

**COMPREHENSIVE IMMIGRATION REFORM
LEGISLATION**

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BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
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COMPREHENSIVE IMMIGRATION REFORM LEGISLATION

FRIDAY, APRIL 19, 2013

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC

The Committee met, pursuant to notice, at 10:10 a.m., in room SH-216, Hart Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Feinstein, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, Hirono, Grassley, Hatch, Sessions, Graham, Lee, and Flake.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. If the Committee could come to order, please. I apologize for the delay.

As you know, there is a great deal going on in Massachusetts. I hope everybody can well understand why Secretary Napolitano will not be here, and we will reschedule her testimony.

Also, I was just talking—and I hope Senator Feinstein will not mind me mentioning this, but she was saying, and I totally agree, how proud we are of the way law enforcement has responded. I am distressed to hear of an officer being killed and another critically wounded, just as we are about all the people who were injured or killed from the Marathon. I see at least one person who runs marathons in the audience, and others, as my daughter and youngest son do. So what should have been a joyous, joyous occasion, as most marathons are for spectators and participants, was otherwise.

But I do want to thank Mr. Holtz-Eakin and Mr. Kirsanow for being here, and we will go forward.

The bipartisan proposal we have established a path to citizenship for the 11 million undocumented immigrants in this country. It addresses the lengthy backlogs in our current immigration system—backlogs that have kept families apart really for decades. It grants a faster track to the “dreamers” brought to this country as children through no fault of their own and to agricultural workers who are an essential part of our communities and work so hard to provide our Nation’s food supply. It makes important changes to the visas used by dairy farmers and the tourism industry and by immigrant investors who are making investments in our communities. It addresses the needs of our law enforcement community, which requires the help of immigrants who witness crime or are victims of domestic violence, some of whom are now afraid to come forward

because of their status. It improves the treatment of refugees and asylum seekers so that the United States will remain the beacon to the world, as it was to my maternal grandparents and my paternal great-grandparents.

And I appreciate the fact that we have four members of this Committee who have worked with others in forming a bipartisan consensus, and I thank Senator Schumer and Senator Durbin and Senator Graham and Senator Flake for that—and, of course, Senator Feinstein, who has taught me more about immigration than I ever would have learned otherwise.

The bill includes what some are calling “triggers” that I am concerned could long delay green cards for those who we want to make full and contributing participants in our society. I do not want people to move out of the shadows but then be stuck in some underclass. Just as we should not fault “dreamers” who were brought here as children, we should not make people’s fates and future status depend on border enforcement conditions over which they have no control. And I am disappointed that we are not treating all families equally. I believe that we have to end the discrimination that gay and lesbian families face in our immigration system. I am also concerned about changes to the visa system for siblings and the lack of clarity about how the new point-based visa system will work in practice. These are all things we can discuss in the markup. And I cannot help but question whether spending billions more on a fence between the United States and Mexico is really the best use of our taxpayer dollars.

But I do know that each one of us could write what we want and each one of us may have a different bill. We have a bill that is a product of compromise, very difficult concessions by all involved. I mentioned Senators Schumer, Durbin, Graham, and Flake, but also Senator Feinstein and Senator McCain, Senator Menendez, Senator Rubio, Senator Bennet, who all worked on this.

So now we are bringing it to the public. This immigration hearing is the fourth we have had this year, and we will hold hearings on Monday. We will find the time for Secretary Napolitano to come before the Committee. I have already discussed that with Senator Grassley. And so I hope these will give the public an opportunity to learn about it.

Certainly every one of us, unless we want to say we do not know how to read, every one of us will have plenty of time to analyze this bill before we actually start marking it up in May.

But just remember, immigration has been an ongoing source of renewal of our spirit, our creativity, but also our economic strength. From the young students brought to this country by their loving parents seeking a better life, to the hard-working men and women who play vital roles supporting our farmers, innovating for our technology companies, or creating businesses of their own, our Nation continues to benefit from immigrants, as it did when my wife’s parents came here. We need to uphold the fundamental values of family, hard work, and fairness.

In Vermont, immigration has promoted cultural richness through refugee resettlement and student exchange, economic development through the EB-5 Regional Center program, and tourism and trade with our friends in that wonderful country of Canada. Foreign agri-

cultural workers support Vermont's farmers and growers, many of whom have become a part of farm families that are woven into the fabric of Vermont's agricultural community, as they have in the agricultural community of so many other States.

Now, the dysfunction in the system affects all of us. Now is the time to fix it. This is our opportunity to do it. We can act deliberately, but we have to act. We can talk about it, but eventually we have to vote. Millions of people—millions of Americans—are depending upon us.

Senator Grassley.

**STATEMENT OF HON. CHUCK GRASSLEY, A U.S. SENATOR
FROM THE STATE OF IOWA**

Senator GRASSLEY. On this side, Mr. Chairman, we understand why the Secretary cannot be here, and we feel that she is doing exactly what she should be doing. And we will have an opportunity, when things settle down, to question her.

And we also appreciate the opportunity to talk about immigration, particularly in light of all that is happening in Massachusetts right now and over the last week. I know that the people of Boston and Watertown are in everybody's thoughts this morning. We are here trying to understand why these events have occurred. It is hard to understand that there are people in this world that want to do Americans harm, so this hearing is an opportunity to refocus on the issues at hand and the importance of remaining vigilant and secure in our homeland.

We appreciate that exactly 30 years ago today, April 19, 1983, this Committee held a hearing to discuss the Immigration Reform and Control Act. Senator Simpson, the author of that bill, opened the meeting by presenting the bill and stating its purpose: "Its purpose, a very simple one: to control illegal immigration in the United States and to control legal immigration without limiting immediate family reunification."

But he further stated: "The first duty of a sovereign nation is to control its borders. We do not do that." And I suppose that is still the situation today.

The bill we debated that day would provide legalization of millions of people already in the United States. On that day, Senator Simpson stated further: "We are attempting to assure that this is a one-time-only program." The bill we are considering today, according to the bipartisan group of eight Senators who crafted it, will "ensure that this is a successful permanent reform to our immigration system that will not be revisited."

Now, 30 years have passed, and we are saying the same thing, facing the same problems. We are proposing the same remedies and asking the American people to trust that we will get serious about enforcing our immigration laws.

So let me be clear. I have to applaud, like other people have, the group of eight Senators for their commitment to reforming our broken immigration system. Time will tell if this bill solves that problem the way that their statement did to ensure that this is a successful permanent reform to our immigration system so that we will not have to revisit it. So I quoted that twice now.

Throughout the debate of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, I will be asking whether this bill avoids the same mistakes and truly fixes our immigration system for the generation to come, because we thought when that bill passed in 1986 that is what we did. We did everything in good faith, shutting off the magnet to bring people to this country by making it illegal to hire illegal undocumented people for the first time. But we did not look far enough ahead, and we did not do it right, as we all know now.

I have made it clear that this bill needs to go through the Committee process, and it will. I have argued that this bill must be open to amendments during consideration in Committee and on the floor, and we have been told that it will be. Every Member of the Senate must have an opportunity to read, analyze, and improve the bill, and the schedule will permit that.

Unfortunately, I think that we are kind of off to a rough start from the standpoint that the majority is rushing to read and analyze the bill. It is just under 900 pages and tackles some very important issues. There are some new concepts. Most members and staff on the Committee have not read the bill in its entirety before this hearing. Certainly we should be afforded enough time to understand and debate the bill, and we have been assured that we will.

In 1983, before the Judiciary Committee met on that day, the Subcommittee on Immigration held four hearings before it reported the bill to the full Committee. This year before—the year before that, the Committee held 16 hearings and five consultations. Prior to the May 1982 markup of the same bill, the Committee had 100 hours of hearings and 300 witnesses.

We have experts that need to be heard on this bill. We need to hear from people who live and work along the border. We need to understand how changes in our visa program will affect businesses and American workers. We need to know how new concepts will be put into practice. And, most importantly, we need to hear from the Congressional Budget Office about the impact the bill will have on the taxpayers.

This is not something to be rushed. We have to get it right, like we thought we got it right in 1986; otherwise, the goals of the bipartisan group to solve the problem once and for all will not be met.

And given the events of this week, it is important for us to understand the gaps and loopholes in our immigration system. While we do not yet know the immigration status of people who have terrorized the communities in Massachusetts, when we find out, it will help shed light on the weaknesses of our system. How can individuals evade authorities and plan such attacks on our soil? How can we beef up security checks on people who wish to enter the United States? How do we ensure that people who wish to do us harm are not eligible for benefits under the immigration laws, including this new bill before us?

We have a long road ahead of us to pass legislation to reform our immigration system. We cannot tolerate anything less than a transparent and deliberative process to improve the bill, because

we thought we were doing that exactly that way in 1986, but we screwed up, and we cannot afford to screw up again.

Thank you.

Chairman LEAHY. And with that, which is why we are going to make sure we will not even be voting on this until sometime next month, and we will have it open, and like all our deliberations, it will be streamed on our website. And I understand from our IT people that there are an awful lot of people watching.

We will begin with Mr. Kirsanow, who is a partner at the Cleveland, Ohio, law firm of Benesch, Friedlander, Coplan & Arnoff. Please go ahead. Is your microphone on?

STATEMENT OF PETER KIRSANOW, PARTNER, BENESCH, FRIEDLANDER, COPLAN & ARNOFF, AND COMMISSIONER, U.S. COMMISSION ON CIVIL RIGHTS, CLEVELAND, OHIO

Mr. KIRSANOW. Thank you, Mr. Chairman, Senator Grassley, members of the Committee. As you indicated, I am a member of the U.S. Commission on Civil Rights and a partner in the labor and employment practice group of Benesch, Friedlander. I am here in my personal capacity.

The U.S. Commission on Civil Rights was established pursuant to the 1957 Civil Rights Act to, among other things, examine matters related to denials of equal protection and race discrimination. And because immigration often implicates matters pertaining to national origin and discrimination, the Commission over the years has regularly conducted hearings on aspects of immigration, including illegal immigration. The most recent such hearing occurred dealing with the specific issue of the effect of illegal immigration on the wage and employment levels of low-skilled Americans, specifically black Americans, and the evidence adduced at that hearing showed that illegal immigration has a disproportionately negative effect on the employment and wage levels of low-skilled Americans, specifically black American.

Now, it is important—

Senator SESSIONS. Mr. Chairman, we are still having a little hard time hearing. If you can get that a little closer.

Mr. KIRSANOW. Yes.

Senator SESSIONS. I appreciate it.

Mr. KIRSANOW. It is important to remember or keep in mind that the witnesses at the hearing were experts on immigration who spanned the ideological spectrum. Despite differences as to policy, every single witness agreed that illegal immigration had a demonstrably negative effect on employment opportunities and wage levels of low-skilled Americans, specifically black Americans. And the evidence as to why this impacts black Americans is quite basic.

