the 12 million undocumented immigrants a temporary work permit and then require them to go back home after a few years?

Undocumented immigrants have planted roots in our communities. They have families, jobs, friends, and colleagues in the U.S. They own homes, have U.S. citizen spouses and children, belong to churches and work in all kinds of industries. Approximately 70% of the more than 12 million undocumented immigrants living in the U.S. have been here more than five years *and* live in families. It is unrealistic to expect that they will pack up their families, and leave their jobs and communities behind in a few years after their work permit expires. For many immigrants, when told "to go home" the honest response is, "I am home."

Now, some immigrants here and some of those coming do intend to work for a few years before going back to their home country to start a business or buy some land, and that should be encouraged. But the majority of immigrants who come here to work end up settling in America and building new lives here. It is far better that these newcomers become new Americans and be encouraged and helped to learn English and get on an earned path to citizenship.

21) Why can't we just give the 12 million undocumented immigrants work permits but not a path to citizenship?

Throughout our history, we have expected immigrants, once they are here, to embrace American values and to integrate into American society. Part of what makes this a great country is that we welcome newcomers to our shores and allow them to make themselves over as new Americans. If we don't allow these immigrants to ultimately be full participants in our society, we risk undermining our nation's core values. It would simply be un-American to create a legally sanctioned sub-class who can work in the U.S. in perpetuity, but can never become U.S. citizens and never be fully part of America. That is not what our country is about.

22) Our consulates and the immigration service are already overwhelmed with applications. How can they possibly handle a new temporary worker program and an earned legalization program for millions of people already here?

One thing the government did right with the previous legalization program twenty years ago was to set up a parallel structure to administer the program. Community groups helped people make their applications so that the immigration service wasn't overwhelmed with poorly-prepared files. Of course these new reforms will take significant resources at U.S. consulates and within the Department of Homeland Security. But the proposal's fines and fees will more than cover the costs.

It will take years, but it can and must be done. In the end, our government will see a huge benefit in terms of resource allocation. Right now, our immigration enforcement resources are overextended chasing after undocumented workers and their families. Comprehensive reform will shift much of the work of managing the immigration system from random enforcement to the administration of legal admissions. Then, border and interior enforcement agents will be better able to focus their resources on real threats and dangers to our country.

23) Does comprehensive reform give Social Security benefits to undocumented immigrants?

Currently, our Social Security system has been bolstered by approximately \$519 *billion* in taxes paid to accounts that cannot be matched. Much of this "earnings suspense file" comes from undocumented immigrants. By legalizing undocumented workers, the Social Security Administration will be able to reconcile some of these funds and clean up its books. Part of the goal of comprehensive immigration reform is to make sure that undocumented immigrants are responsible taxpayers, and pay back taxes if they were not already paying into the system. Those who were paying taxes under false names or social security numbers would have to correct that data in order to continue down the road to legalization.

Once they rectify their tax status, these workers would be treated like any taxpayer. They would have to continue paying taxes throughout their working history. In order to draw Social Security benefits when they retire, they would have to show that they worked and paid in to the Social Security system for at least ten years. Comprehensive reform does not propose a special benefit for formerly illegal workers—it offers the same treatment, across the board, for workers who have paid into the system over the course of at least a decade.

It's important to recognize this is not a zero sum game. Legalizing undocumented immigrants will not doom Social Security by allowing more people to obtain benefits. Rather, it will result in greater contributions to the tax rolls, as immigrants are legalized, their job situations stabilize, and their earnings increase. Moreover, comprehensive reform will ensure that the impact of Baby Boomer retirement on subsequent generations of workers will be mitigated. By bringing legal immigration more in line with our economic need, there will be more workers contributing to the Social Security of retirees. Economists agree that immigration is crucial to the future of this important program. Comprehensive reform is a

win-win for the U.S. taxpayer as well as the immigrants, whose work so greatly benefits us all.

24) What do you mean when you state that basic rights and liberties are under attack and that immigrants are denied due process?

The government denies basic due process to millions of people who live in the US, including legal immigrants. Right now, low-level government clerks are deporting legal residents without giving them a hearing – no second opinion, no judge. When judges are involved, a lot of the time their hands are tied and they can't even consider the specific circumstances of a case. People are kept in jail indefinitely or deported without any kind of opportunity to defend themselves and their families. Denying due process to people in America is unfair and it makes no sense. America is better than that. These mean-spirited policies do nothing to solve our immigration problems and they violate the most basic ideals of fairness that make America great. When people in the government make bad decisions or don't follow the law – and we know that happens – there needs to be some way to hold them accountable. When we let the government violate the Constitution and deny due process, all of our freedoms are at risk. We need better checks and balances in this country.