Black Americans, specifically black males, are disproportionately concentrated in the low-skill labor market, disproportionately more likely to have only a high school diploma; likewise, illegal immigrants, disproportionately concentrated in the low-skill labor market, disproportionately likely to have low levels of educational achievement; and these two groups compete against one another in the low-skill labor market. That competition is often most fierce in those areas of the economy where blacks have historically been highly concentrated. And blacks frequently lose out on that com-

petition, crowded out by illegal immigrants who employers for various reasons prefer, as shown by Professor Vernon Briggs of the Cornell School of Industrial Labor Relations, not because black Americans or low-skilled Americans are unwilling to work; it is that they are unwilling to work at sometimes the cut-rate wages and substandard benefits tendered to illegal immigrants—a cohort unlikely, highly unlikely to complain to the Wage and Hour Division of the Department of Labor, the EEOC, or OSHA.

Much of the competition is concentrated in major metropolitan areas such as New York, Los Angeles, Chicago, but also in rural areas now, and in Southeast States such as Georgia, North Carolina, and Virginia.

The impact of illegal immigration on low-skilled workers is especially severe in today's stagnant economy. When the Commission conducted its investigation originally, the unemployment rate for blacks without a high school diploma was 12 percent. Today it is more than double, to 24.6 percent.

Now, that clearly shows that we have an oversupply of low-skilled labor relative to demand, and that bodes ill for all workers in such class, particularly black Americans, because research shows that 40 percent of the 18-point percentage decline in the employment rates of black males is attributable to illegal immigration. That is hundreds of thousands of blacks without jobs. It translates to hundreds of thousands who cannot pay taxes, who do not support their families on their own dime.

The evidence also indicated that, in addition to depressing employment levels, illegal immigration drove down wage levels. Studies by the Federal Reserve Bank of Atlanta, for example, showed that illegal immigration and the spike in illegal immigration was attributable to the nearly \$960 per year decrease in the wage levels of documented Georgians. In the leisure and hospitality industries, it was \$1,520.

Now, for doctors and lawyers, \$960 may not be a whole lot, but as President Obama observed in the extension of the payroll tax cut, \$80 per month is significant for most families. It goes toward groceries, rent, gasoline.

Recent history shows that grant of lawful status further increases the influx of illegal immigrants, further forcing out low-skilled laborers and thereby depressing the wage and employment levels of those Americans.

In addition to that, that necessarily inexorably leads to more Americans depending upon the Government for subsistence. It swells the ranks of black unemployed and drives down the wages of those blacks who do have jobs.

It is respectfully submitted, Mr. Chairman, that, before the Federal Government grants lawful status, due deliberation be given to the effect of that grant on the wage and employment levels of low-skilled Americans, because the evidence before the Commission is that grant of such status is not without profound and substantial costs to the American worker.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Kirsanow appears as a submission for the record.]

Chairman LEAHY. Thank you.

As with all witnesses, your full statement will be made part of the record.

Mr. Holtz-Eakin is the president of the American Action Forum. He was formerly the Director of the Congressional Budget Office under George W. Bush from 2003 to 2005. I believe that is when we first met, back at that time.

Mr. HOLTZ-EAKIN. That is correct, Chairman.

Chairman LEAHY. It is good to have you here. Please go ahead, sir.

**STATEMENT OF DOUGLAS HOLTZ-EAKIN, PRESIDENT,
AMERICAN ACTION FORUM, WASHINGTON, DC**

Mr. HOLTZ-EAKIN. Thank you, Chairman Leahy, Ranking Member Grassley, and members of the Committee. It is a privilege to be here today. I have submitted a written statement for the record. Let me briefly make three points, and then I look forward to answering your questions.

The first point is simply that the immigration reform bill before you has many aspects. There are important security considerations. There are sectoral economic impacts. There are legal issues which have to be resolved. But at its core, immigration reform represents an economic policy opportunity. It is an opportunity for the United States to dictate the evolution of its future population, and as I emphasize in my testimony, in the absence of immigration, low fertility rates mean that the U.S. population declines, and that the future growth of the U.S. is dictated by immigration choices.

It will dictate the labor force participation and the effort exerted in our economy. It will have strong influences on entrepreneurship and small business creation. The evidence is that new immigrants to the United States both work more, their labor force participation rates are higher, and have small businesses at a higher rate. As a result, it will increase the productivity growth in the U.S. economy, the fundamental building block of higher standards of living, and generate larger economic growth numbers than we have seen in recent years.

I have done some estimates that for benchmark reforms suggest you could have as much as nearly a full percentage point faster growth over 10 years, and associated with that would be something that I think every member of this Committee would be quite pleased to see, and that is, less budgetary pressure, faster growth reduces, using CBO rules of thumb, deficits by about \$2.5 trillion over 10 years. And that is clearly a benefit that we ought to think about when we think about immigration reform and not rely on those efforts which ignore economic growth.

I think that the U.S. is out of step with its economic competitors in that it does not use immigration policy as a tool of economic policy. Under 10 percent of immigration into the U.S. is for economic purposes. This bill makes important changes to the visa system, basing them more on economic considerations, and represents a step toward using a policy mix that is closer to other industrialized countries.

A legitimate concern in all of this is what will happen to the Federal budget. It is a concern that I have been close to for a long, long time. And I think a good way to think about the budgetary implica-

tions is to start with the last piece of comprehensive immigration reform legislation that Congress looked at in 2007. The CBO did have the opportunity at that time to put out a score. That score indicated that if you looked at the balance between spending and revenues, it would over 10 years increase deficits by about \$18 billion. And \$18 billion does not sound like a lot now in the context of trillion dollar deficits year after year. But I think that there are two things to remember about that \$18 billion.

Since that time, many of the things that were policy objectives—border security, an E-Verify system, and other pieces of the immigration infrastructure—there has been spending on that. About half of what the CBO expected would be needed has happened, so those comparable policy objectives now may be cheaper and generate less in the way of spending.

The second thing that has happened has been that CBO did not use dynamic scoring. It did not take into account the potential economic growth effects, and that would change the impacts entirely.

The last piece of what has happened, and something I am sure we will have a chance to talk about, is since that score, the Congress has passed and the President signed the Affordable Care Act, a large new entitlement program in the United States. And my reading of this legislation is there is a bipartisan commitment that those who would become registered provisional immigrants, those who are here legally and enter the RPI program, would not be eligible for benefits, certainly not for 10 years, probably realistically not for 15, and so there will not be a budgetary impact over that horizon.

Over the longer term, I think there is something that the Congress should keep an eye on in terms of the budgetary outlook, and I would be happy to discuss with you the impact of this bill in that regard. But as I said before, I think the primary objective should be to make sure that, when the many policy objectives are put on the table, economics does not get lost in the shuffle. This is a central tool of economic policy. This is an opportunity for us to improve on our growth record, which has not been good, and I look forward to the chance to answer the questions you might have about that.

Thank you.

[The prepared statement of Mr. Holtz-Eakin appears as a submission for the record.]

Chairman LEAHY. Well, thank you very much. You know, on the economics, when we hear about low-wage people may be hurt by this, my experience is that you have places where there is a large number of immigrants or undocumented that companies will show up and say, “Here, we are going to pay you a flat rate for work for the day. You cannot complain about it. You are not going to get any benefits. We are also not going to do any withholding to the Government.” Doesn’t that pretty well undercut hiring somebody, even somebody at minimum wage, by doing it illegally?

Mr. HOLTZ-EAKIN. I think the impact of immigration on low-skill employment and wages is a really important issue, and I am glad it was raised in the opening statements. Let me separate it into two pieces.

The first is illegal immigrants in the United States. There I think if you look at the bill, there are two features that are important to think about.

One, it would put those workers on a level legal playing field with U.S. workers, same workplace protections, same wage laws, thus changing that dynamic considerably.

Second is this is intended to cutoff future illegal immigration. Border security, E-Verify, entry-exit visa triggers are all designed to do that. So, you know, that changes whatever you may think the prevailing wisdom is on that.

The other thing is for immigration in general. Mr. Chairman, I want to just make sure that people understand. The evidence is not as it was characterized. I mean, there is good reason to believe that immigration raises the wages of American workers, that they are complements to American workers, and I would emphasize two things:

Number one, if we are worried about the ability of low-skill Americans to earn a wage, we should fix the low-skill problem. That is the problem. It is not immigration. It is low skills. And if you think the competition begins when someone arrives in the United States, you are mistaken. We are competing with those workers now wherever they may be.

Chairman LEAHY. You know, it is interesting. In your testimony you mention that "immigration policy is economic policy."

Mr. HOLTZ-EAKIN. Yes.

Chairman LEAHY. You talked about the entrepreneurial vigor. I cannot help but think, because I visited these companies, I know the founders, most of them, and 25 percent of our highest-growth companies between 1990 and 2005, including Intel, Google, Yahoo, eBay, employ hundreds of thousands of people here in the United States, usually at pretty good wages, they were begun by immigrants. In fact, 40 percent of the companies in the 2010 Fortune 500 were started by immigrants or their children. Isn't that something we should be thinking about?

Mr. HOLTZ-EAKIN. I would hope so. The evidence is quite clear on the capacity of immigration to bring entrepreneurship and businesses to the U.S.

Chairman LEAHY. In the time I have got remaining here, would you—you released this analysis that concluded that immigration reform, like the proposal here, could boost the American economy by as much as 1 percentage point every year over the coming decade and reduce the deficit by as much as \$2.5 trillion. Obviously, every one of us who wrestle with budgets and deficits kind of perks up—grabs our attention. Do you want to elaborate on that a little bit?

Mr. HOLTZ-EAKIN. I guess I would say a couple things.

First, arriving at that estimate is a matter of arithmetic, not particular ingenuity. Economic growth comes from growth in people and their productivity, and immigration controls both the size of the labor force and, since immigrants tend to work more and participate at higher rates than the native-born, you get labor force growth. As you have mentioned, we often get small businesses and entrepreneurs, which raises the productivity of those workers, and there are benefits to faster overall economic growth in spreading

innovation through the income and thus raising productivity further.

My estimates simply look at increases in immigration and follow the research literature and rules of thumb for the impacts on GDP and on the budget. It is not magic. It is just arithmetic.

I will say that it is important to recognize I did not tailor that estimate to 2013, 2014, 2015. This bill looks like it will take some time to pass and implement, and that is fair. So you want to think of that as once you get up and running, what will the next 10 years look like?

Chairman LEAHY. In fact, in your testimony you referenced immigration legislation considered back in 2007. Many of us were here at that time. Some were concerned by the cost. But you say, "It is not 2007 anymore. It is important to consider what has happened since then to get a sense of how the relevant budgetary effects . . . may have changed."

Can you elaborate on that, sir?

Mr. HOLTZ-EAKIN. As I said, I think the key spending aspects have changed in two ways. On the discretionary side, many of the policy objectives of that legislation—border security, e-verification—there has been expenditure on those systems, and so not all of the spending needs to be done, so it should be relatively cheaper. And on the mandatory spending side, as I mentioned, the key change has been the passage of the Affordable Care Act. The drafters of the legislation in front of us have, it looks to me, taken great bipartisan care to ensure that for the next 10 to 15 years that does not impinge on the budgetary costs of this legislation.

Chairman LEAHY. Thank you very much.

Senator Grassley.

Senator GRASSLEY. Yes, thanks to both of you as witnesses.

The first question to both of you: Since we have a very generous immigration system, even though it has problems, I have always argued that we must enhance and expand legal avenues for people who wish to live and work here. This bill makes many changes in those legal programs and increases work permits and green cards. So my question to both of you is: Do either of you have an estimate on how the legal immigration levels will increase if we pass this bill?

Mr. KIRSANOW. Well, I do not have an estimate myself, but I will say this: Responding to something Doug said—and I respect his opinion on these issues—there is a significant problem with respect to regularization. Whether or not the Senate wants to do so or not, it is not going to help the employment levels of Americans currently. I think E-Verify is a good idea, outstanding. Making sure that all workers are subject to the same legal requirements, outstanding idea.

The problem then is when you regularize 11 million people, the tiny advantage that current Americans have in such competition evaporates. If everyone is subject to the same set of rules, then formerly illegal immigrants will be on the same playing field. It is not going to advantage low-skilled workers who are currently here.

We have a labor participation rate in this country that is at historic lows, only 62 percent. In the black community, in certain demographics, one out of two men is working. And despite what some

may say that illegal immigration or immigration period does not have any impact, I will resort back to one of my other incarnations as a member of the National Labor Relations Board and three decades of practicing labor law. It is palpable, the competition that is driven out by illegal immigration. You talk to minority contractors, businessmen, and they will tell you, "We cannot compete." And if these individuals are now regularized in one fell swoop, the small advantage disappears.

Senator GRASSLEY. Do you have any number for me, Mr. Holtz-Eakin?

Mr. HOLTZ-EAKIN. Not a precise number. We have read the bill as carefully as we can under the time constraints, and it looks to be somewhere around 250,000, maybe north of that depending on some of the expansions. But I would be happy to get back to you with a more precise estimate as we become more comfortable with it.

Senator GRASSLEY. I am going to ask you, Mr. Holtz-Eakin, a question that deals with dynamic scoring, your use of it. I know you believe in it. I believe in it. But CBO only scores static scoring.

Mr. HOLTZ-EAKIN. Yes.

Senator GRASSLEY. And we also had a vote on the budget bill where 48 Democrats in the Senate voted against dynamic scoring. So your projection regarding the economic benefits of immigration reform are based on that scoring. As former CBO Director, do CBO scores include dynamic economic impact for policy changes? And would they use dynamic scoring in the case of elaborating on this bill?

Mr. HOLTZ-EAKIN. It is good to have this topic of discussion with you again, Senator. I have lots of scars from the previous incarnations. No, CBO does not. I have been yelled at many times over that. My point is simply that when you get a CBO score, which will not include those effects, recognize it is incomplete in that regard and know that there are benefits being uncounted in the impact of the legislation.

Senator GRASSLEY. If dynamic scoring should be used to measure economic benefits of immigration reform, surely also measure dynamic economic benefits of lower rates of taxation as well? You would surely agree with that.

Mr. HOLTZ-EAKIN. I do, sir.

Senator GRASSLEY. But I am trying to point out here that you cannot have it both ways. Maybe they are going to show that this is very positive from the standpoint of the economy, if you use dynamic scoring. But if you use static scoring, it is not going to come out so well.

I have a question for the other witness. You said this in your statement, so it is just a case of elaboration: "The obvious question is whether there are sufficient jobs in the low-skilled labor market for both African-Americans and illegal immigrants. The answer is no."

Mr. KIRSANOW. And that is exactly right. As I indicated just previously, when we have a labor participation rate that has historic lows, we have an abundant supply of low-skilled labor waiting for jobs. And it appears as if what we will do by regularizing a significant cohort, millions of individuals, is leapfrogging those individ-

uals. We have got millions upon millions of Americans, not just black Americans but millions upon millions who do not have a job right now. And I think it is a good idea to reform the immigration system, but due regard must be given to the fact that we have an overabundance of people who are not working today.

And if you take a look at the various U-rates—U-3, U-C employment population ratios—we are at rates we have not seen in 80 years, 75 years. It is astonishing. If we have a regularization of a greater pool of individuals who compete on a one-by-one basis with Americans here today, those individuals are not going to be seeing a job. They do not have the resources, skill sets to compete on the same level.

Senator GRASSLEY. Since my time is up, I would just simply make a statement about E-Verify, because I am the author of E-Verify, and they said they put my provisions in this bill. I have not checked that closely yet. But I think it takes—it gives 5 years to put it into effect, and I hope that somebody on the panel will be able to say if that is soon enough or if it can be done sooner.

Chairman LEAHY. Thank you. I am glad to see so many here, and we are going to, as I tried to do, keep on schedule.

I will yield now to Senator Feinstein. I have to take a phone call out back, but I will also hand her the gavel, and I should be back in just a few minutes.

Senator FEINSTEIN [presiding]. Thank you very much, Mr. Chairman. I want to use my time to briefly speak about the part of the bill that I had something to do with.

First of all, I want to congratulate Senator Schumer and others that worked on crafting the big bill. But I want to point out to everyone—and this is the first time I have had a chance to do this—that agriculture in this Nation is a huge industry, and it is in the main served by undocumented immigrants, people who become very skilled at the work that they do do.

One of the things that has happened is that agriculture has been inclined to—a lot of it has gone outside of the country. Some of it has had to curtail their activities because they have not been able to attract an American work force.

I want particularly to thank Senator Hatch and his staffer, Matt Sandgren, who worked on this; along with Senator Rubio and his staffer, Enrique Gonzales, who was super; and Senator Bennet, who sat through a great many of these negotiating sessions. We negotiated with literally a multiplicity of farm organizations represented by specific groups as well as the Farm Workers Union.

The employers wanted wage specificity, and they wanted out of a BLS statistical gathering, which they believe skewed wages. The farm workers wanted decent wages and also worker protections. I believe we have achieved both.

The program has what is called a “blue card program” for workers that are in this country, have been working ag for a period of time, will be committed to continue to work ag, will pay a fine, will get a blue card, and that will lead to a green card.

Second, it creates two additional visa programs. It does away with H-2A, creates a new contract program, and also an at-will portable visa program. They have a cap on visas of 112,000 visas a year for both programs, 300,000 over 3 years.

The jurisdiction of the program is placed under the Department of Agriculture. Secretary of Agriculture—we discussed it with him—he is willing and he will make available his Farm Service Agencies, which exist in every county of our Nation, to aid farmers as they do the necessary filings, and also farm workers as well.

I believe it is a good solution. My understanding is that both sides have held press conferences to indicate their support. There are a couple of edits that we need to make in the bill, Senator Schumer, but, by and large, it is a good, strong program. I believe it will result in a consistent supply of agricultural workers for our farmers.

So I thank you and yield the floor and recognize Senator Hatch. Senator HATCH. Well, thank you, Senator Feinstein.

I am appreciative of both of you and your testimony here today. The area of high-skilled immigration is very important to me. I want to support this bill if I can. I have some questions about it, but let me just make a couple of points here.

As you might know, for several years I have served as Chairman of the Senate Republican High-Tech Task Force, and in January, Senators Klobuchar, Rubio, and Coons and I introduced the Immigration Innovation Act of 2013, commonly referred to as the “I-squared bill.”

To date, I-squared has a total of 26 bipartisan cosponsors, five of whom are on the Judiciary Committee. It has been endorsed by countless companies and organizations. And if you have not already, I hope you will take a look at that bill.

The I-squared Act addresses the immediate short-term need to provide American employers with greater access to high-skilled workers. It also addresses a long-term need to invest in America’s STEM education. This two-step approach will enable our country to thrive and help us to compete in today’s global economy.

I took a careful look at the high-skilled visa provisions of the recently introduced comprehensive bill to see how they compared with the I-squared bill. And I want to list for you some of the areas that I think need to change in these provisions.

Most people do not realize that this bill requires the Government to micromanage compliant American companies and how they and their customers choose to interact in the marketplace. Unlike I-squared, this bill creates burdensome displacement and pre-recruitment obligations. Thus, these provisions inhibit companies from effectively operating in a global economy where employee mobility is really critical.

In the introduced comprehensive immigration bill, an increase in the H-1B cap is only allowed for the following, not current, fiscal year and may only be raised after satisfying a complex formula. Therefore, the proposed market adjustment mechanism will not effectively respond to real-time needs.

The proposed STEM education and training language would fund federally prescribed priorities instead of directing grant money to the States. The States should have the capability to set and pursue their individual STEM education needs.

On a related matter, though, I am very pleased to have worked with Senators Feinstein, Rubio, and Bennet in crafting the new agriculture visa program in this bill. And throughout the negotia-

tions, I cannot tell you how many times I heard complaints about the existing H-2A visa category and why we needed to craft a new guest worker program to meet the demands of the agriculture industry.

The existing program is underutilized due to how arduous and bureaucratic the agricultural employers find the visa program, and that is why in this bill we sunset the H-2A program.

And I tell you all this because, as the H-1B and L-1 provisions currently stand, the bill could be rendered unworkable for many U.S. employers, and these visa categories could follow the same fate as the soon-to-sunset H-2A program.

Let me just ask you, Mr. Holtz-Eakin, you have recently written that immigration reform can have positive effects on economic growth, as you have testified here today, possibly raising per capita gross domestic product by over \$1,500. Of course, many effects of fresh waves of legal immigrants would be felt in decades to come and not necessarily in the immediate term. But we could also see near-term effects. Legal workers pay into the Social Security Trust Funds and eventually collect benefits. Of course, if they become disabled, they also collect disability insurance from a program with a trust fund which will be exhausted by 2016.

Have you personally thought about what might be near-term and longer-term effects on the Social Security programs if there were to be a significant increase in legal immigration?

Mr. HOLTZ-EAKIN. Well, I have thought about that a little bit. I think timing is important. I certainly think that, you know, concerns about current high levels of unemployment and the absence of inflows into the trust fund that come with that are legitimate.

It does not look to me that this bill would have significant impacts for anything under 5 years, mostly 10, before we see significant inflows. And so I would hope—and I am sure you share this—that we are not looking at over 7.5 percent unemployment 5 years from now and, God forbid, a U-6 unemployment at 14 percent.

So if you think of this as entering into an economy that is working much better, we will see inflows of immigrants who will pay taxes up front that will help fund current retirees and who will ultimately qualify for benefits, and there the issue, I think, is about the future of the Social Security system. And that is a question about Social Security reform, not really about immigration reform. I think we do need Social Security reform.

Senator HATCH. Well, I thank you for your work in this area and appreciate both of you being here today.

Senator FEINSTEIN. Thank you very much, Senator Hatch.

Senator SCHUMER.

Senator SCHUMER. Well, thank you, Senator Feinstein. First, let me thank you and Senator Hatch for your great work on agriculture. I would also want to thank Chairman Leahy for having this hearing. His leadership on the issue of immigration has been amazing, and those of us in our little group cannot thank him enough for considering our bill and agreeing to mark up the bill in the Judiciary Committee.

I would also note, before I get started with my friend Senator Hatch, about 85, 90 percent of what is in his bill is in our bill. It is very friendly to high-tech. I know he will want to make some

changes, but overall it is very positive from the high-tech point of view.

Senator HATCH. I would like you to really look that over.

Senator SCHUMER. I will. I will.

Senator HATCH. Because it deserves more consideration.

Senator SCHUMER. You bet.

OK. Before I get to the bill, I would like to ask that all of us not jump to conclusions regarding the events in Boston or try to conflate those events with this legislation. In general, we are a safer country when law enforcement knows who is here, has their fingerprints, photos, et cetera, has conducted background checks, and no longer needs to look at needles through haystacks.

In addition, both the refugee program and the asylum program have been significantly strengthened in the past 5 years such that we are much more careful about screening people and determining who should and should not be coming into the country. And if there are any changes that our homeland security experts tell us need to be made, I am committed to making them as Chairman of the Immigration Subcommittee and would work with others on this Committee to happen.

And, finally, 2 days ago, as you may recall, there were widespread erroneous reports of arrests being made. This just emphasizes how important it is to allow the actual facts to come out before jumping to any conclusions about Boston.

Now, on the bill, I believe this is the most balanced piece of immigration legislation that has ever been produced. The American people and all of our colleagues should read this bill over the next few weeks, and they will have ample time to look at every page and every paragraph before we go to markup in Committee.

What they will find is a bill that secures our borders, combats visa overstays, cracks down on employers who hire unauthorized workers, unleashes the potential of our legal immigration to create robust economic growth, provides a tremendous jolt to our business and leisure travel industries—and I want to thank Senator Hirono for her help with that—and deals with the status of undocumented individuals in a tough, fair, and practical way.

So I believe one of the words that most signifies this bill is “balance.” That is why we were able to get eight people of very diverse views to agree to a bill, and I think the American people will find it the same.

Now, for questions. First, to Peter Kirsanow, I know you are for deporting all the 11 million who are here illegally for the reasons you stated. But assume that cannot happen, which you do not assume but most people do, even those who are not happy about illegal immigration. Isn't it better to have those who are here illegally able to work legally because they will be able—they will then be paid a higher wage and wage rates for everybody else will go up? In my neighborhood, in Brooklyn—and I think this is true throughout America—as I ride my bicycle through Brooklyn early in the morning and I see on street corners people who are waiting, day laborers who are waiting to be picked up—and I guarantee you the construction workers who are picking them up are not saying, “I will pay you \$2 above minimum wage and give you an hour off for lunch.” Oh, no. They says, “Here's 20 bucks for the day.” And these

folks, because they are living in the shadows and desperately need money, some of which they want to send home, take it.

So my question for you is very simple: Assume we cannot deport the 11 million people. Isn't it better to have a system, as in our bill, where people can work, legally work, as opposed to work here illegally, which pulls down wage rates even more?

Mr. KIRSANOW. Thanks, Senator Schumer. Two things.

First, I do not think I testified at all that I am in favor of deporting 11 million people. Whether it is 11 million, 10 million, or 40 million, I do not think we even know how many are here. But I am not in favor of deporting them. I am an immigrant son. I support immigration. I am fully in favor of immigration.

I am here to tell you today that even if you regularize and legalize across the board everyone who works, they are going to be subject to the same standards, Fair Labor Standards Act, EEO, and everything else. The construction workers you are talking about are still going to exist. We are still going to have a sizable cohort of individuals who are going to take advantage of people regardless of—

Senator SCHUMER. Isn't it harder for them to take advantage if they are legalized than if they are illegal? That is very logical.

Mr. KIRSANOW. Yes, Senator, on the margins. But, you know, I live in this world.

Senator SCHUMER. OK.

Mr. KIRSANOW. I do this kind of work. I see it on a regular basis, and I think we are living in a fantasy land if we think that by a stroke of the pen, because we have something on paper, all of a sudden people are not going to take advantage of economic opportunities.

Senator SCHUMER. Well, it is not going to be perfect, and people always take advantage, but even you admit that it will get better. You just say marginally. Some of us think a lot more than that.

What do you think, Mr. Holtz-Eakin? And then I will yield my time.

Mr. HOLTZ-EAKIN. This strikes me as a question of enforcement. This is an issue of whether the provisions as written in this reform will be enforced effectively. This Committee, the Congress in general, has great powers of oversight. It has powers of the purse strings to ensure that enforcement takes place as written. And only those on the other side of this table can assure us that it will, but you have the authorities.

Senator SCHUMER. Thank you, Madam Chair.

Senator FEINSTEIN. Thank you very much, Senator.

Senator SESSIONS.

Senator SESSIONS. Thank you, Madam Chair, and I thank the witnesses.

It is one thing to read the bill. As you said, Mr. Holtz-Eakin, it is another thing to see it enforced. We have got laws today that are utterly ignored, not being followed, and I have no confidence that this administration, based on what we have seen, will ever enforce any law that makes any real difference in this situation. That is just the way it is. And we do have a big problem there, and we will have to ask, as Senator Grassley pointed out, are we going to be like 1986 again when there were promises then that we would have

effective enforcement? We promised a number of things that have not happened, and I could go into them and list them.

Mr. Holtz-Eakin, one thing I think we tend to agree on is that the Nation would be better served for more higher-skilled workers in areas where there is less competition than lower-skilled workers in terms of improving productivity and GDP growth.

Mr. HOLTZ-EAKIN. I certainly think that at the core, moving to an immigration system that rewards skills is a good piece of economic policy.

Senator SESSIONS. One thing I would note is I understand your piece that you have written about the increased growth, it is based on the assumption there will be no immigration as compared to an immigration flow. Is that correct?

Mr. HOLTZ-EAKIN. Not quite, but I am counting on a substantial increase in the number and quality of immigrants.

Senator SESSIONS. It appeared to me that basically—well, I would just say this: We are not against immigration. We are going to have immigration. The question is: Will it be lawful and will it serve the national interest? And I think Mr. Kirsanow would agree with that.

Mr. Kirsanow, I think that we need to talk more about the issue you are raising. There are people out there hurting today. There are young men, particularly, and others, who need to be working today that cannot find work. And the jobs and the work they get needs to be at a decent wage. They need to have another particular for some sort of retirement, maybe a vacation, maybe a health care plan that they can operate on.

And you are correct that we are not providing that today, and there is a real social danger happening in America from that unemployment.

Mr. KIRSANOW. Senator, I think that the question is: Qui bono? Who benefits? And I am not sure—I mean, I would like to take my own time in going through the 900-page bill. It would be irresponsible for me to comment on any discrete item. There are a lot of working parts. I think it would take me months to absorb even a tenth of what is going on there. This is a major restructuring of our country.

I live in inner-city Cleveland. It is devastated there, not just from the standpoint of unemployment but the downstream effects of unemployment. In our hearings at the Civil Rights Commission, we focused on the effect of immigration on blacks and other low-skilled workers. It dealt with employment. But there was a cascade effect that went into incarceration rates, marriageability rates, single-family rates, and all of the other pathologies that flow from all of those issues.

Senator SESSIONS. Well, I think you are exactly correct. Professor Borjas at Harvard has written about the connection with incarceration rates and higher unemployment rates and poverty. We think that is true.

Mr. Kirsanow, let us consider this situation. A job opens up—well, first, let me note that in the last month, according to the labor statistics, 88,000 Americans only found a job; 486,000 dropped out of the labor market; only one-fifth of those retired; four-fifths of those dropped out because they had given up.

There is a job that opens up. It pays a decent wage for a low-skilled worker, and who should get that job if there is a choice? Would it be better for the economy and America if an unemployed American drawing unemployment insurance, perhaps on welfare or food stamps and other benefits, would it be better for America if the American unemployed citizen got that job rather than bringing in a laborer from abroad to take that job?

Mr. KIRSANOW. Senator, the question answers itself. We have 90 million people in the civilian population that are not working right now that could work. And we are thinking about expanding the labor supply. Not to put too fine a point on it, but that is madness. We have too few jobs for way too many people.

Senator SESSIONS. Colleagues, this is indisputable. We have more low-skilled labor than we can find jobs for today. This bill does not reduce the flow of low-skilled labor into America. It does not confront that problem. And it is the fundamental reason—and my Democratic colleagues complained when President Bush was in office; they do not do so much now—that the average wage of working Americans has been declining relative to inflation for maybe 15 or more years.

Chairman LEAHY [presiding]. OK. We—

Senator SESSIONS. And I just worry about it, and I think this is not considered properly in this bill, which was written too often by big business, big agriculture interests, rather than the public interest.

Chairman LEAHY. I would note that I was a strong supporter of President George W. Bush's efforts to have comprehensive immigration policy.

Senator Whitehouse.

Senator WHITEHOUSE. Thank you very much.

Senator SESSIONS. I opposed it.

Senator WHITEHOUSE. Thank you, Mr. Chairman.

This is not the first hearing we have had in the Judiciary Committee on immigration, and I want to refer back to a Subcommittee hearing that I think Senator Schumer chaired in 2009 of the Subcommittee on Immigration, Refugees, and Border Security. And one of the witnesses that Chairman Schumer called was Dr. Alan Greenspan. I think Dr. Greenspan has mixed reviews among different folks as to his credibility, but certainly he has a considerable number of adherents, shall we put it that way. So for the sake of those who are his adherents, I would like to relate some of the testimony that he provided in that hearing.

He said, "There is little doubt that unauthorized—that is, illegal—immigration has made a significant contribution to the growth of our economy. Unauthorized immigrants serve as a flexible component of our work force, often a safety valve when demand is pressing, and among the first to be discharged when the economy falters. Some evidence," to Mr. Kirsanow's point, "suggests that unskilled illegal immigrants marginally suppress wage levels."

But then he goes on to say, "However, the estimated wage suppression and fiscal costs are relatively small, and economists generally view the overall economic benefits of this work force as significantly outweighing the costs." The benefits of this work force as significantly outweighing the costs.

Now, he is saying that about a work force that at that point is in a status of being illegal, to use his word, "unauthorized." Do you agree with that point? You are an economist, Mr. Holtz-Eakin. And would it be affected by bringing them, as Senator Schumer said, into the daylight? And what effect would that have?

Mr. HOLTZ-EAKIN. I agree with the basic point. I think that the impact of bringing them into the legal labor force would be twofold. The first is that it would, from the perspective of the worker, eliminate the capacity for exploitation and bad work conditions and the like. And from the employer standpoint, it would allow them to flexibly manage their labor force without fear of legal repercussions, which every employer would like to be able to do. And so I concur with the basic point.

I guess the thing that I find frustrating about the debate is that there are two aspects to the economics that I think have just emerged as utterly clear over the past several years.

Number one, the presence of competition that is a real issue for our low-skill Americans is not about immigration. It is about being in a global economy where there is a great abundance of low-skill labor and the geographic location has very little to do with it. So the bill does not change that. That is a reality, and we cannot change it.

Senator WHITEHOUSE. The offshoring of American jobs has as much to do with it as immigration.

Mr. HOLTZ-EAKIN. It has as much to do with a skilled worker or an unskilled worker being paid half the wage in another country and coming here and being paid twice the wage. It is competition regardless. And I guess for me, I would hope our aspirations would be greater than protecting low-skill Americans in perpetuity from competition they cannot avoid and instead building their skills. That should be the objective.

Senator WHITEHOUSE. So just to summarize, if Mr. Greenspan is correct, then even as illegal and unauthorized workers, this community made "a significant contribution to the growth of our economy," and that contribution only goes up when they become legal and authorized. Correct?

Mr. HOLTZ-EAKIN. Yes.

Senator WHITEHOUSE. OK.

Mr. Kirsanow, I just want to clear up one thing. I am looking at your Wikipedia page. Your Wikipedia page says that you oppose—and this is put in quotations—"those in the racial grievance industry who talk incessantly about the slightest of radical disparities, whether real or imagined."

Is that a quote of yours, or is that a quote of somebody else that is being put into that article?

Mr. KIRSANOW. Well, as we all know, Wikipedia is infallible, so I—

[Laughter.]

Senator WHITEHOUSE. That is why I am asking you.

Mr. KIRSANOW [continuing]. Suspect that it must have been—no. I will tell you this: I do disagree with those who count on the basis of race instead of being colorblind. However, my testimony here—

Senator WHITEHOUSE. But this is not a quote of yours?

Mr. KIRSANOW. I do not recall if it is.

Senator WHITEHOUSE. OK.

Mr. KIRSANOW. It does not sound like me.

Senator WHITEHOUSE. I am sorry, Chairman. My time is up.

Chairman LEAHY. Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman. I appreciate the hearing, and I appreciate all my colleagues who have different views, and this is something America needs to work through. But let us talk about where as a Nation we are going.

In 1983, I was a young captain in the Air Force. In 2013, I am, by South Carolina standards, a middle-aged Senator.

In 2043, I will be 87, if I live that long, and if I can follow the Senator Thurmond model, I will have two terms left in the Senate, and I am going to miss most of you all.

[Laughter.]

Senator GRAHAM. So I might be around, but the rest of you, I will talk to your families about how we are doing.

Senator SCHUMER. Going to have kids, Lindsey, when you are about 75?

[Laughter.]

Senator GRAHAM. But for those who are around in 2043, here is what I want you to look at. If nothing changes, by 2043 Medicare and Medicaid, Doug, are going to take what percentage of GDP to fund?

Mr. HOLTZ-EAKIN. Oh, at current trajectories, we are going to be close to half.

Senator GRAHAM. That is 18 percent of GDP. All right? How much do we collect in revenue today?

Mr. HOLTZ-EAKIN. About—well, in—

Senator GRAHAM. About 16 percent.

Mr. HOLTZ-EAKIN. Normally, we would get to 18, if we are lucky.

Senator GRAHAM. OK. So here is the deal: In 2043, if we do not do something about Medicare and Medicaid, it is going to take all the money we collect in taxes today plus 2 percent just to pay for those programs. How can that be? Ten thousand baby boomers a day are retiring. In 1950, there were 16.5 workers for every Social Security recipient. In 2030, there are going to be 2.1. I think your point, Mr. Holtz-Eakin, is that unless we have a massive baby boom, the numbers are going the wrong direction. Is that what you are telling us?

Mr. HOLTZ-EAKIN. Absolutely.

Senator GRAHAM. So how do you supplement—when I was born in 1955, there were 16 workers for every retiree. Today there is basically three. In 20 years or less, there are going to be two. Where does the work force come from to keep the American economy going? Would you agree with me, Peter, it comes from immigration?

Mr. KIRSANOW. To a certain extent, it comes from immigration. But I also think this is a matter of entitlement reform. We have to look at the entitlement system.

Senator GRAHAM. Well, it is a matter of entitlement reform. It is a matter of a workforce, too.

Mr. KIRSANOW. That is true, Senator.

Senator GRAHAM. Two people cannot do what 16 people used to do. It is going in the wrong direction. So you are dead right. We

need entitlement reform. But if we also do not do immigration reform to access legal labor, we cannot get to where we want to go as a Nation in terms of economic growth.

Displacing an American worker. Here is the one thing I agree with Senator Sessions about. I do not want a foreign worker coming in under the H-1B program, you name the program, low- or high-skill guest worker program, to displace an American worker who is willing to do the job. So in this bill, we have a requirement to advertise the job at a competitive wage, and we had a knock-down, drag-out about what that was.

Doug, are you familiar with the agricultural industry?

Mr. HOLTZ-EAKIN. I am not an expert, but I do know something.

Senator GRAHAM. Well, I think Senator Feinstein is.

Mr. HOLTZ-EAKIN. She is.

Senator GRAHAM. Why is it, Peter, that most people in the agricultural industry are Hispanic?

Mr. KIRSANOW. I think it is because Hispanics are illegal immigrants, for example, are working in the agricultural industry at substandard wages.

Senator GRAHAM. OK. Let us assume that for a moment. If we made them all legal, they would receive the benefits of wage and hour laws. Do you agree with that?

Mr. KIRSANOW. Many of them would.

Senator GRAHAM. Do you believe there is a dynamic in America that no matter how much you advertise a job, there are certain areas of the economy you are not going to find an American worker?

Mr. KIRSANOW. I do not know that. I would not necessarily—

Senator GRAHAM. Well, I can tell you I do. I can tell you I do, living in South Carolina. When you go to the meat packing plants, it is no accident that everybody in that plant is Hispanic. And when you go to the peach farms, it is no accident that everybody there is from somewhere else. I am not saying that people in South Carolina are lazy. I am saying that there are certain parts of this economy you are not going to find an American worker no matter what you do, no matter how much you advertise, unless you want to just put yourself out of business. And that is a reality that is uncomfortable to hear, but it is the God's truth.

Having said that, in the future I want to test my proposition by making sure that all these jobs in agriculture, all these jobs in meat packing—and you go down the list of jobs that are really tough—they are going to be advertised at a higher wage than they are today, and we will see who is right or who is wrong.

Mr. Holtz-Eakin, do you believe it is possible for a country to have a welfare program that suppresses labor participation because when you add up all the benefits, you make more not working than you do working?

Mr. HOLTZ-EAKIN. Absolutely.

Senator GRAHAM. Do you agree with that, Peter?

Mr. KIRSANOW. I absolutely do.

Senator GRAHAM. I think we are there.

Thank you very much.

Chairman LEAHY. All right. Thank you.

Incidentally, I know that a lot of Senators on both sides of the aisle had to rearrange schedules to be here today, and I want to thank all my colleagues, again, both sides of the aisle, for being here.

But I would also note the two witnesses were supposed to be here this afternoon, and on about 20 minutes notice rearranged their schedule, and that means a lot to the Committee. And, again, one of the reasons we stream this live, as we have all the other hearings we have had on immigration, is so that as many people as possible can see it. And as the e-mail traffic is coming through, people are watching. Americans are concerned about this, even in a week when there is horrible, terrible tragic news that seems to be overriding everything else.

Senator GRAHAM. Mr. Chairman, I would note that Senator Cornyn had to go to Texas for that explosion. He intended to be here. There are demands that we all have.

Chairman LEAHY. And I understand, and there are some that are just inescapable, and I know Senator Cornyn is concerned about that. That is one of the terrible things I talked about that crowds us out, and if I was Senator Cornyn, I would be doing precisely what he is doing. I do not think anybody faults him on that.

Senator Klobuchar.

Senator KLOBUCHAR. Thank you, Mr. Chairman.

Dr. Holtz-Eakin, my focus here today is on the economic consequences of immigration reform. Senator Hatch already mentioned the bill that we did together, along with a number of other people on this Committee, called I-squared, which makes it easier to bring in a number of professional employees for jobs that are open now, but also there is, as you know, a number of economic studies that show how that adds more American jobs, that when you bring over an inventor or you bring over someone who has special skills, the history of this country is that they have invented things and come up with new ideas that employ literally hundreds of thousands of people, and that is our focus.

So my first comment is just a question. What do you see as the two or three biggest benefits, the economic benefits of immigration reform, even beyond the issue I just raised?

Mr. HOLTZ-EAKIN. I think at the core, you know, the bill is imperfect as it is written. I think everyone would acknowledge that. But it makes the fundamental decision to move away from a system that is driven by family reunification, asylum refugee considerations, toward an economically based merit system. That is, I think, a very healthy development for a country that needs to have a larger population in the future, have a skilled labor force, compete globally. I think that is the overwhelming benefit of the bill.

Inside that, I think the emphasis on some of the STEM provisions, making them more responsive to the economic conditions is a good thing. Having an agricultural title that provides a genuine entry-exit security system as well as meeting the economic conditions I think is a good thing.

So there are a variety of economic benefits in this legislation that I think on balance come out ahead.

Senator KLOBUCHAR. As you acknowledged in the beginning of your testimony, we are in a global economy, and I want America to win.

Mr. HOLTZ-EAKIN. Me, too.

Senator KLOBUCHAR. And that is why I am so strongly behind this reform.

You talked about how the U.S. is not using immigration policy effectively, as many as countries, to improve economic growth. Can you expand on that? And what countries do you see as doing a good job?

Mr. HOLTZ-EAKIN. Well, I think, you know, if you look at the numbers—and, again, it is in my written testimony—under 10 percent of the core visas granted are for economic reasons at the moment. And given the paramount need for economic growth that cuts across our ability to deal with all of our policy challenges, in crime, in education, in entitlements, you name it, those will all be easier with faster economic growth. I think focusing more on them makes sense.

Other countries—again, we have got charts in the written testimony—have a higher percentage devoted to economics. Other countries have made reforms recently, including competitors like the United Kingdom, looking to do this. And I think if you look at the countries that are struggling right now and likely to fail—Japan, no immigration, shrinking population. Look at a lot of Europe, same considerations. What is the exception in Europe? Germany, which has undertaken a vigorous use of, in particular, Turkish labor.

We have to recognize the economic reality and adjust our policies to fit it.

Senator KLOBUCHAR. And I see that this is going simultaneously with training our own workers and having more and more kids going to science, engineering, technology, and math, which has not been going at the pace it should. And we cannot just do one thing without the other.

One of the details of our I-squared bill that is included in the Gang of Eight proposal is providing work authorization to the spouses of high-skilled workers. And I also see this as a women's issue—not only a women's issue, but predominantly a women's issue—and also an economic issue, because many of these spouses can make great contributions to our economy.

Can you comment on this provision?

Mr. HOLTZ-EAKIN. If you look at the past several decades, one of the overriding impacts in the U.S. has been the entry of women into the labor force. That has been one of the sources of increased growth in the United States, probably the most important. This adds to simply the gross flows of immigration by adding that second kick of both genders participating. I think that would be a benefit that allows us to really continue something we have seen for the past decades.

Senator KLOBUCHAR. Good. I head up the Tourism Caucus in the Senate. We have worked very hard to increase visa times for tourism visas. We have done some really good work with the State Department as well as finally advertising our country. In this bill, in the Gang of Eight proposal, is the JOLT Act that I worked on with

Senator Schumer and others that would modernize and expand the Visa Waiver Program and reduce visa wait times even more. In 2012, international visitors added more than \$130 billion to the U.S. economy, and I would note that since 9/11 we have lost 16 percent of the international tourism business. And for every point we have lost, it is 167,000 jobs right in America.

Can you talk about the economic benefit of increasing the number of tourists who come to visit and why this is important to also include this? It is not the first thing that comes to people's mind when they think about immigration since this is just tourist visas.

Mr. HOLTZ-EAKIN. Well, I think your question answered it. Post 9/11, the need to have an enhanced security regime had big impacts on travel and tourism, and we lost a lot of the economic benefits. And you can go to the destination cities and see the impacts.

The question going forward is: Can we marry solid economics in that area with a secure entry-exit visa system? And that has not happened and is something that I would hope could happen.

Senator KLOBUCHAR. Exactly, and I think the point here is that other countries, including some of the ones you mentioned, have good security measures, as we do, for these kinds of tourist visas. But it is how can we do it more efficiently with not changing any of the security screens.

Mr. HOLTZ-EAKIN. Yes.

Senator KLOBUCHAR. All right. Thank you very much.

Chairman LEAHY. Senator Lee.

Senator LEE. Thank you, Mr. Chairman, and thanks to both of our witnesses for joining us today.

Virtually everyone agrees that our immigration system is broken and that it needs to be reformed. For far too long, we have made it comparatively easy for people to cross our borders and stay here illegally, and comparatively hard for those who seek to immigrate to our country through the established legal channels.

But solving our immigration woes is not something that is simple or straightforward. We do not face just one big immigration challenge. It is a complex puzzle with dozens of interconnected pieces. And just like the puzzles that we all put together as children, some of the pieces cannot be incorporated until others are already in place.

Given this unavoidable reality, it is clear that we are not going to be able to fix our entire immigration system overnight, nor could we hope to analyze and discuss even a small fraction of the most critical issues in one or two hearings before this Committee. The process of reform will have to be considered and implemented in stages over the course of many years.

Clearly, the challenges we face are hard and will take time to address. So it is all the more important that we begin this process immediately. I applaud the efforts of my colleagues who have worked hard to develop the proposal that is before us today. Theirs has been an enormous undertaking, and I appreciate their dedication to making progress toward this kind of lasting reform that we need.

Today I look forward to discussing a few key issues that are part of the enormous immigration puzzle. I have introduced several pieces of immigration reform legislation, at least one of which, the

JOLT Act, which has been mentioned several times today, has been incorporated into this bill. But at the outset, I must express two primary concerns with the current bill and with the Committee's current path.

First, like many Americans, I am wary of trying to do this all in one fell swoop. Good policy rarely flows from massive bills that seek to fix every problem in a single sweeping piece of legislation. Few legislators, and perhaps fewer citizens, actually understand everything in such bills, and no one can even pretend to comprehend all the moving pieces and likely outcomes and results. Such wide-ranging legislation inevitably produces unforeseen effects and unintended consequences.

Especially when it comes to our immigration system. Some reforms are necessary prerequisites for other subsequent reforms. It makes little sense to make decisions about later stages before the essential foundations are even in place. And it is like trying to put the roof on a new house before raising the walls that will hold it up.

In particular, this bill seeks to address the 11 million before other preconditions are actually satisfied, so it treats the 11 million as if they are a single monolithic group, all here for the same reasons and under the same circumstances, which, of course, they are not.

Trying to resolve every issue all at once is also politically problematic. There is broad consensus on some necessary reforms, but others are highly controversial. We ought not hijack common sense and essential measures by linking them to unavoidably contentious ones.

My second concern is with the Committee's process thus far. Reforms of this magnitude and importance deserve more than a couple of hastily scheduled hearings. This bill was not even made available until Wednesday morning. It totals 844 pages of complicated legislative text with dozens of component parts. Given the unusually and unnecessarily compressed schedule, there has been no real opportunity for Senators, staff, or hearing witnesses to read let alone understand and digest the entire substance of the bill.

There is no way that we as a Committee could possibly be prepared this morning to debate more than a fraction of this massive bill. It would be impossible to have a meaningful discussion with rigorous analysis under such circumstances. Witnesses were asked to submit written testimony before they could have conceivably read the entire bill. And even with the help of committed Committee staff, who have worked through the night in preparation, none of us can honestly say that we understand each provision and how all the pieces fit together. Not even close.

That is why I favor a sensible incremental approach. Republicans and Democrats share much in common and agree on a lot of common ground on many of the most immediate issues. On essential elements like border security, employment verification, visa reform, guest worker programs, and high-skilled immigration to meet America's economic needs, we are largely in agreement and could enact significant reforms in these areas. We should not delay meaningful progress in these areas just because we have differences in a few others.

Still, each of these issues is complex and we should have robust and substantive debate over the best way to structure each such reform. I look forward to beginning that discussion today, and thank you for your participation in that.

Thank you, Madam Chair.

Senator FEINSTEIN [presiding]. And I thank you, Senator Lee.

Senator Franken.

Senator FRANKEN. Thank you, Madam Chair. I am really sorry that Secretary Napolitano could not be here today, but I want to thank her and I want to thank the Department of Homeland Security, the FBI, the ATF, the Boston Police Department, and all the professionals who are working on this tragedy in Boston.

My wife and I met almost 44 years ago—it is hard to believe—at a freshman mixer in Copley Square. So our hearts, all Minnesotans' hearts, are with the people in Boston.

Turning to the subject of our hearing, I really want to thank the Senators on this Committee for their work—Senator Schumer, Senator Graham, Senator Durbin, Senator Flake, Senator Feinstein, Senator Hatch.

You know, I think that actually we need a comprehensive approach to this. I do not think you can do this piecemeal. I think everything is complex and interrelated, and that is why you have to do—to fix this deeply broken system, you need a comprehensive approach. And I think it will—we have had a broken system. I think it has been a drag on our economy. Mr. Holtz-Eakin, thank you for your testimony. And I think this is going to help Minnesota businesses and families alike. So I want to thank the Senators who have worked on this, getting us as far as we have gotten.

Mr. Holtz-Eakin, one of the things that I am most pleased about in this bill is what it does for agriculture, particularly in Minnesota, our dairy industry. Minnesota is one of the biggest dairy producers in our Nation. Yet for years dairy farmers have not been able to access the work force they need. The H-2A program, the one program that allows farmers to get guest workers, is open only to seasonal workers, and you cannot milk cows seasonally. You could, but you would get very, very uncomfortable cows.

[Laughter.]

Senator FRANKEN. I have been calling for this—

Chairman LEAHY. And a lot of noise.

Senator FRANKEN. Yes. Anyway, enough said.

Chairman LEAHY. I used to be Chairman of the Senate Agriculture Committee. You are bringing me back to my roots.

Go ahead.

Senator FRANKEN. Well, Vermont has a very great dairy producing culture.

So I have been calling for this to be fixed for years, and I am glad that the Gang of Eight, as they are called, felt the same way.

Mr. Holtz-Eakin, your testimony touches on the issue of productivity. It seems to me that having access to a stable, dependable, legal workforce has got to be a boom for various parts of our agricultural industry. What do you think?

Mr. HOLTZ-EAKIN. Well, I think it certainly helps in managerial efficiencies, which are going to help overall productivity. I think it is important to recognize that what I think of as skills or other peo-

ple may think of when they look on a piece of paper does not matter so much as how the market determines skills. What are the capabilities that people bring to the market?

We have learned in this country, for example, that people who can run welders, skilled tradesmen, are in short supply. That might not look great on that form, but it is a highly skilled, valuable profession. And so the more we have in immigration reform that reflects the economic reality and is responsive to it, I think the better off our work force will be the higher our productivity will be.

Senator FRANKEN. As I said, I just believe that our broken system has been a drag on the economy, and Senator Graham illustrated it very well, the interesting demographic arguments that you make in your testimony. And we do have—a lot of us boomers are about to retire or some have retired, so I just wanted to underscore that point.

I want to ask about the economic impact of treating same-sex couples differently under immigration laws. Two large companies headquartered in Minnesota, Carlson and Medtronic, say that current law hurts their ability to recruit and retain top talent. They are part of a coalition supporting the Uniting American Families Act, the Chairman's bill that I am proud to support. The bill would give committed same-sex couples the same immigration opportunities as other couples.

I was recently told of another Minnesota company, a smaller company—it is a small business—that will likely have to shut down because the owners, a same-sex couple, will not be able to stay in the country.

By the way, Mr. Chairman, at this point I would like to enter into the record a letter from the 30 companies that comprise this coalition. Is that all right, Mr. Chairman? Mr. Chairman, I would like to enter a letter from 30 companies in support of your bill.

[Laughter.]

Chairman LEAHY. Under those circumstances, it is quite all right. And, of course, we will be delighted to have it. I know everybody will want to read it before the day is out. Thank you.

Senator FRANKEN. OK. Thank you.

[The letter appears as a submission for the record.]

Senator FRANKEN. I just want to finish this point and maybe ask Mr. Holtz-Eakin to speak to it.

Don't we miss an opportunity to strengthen our economy by not allowing LGBT citizens to sponsor their partners for residency in this country? Isn't it a matter of fairness and also an economic positive?

Mr. HOLTZ-EAKIN. From an economics point of view, productivity is productivity, and you want to take advantage of all opportunities to bring that productivity into the marketplace. I mean, that is pretty simple. The provisions of the bill, I am going to confess, I am not familiar with, and the magnitudes involved I could not guess at.

Senator FRANKEN. OK. Well, thank you. And thank you both for your testimony.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

Senator Flake.

Senator FLAKE. Thank you, Mr. Chairman. Thanks for holding this hearing.

Mr. Holtz-Eakin, when the Congress took this issue up in 2006, the Heritage Foundation came out with a study with a kind of sensational headline that this would cost the taxpayers \$2.6 trillion over some period of time. That study has now been discounted by quite a number of organizations—the Wall Street Journal, the Cato Institute, and others.

I know that you have looked at that. What are your feelings on a study like that that purports these kind of costs to the taxpayers?

Mr. HOLTZ-EAKIN. I will resist the temptation to turn this into a graduate seminar in research design, but I think the top line is that I have some reservations about that particular Heritage study. The Heritage Foundation has done a lot of good work, but in terms of the design of that exercise, first and foremost, it leaves out the things that I think are most important, the dynamic effects that are in my testimony and the study I did. Heritage certainly has the capability of doing that kind of analysis, and I would hope that they would bring something like that out if the opportunity arose.

The second thing that I have worried about in that study is the basic design does not shed any light on immigration reform. There is nothing about that study that says what happens as a result of passing legislation, so it does not inform the decision that any Congress might face, and I would like to see studies designed about looking before and after reform.

And then the last—and I will not belabor it—is simply that the comparisons in that study are between very low-skilled immigrants, sub-high school educations, and all of Americans, including, by implication, Bill Gates, myself, you—whatever. I think that is not a particularly meaningful comparison, and you can anticipate the outcome of that kind of a comparison without doing any detailed analysis. You know the answer by the way the study is constructed.

Senator FLAKE. Right. Certain assumptions, I understand, were made about the number of immigrants who come in who are regularized, who would then take welfare benefits and whatnot. Can you speak to that at all?

Mr. HOLTZ-EAKIN. Again, it was not tied to a particular reform exercise, and I think you have to be very careful about the assumptions you make. We know that the labor force participation of first-generation immigrants is higher than the native born. If you go to the second generation, where people often worry about take-up of public programs, there are more college degrees in second-generation immigrants than in the native born. There are more advanced degrees, graduate degrees. There are higher rates of labor force participation among those.

So it is not the case that program participation is higher than in the native-born population on the whole.

Senator FLAKE. Well, thank you.

Mr. Kirsanow, you mentioned that you believe that the number of illegal immigrants currently here exerted downward pressure on wages. Is that accurate?

Mr. KIRSANOW. That is correct.

Senator FLAKE. And you say that regularizing that population would still have some downward pressure on wages.

Mr. KIRSANOW. That is correct.

Senator FLAKE. But is it accurate to say that—I mean, the alternative would be to continue in the current path of allowing these illegal immigrants to work in the workforce, exerting that downward pressure, or have some plan to deport them somehow or take them out of the workforce. Do you see that as a reasonable measure to somehow remove them from the workforce short of some kind of reform like this?

Mr. KIRSANOW. Senator, respectfully, I do not think those are the alternatives. I think there are a whole host of alternatives. I do not think it is a question between deportation and regularization. There are a lot of intermediate steps that I think the Committee may want to take a look at.

One of the things I do think—and, again, I have not looked at all 900 pages, but taking steps to ensure that it is difficult for rogue employers to employ illegal immigrants or employ anybody outside the framework of existing law would be very salutary. We can do that. There are a number of gradations we can employ far short of deportation. But if we do that, I think that we will get far along the process of making sure that everybody in America is paid the way they are supposed to be paid, that they are not working under substandard conditions.

Senator FLAKE. You are aware of testimony from groups like a group that you used to represent, the National Association of Manufacturers, saying that they simply cannot find the skilled labor they need among our workforce now, and that the economy would benefit with some kind of program to allow others to come in.

Do you concede any economic benefits, like Mr. Holtz-Eakin does, to this kind of reform?

Mr. KIRSANOW. I would yield to Doug on a number of issues related to economic benefits. However, there is a significant downward pressure on a whole host of occupational categories by regularization, and I think that is unequivocal. I think that we have had at least two hearings before the Civil Rights Commission where there was almost near unanimity that that is the case.

Now, I do think that we should have some type of immigration reform, and I think deliberation must be had with respect to how to do that in a considered fashion so that there is a group of people, and especially low-skilled Americans, who are not thrown under the bus.

I hear a lot of discussion about the benefit to the United States economy, but low-skilled Americans are a significant part of that economy, and I think they are being completely excluded from this discussion.

Senator FLAKE. Thank you, Mr. Chairman.

Chairman LEAHY. Thank you, Senator Flake, and like all of you, I appreciate the time that the eight of you spent with me in the briefings before we set up these hearings. I know a lot of you had to juggle your schedules around to do that, but I thought it was a productive meeting. And I was struck by the—with four key Democrats and four key Republicans, I was struck by the complete absence of partisanship in that meeting.

Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

I am pleased that the Gang of Eight has reached an agreement and produced a bill that will overhaul the current immigration system in ways that will provide help to millions of individuals and their families. And, in fact, three of the Gang of Eight members are members of this Committee, and I thank them—Senators Schumer, Durbin, and Flake. And, of course, Chairman Leahy, so many other members—Senators Feinstein, Hatch, Graham, Klobuchar—have had tremendous input into this bill, and we will all continue to discuss this bill as we go forward.

Mr. Holtz-Eakin, there are economic considerations that are attended to throughout this bill. In fact, there is very much support for economic considerations in this bill.

So, Mr. Chairman, I would like to spend some time and focus on families in my remarks, and I start by saying that family unity is very much a part of economic success for immigrants. So family unity issues, economic success, economic vitality, these are not either/or propositions. Those two should go together, in my view.

So this bill will help some families to reunite, but for others, especially from Asian countries, it will dramatically restrict the ability of families to reunite with certain loved ones, which has been the basis of our immigration system since 1965. And while I understand that compromises had to be made, I believe that in some areas this bill is more restrictive than necessary, and, of course, I will join my colleagues in continuing to improve this bill.

Specifically, S. 744 eliminates the sibling category and restricts the adult married children category and replaces it with a merit-based point system. I believe that the new merit-based visa system could exclude many immigrant family members from reuniting with their U.S. citizen siblings. This is troubling because siblings are an integral part of family structure. They support and help each other find jobs, provide both emotional and financial support, and care for each other's families.

In addition, many times a sibling may be your only family member. For example, I recently met a woman named Nadine whose brother is her only remaining family member. They are extremely close and have been separated for many years. I am concerned that cases like Nadine's will no longer have a meaningful opportunity to petition for their sibling.

I would also like to see improvements to the family system to include LGBT families, brought up by my colleague Senator Franken, and the children of Filipino World War II veterans. And I know that we are joined at this hearing by some of our Filipino World War II veterans who have been separated from their children for decades.

So, Mr. Chairman, I look forward to continuing discussions and an opportunity to improve this legislation. There have already been comments on improving the Visitor Visa Program, which I very much support, and I yield the remainder of my time.

Thank you, Mr. Chairman.

Chairman LEAHY. Well, thank you, and I thank everybody who has been here. I think this has been a good hearing. We are in the process of arranging the time for Secretary Napolitano to be here.

I think all of us realize with what is going on why the Secretary of Homeland Security is at Homeland Security, even as I have received ongoing briefings of the circumstances there, and should be. But I thank everybody for taking the time, and we will have another hearing on Monday. We are arranging then another day for Secretary Napolitano.

I thank the two witnesses who came here, who rearranged their own schedules on very short notice. I appreciate it. That is what makes the Committee work.

I would also note for the record that, as you go back over your notes and want to add to any of your answers, of course I will keep the record open for that. We are not playing a game of "gotcha." We are just trying to have the best possible record.

And, again, I thank all the Senators of both parties for being here.

We stand in recess subject to the call of the Chair.

[Whereupon, at 11:49 a.m., the Committee was adjourned.]

[Questions and answers and submission for the record.]

QUESTIONS AND ANSWERS

Senator Jeff Sessions
Questions for the Record
Douglas Holtz-Eakin

1. In an October 5, 2011, article you co-authored with Gordon Gray for National Review Online, you stated the following:

“The failure to plan future spending levels is but one of the most glaring failures in the budget process. Routine abuse of ‘emergency designations’ has allowed spending that should have been responsibly offset to bypass budget enforcement. For example, Congress evidently failed to foresee spending for the decennial census, and thus designated \$210 million in Census spending as an emergency. In 2010, Congress added \$59.3 billion to the debt ostensibly to finance ‘emergencies,’ but in reality to avoid statutory PAYGO. This does not include the \$485.8 billion ‘emergency’ associated with the end-of year tax compromise. Unforeseen indeed.

The use of emergency designations is among the more obvious means to bypass budget enforcement. Congress has availed itself to more creative means of budget gimmickry to avoid the strictures of budgeting. Unrealistic estimates of loan programs, phony rescissions, and programmatic changes in appropriations bills are among the myriad opportunities for tomfoolery in budgeting that allows Congress to finance new programs or initiatives without making the necessary tradeoffs. The Honest Budget Act includes a series of provisions that address the abuse of these loopholes in the budget process to keep the process honest and on the level.”

Given your previous statements, do you believe that the spending designations in S. 744 are emergency spending? Please provide a list of those spending designations within S. 744 that you believe qualify as emergency spending and those that you believe do not qualify, and explain why.

To the extent that the emergency designations in S. 744 comport with section 403(a) of S. Con. Res. 13 and 4(g) of the Statutory Pay-As-You-Go Act of 2010, then any so designated provisions are necessarily “emergency spending,” under current law. However, reforming emergency designations remains a meritorious policy pursuit and I would continue to support reforms such as those in the Honest Budget Act.

2. In your essay “Immigration Reform, Economic Growth, and the Fiscal Challenge” you argue that part of the economic gain from immigration reform stems from an increase in business formation or entrepreneurship. This benefit occurs, you argue, because immigrants are more entrepreneurial than the native population.

- a. Please describe the calculations and assumptions you used in making this conclusion.

As the paper describes, the GDP projections are based solely upon the increased labor force participation and assumed 20 percent productivity bonus associated

with higher growth. In this way, it represents a conservative estimate of the impacts.

- b. Please list any independent studies you relied on in making this conclusion.

*Endnote viii of the study states: "For a great summary, see <http://www.sba.gov/sites/default/files/rs396tot.pdf>." this is a reference to a study prepared for the Small Business Administration. Citation: Fairlie, R. (2012). *Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital*. U.S. Small Business Administration: Washington, D.C.*

- c. Are you assuming that current immigrants have the same characteristics as those most associated with entrepreneurship over the course of U.S. history, specifically early 20th century waves of Italian, Jewish and other immigrants? If not, please provide the data that you relied on in making such assumptions.

As noted above, the rate is a composite of the research findings.

3. You have published data that suggests that Obamacare poses a significant problem to our nation's budget. But in your testimony before the Committee, you suggested that this immigration bill would change your previous calculations.

- a. Please describe the calculations and assumptions you used in making this conclusion.

As noted in my testimony, "I remain convinced that the ACA itself is poor economic, budget and health policy."

- b. Please list any independent studies you relied on in making this conclusion.

The American Action Forum routinely provides health policy analysis, to include studies that reinforce my belief the ACA poses a significant problem to our nation's budget. For more, please see: <http://americanactionforum.org/issue/healthcare>

- c. If Congress passed legislation like S. 744 prior to the enactment of Obamacare, would your assessment, and not that of CBO, have been that S. 744 would have increased or decreased spending relative to the spending under current law?

As noted in the testimony, since the 2007 immigration reform effort, "the single largest change is the Patient Protection and Affordable Care Act (ACA), and the implications of comprehensive immigration vis--à--vis the ACA have necessarily received considerable attention." This statement contemplates the question raised

here. The ACA poses significant budgetary challenges, irrespective of immigration reform, reforms to which should be urgently pursued.

4. You have published data suggesting that CBO significantly underestimates the number of people who will qualify for subsidized coverage through Obamacare. My staff assumed that everyone eligible (that is, those uninsured who would otherwise be eligible for subsidized coverage if they weren't here illegally) would enroll in either Medicaid or the subsidized exchanges. If that assumption is incorrect, what is the appropriate take up rate?

The Committee assumed a 100 percent take-up rate in its calculation referenced in the testimony. The in the CBO's current baseline, 30 million people remain uninsured under current law by 2023. This suggests that reliance on a 100 percent take-up rate may be an overstatement. While much of the ACA's implementation and participation remain unclear, it is worth noting that the 2007 CBO cost estimate did address participation rates among the potentially affect population in many public assistance programs and determined they were quite low – 15 percent for Food Stamps, for example.

5. In your testimony, you criticized my staff's analysis for assuming that the cap on subsidies will be turned off. CBO makes that exact same assumption in their alternative fiscal scenario because the cap, like the Medicare Sustainable Growth Rate, is likely to be ignored by future Congresses who will not want to be held responsible for reducing subsidies. Do you disagree with this assumption and believe the cap will be adhered to? If so, please explain why and include the data that supports your conclusion.

As the question notes, the CBO includes the assumed changes in law as part of its alternative baseline. It does not do so in the absence of the current-law baseline. To the extent the committee included an assumption of a change in law in its projection, offering that projection without the context of a current law projection is inconsistent with the methodology invoked in the question.

6. Over a ten-year period from the date of enactment, how many total legal immigrants do you estimate will enter the United States under S. 744, including the illegal immigrant population that would become legalized?

It is difficult to calculate with certainty how much legal immigration will increase. Worldwide levels on green cards will not increase by much under S. 744, and the vast majority of new entrants to the U.S. will be temporary nonimmigrant workers rather than legal permanent residents.

7. What will be the net fiscal impact of the amnestied population aged over thirty who have no college education and qualify for relief under Section 2103 of S. 744?

Section 2103, or the "Development, Relief, and Education for Alien Minors Act of 2013," will be included in the CBO cost estimate, and I look forward to reviewing that analysis. Until that analysis becomes available, I must rely on a previous costs estimate:

<http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/119xx/doc11991/s3992.pdf>, which determined that the “Development, Relief, and Education for Alien Minors Act of 2010,” reduced the deficit by \$1.4 billion over the 2011-2020 period.

8. What is the short-term impact on Social Security and Medicare if low-skill immigrants pay in less than they draw out? What is the long-term impact?

The nation’s major entitlement programs are in need of reform, irrespective immigration reform. However, according to the Office of the Chief Actuary of the Social Security Administration, “Overall, we anticipate that the net effect of this bill on the long-range OASDI actuarial balance will be positive.” This is encouraging, but should not preclude needed reforms to Social Security and Medicare.

Comprehensive Immigration Reform Hearing
April 19, 2013
Senator Lee
Questions for the Record

Questions for Doug Holtz-Eakin

1. When the 2007 immigration bill was scored, the headline unemployment rate [U-1] was 4.6%; today it is 7.6%. In June 2007, total unemployment [U-6] was 8.3%; today it is 13.8%. Unemployment among those over 25 with less than a high school education, the unemployment rate is 11.1%. Only 40.9% of this population cohort is employed.
 - With the current, wildly different employment situation, especially acute among those with a skillset similar to the average undocumented American, should the estimates of worker absorption and subsequent macroeconomic effects be seen as applicable to the current bill?

The most important impacts of immigration reform take place over the longer term and will not depend on the pace of cyclical decline in unemployment. There is no reason to believe that a market economy will be unable to respond to a shift in the labor force, or that the transformation of undocumented workers to RPI status will have an unmanageable economic impact.

2. In your testimony, you note that the 2007 bill had a cost of \$18 billion over a decade, stating that such an amount would be “swamped” by other changes and dismissing it as a “budgetary wash.” \$18 billion is no small amount. To put this in perspective, people often speak of the 11 million here without documentation. That amount totals over \$1,600 per person.
 - Do you believe the bill should be modified to make the 11 million pay for this cost through increased fees, seeing as it is a “budgetary wash”?

The budget cost of the current bill is the most relevant consideration; at present the fee structure and back-tax requirements in the bill appear to adequately address net overhead costs.

3. Mr. Holtz-Eakin, you have made a number of arguments with respect to immigration policy being economic policy. I think it is very important that we keep in mind the effect of any legislative proposal, and particularly one of this magnitude, on our economy and our deficit. And I appreciate the focus you have brought to this point. I am a strong

believer in free market principles and I agree with what I understand to be a general libertarian point you are making with respect to the potential economic good that can result from comprehensive immigration reform. I am concerned, however, with the long term effects of this legislation on our economy. You have discussed the Affordable Care Act and the manner in which you do not see it affecting spending during the next ten years, but the ACA is only one of many welfare and entitlement programs we have in this country. In addition, although it is still a few years off, we must take into account even those effects on our budget that may occur a decade from now. So my concern with the effect of this proposal on our economy is how we make it work in the long term.

- Do you believe that reforms to our entitlement and welfare programs would be necessary to make comprehensive immigration reform beneficial to the economy?

Fundamental entitlement reform is critical budgetary policy irrespective of the outcome of immigration reform. Entitlement reform will be easier in a vibrant, growing economy and immigration reform can help in this regard, but entitlement reforms remain essential.

- What are your greatest long-term concerns with respect to the effect of comprehensive immigration reform on our budget and our economy?

As noted in a recent study by the American Action Forum, in the absence of immigration the population of the United States will decline and the size of its economy will contract. Forgoing the economic growth prospects offered by effective comprehensive immigration reform would diminish our economic future and make our fiscal challenges more difficult.

4. In your testimony, you criticize cost studies that estimate large increases in spending, such as the recent publication by the Senate Budget Committee. You state that such an analysis is flawed because, in your words, “any accurate measure of the budgetary effects of a comprehensive immigration reform will include multiple budgetary inflows—including higher revenues from additional tax payers.” But it seems to me that in some respects we need to prioritize in the analysis the effects on direct spending. There are at least two reasons for this. First, given our financial situation, we must be especially careful when we are talking about additional spending. We don’t have the luxury of taking great risks with our deficit, because we have already accrued so much crushing debt. Second, it seems that we can be assured that beneficiaries will seek benefits. That is to say, estimates of direct spending seem in some respects more predictable than estimates of budgetary inflows. We know people will seek government benefits, we don’t know how much money naturalized citizens will make and how much in taxes those persons will pay.

- How would you respond to these concerns and, in particular, the need for us to be especially cautious when there is good reason that a legislative proposal may have serious effects on our national debt?

I share the concern over the federal spending problem, especially the broken mandatory spending programs. As noted above, I believe they must be reformed whether immigration reform occurs or does not. Moreover, that need is sure enough to swamp any budgetary uncertainty, which exists on both the spending and the tax sides of the budget.

- What are the challenges in attempting to determine the effects of dynamic scoring on a complex legislative proposal such as the one before us?

Scoring always involves uncertainty, however the basic components of economic growth are well understood, and any major proposal that would fundamentally alter one of those components should be weighed in that context, in addition to its effects on other elements of the federal budget.

5. One of the main contentions you make in support of passing this Act has to do with the U.S.'s increasingly low birth rate. Italy has a fertility rate of 1.4. Only 14% of its population is under 15 and 21% is 65 and older. Japan is also at 1.4, with 13% under 15 and 24% elderly. By contrast, 20% of the U.S. population is under 15 and 13% is 65-plus. Comparatively it appears we are doing well. The nation added 2.3 million people from 2011 to 2012, growing 0.75% to 313.9 million. Carl Haub, demographer at the Population Reference Bureau stated "Once employment improves, one would think we would return to previous levels." The fertility rate was even lower in the 1970s, when it dipped to 1.7 — a result of inflation and more women entering the workforce. Based upon these past statistics and future projections, it does not appear that immigration is the answer to either our economic or birth decline issues.

- As the economy improves, isn't it likely that we will also see improved birth rates across the U.S. as we have in the past?

U.S. birth rates have been low for a decade, through expansion and recession; counting on a resurgence is risky. Moreover, unless the U.S. plans to end immigration entirely — a disastrous policy — it makes sense to reform the existing system to embody better economic policy.

6. In your study, you appear to argue that immigration-induced population growth by itself will have a positive indirect impact on the economy and public coffers. What past examples can you give to back this assertion up?

As I note in AAF's study, the building blocks of economic growth are not complex. Total GDP stems from the total number of workers and the average output per worker, or productivity. The pace of overall population growth – from immigration or domestic births – will raise the number of workers, and thus raise GDP. In addition, the structure of the population – by age, gender, and education – can influence the fraction of the population at work. Growth in the labor force participation rate can, in turn, raise the rate of GDP above the rate of population growth.

- You have stated that Foreign born individuals tend to have higher rates of labor force participation, translating into rapid pace growth of the labor force. Many U.S. jobs require higher levels of skill and education than strictly labor force individuals are able to offer.
- Many, if not most, of the aliens affected by this proposed legislation fall into the labor force category. If the greatest gain to the economy can be felt through the use of high skilled workers, how does this proposed legislation truly help the economy?

The legislation in question makes a number of changes to the immigration system, including elements effecting high-skilled labor. However, normalizing the status of the currently undocumented will also have positive effects to the extent many are already working, but in the underground economy at depressed wages. I would note however that in the end markets will determine value far better than arbitrary categories and that the Chief Actuary of the Social Security Administration found that combined, the legislation would raise GDP by 1.6 percent and employment by over 3 million by 2023.

- Wouldn't an influx of less educated aliens create an economic drain on the U.S. economy?

The legislation does not contemplate an "influx" of the population you describe, rather, the proposal would normalize the status of certain undocumented individuals already present in the United States. Additional reforms would reduce future illegal immigration, while reforming other elements of the immigration system. Included in these reforms would be improvements to the visa system more consistent with skills and the needs of the U.S. economy.

- With respect to the 11 to 12 million aliens that are at issue in today's hearing. Do you have any information on their poverty, welfare use, lack of health insurance,

or tax payments information that would lead you to conclude that this legislation would in fact boost the economy?

The Congressional Budget Office recently updated its estimates of selected characteristic of the immigrant population, which also includes information on the undocumented population: <http://www.cbo.gov/publication/44134>. I would refer to the answers above to address the macroeconomic implications of normalizing the status of this population in a manner consistent with S. 744.

7. Many of the assertions laid out in your study are based upon unquantifiable subjective attributes such as work ethic.

- What data are you basing these assertions on?

*Please see Endnote viii of the AAF study which provides a reference to a study prepared for the Small Business Administration that addresses this issue. Citation: Fairlie, R. (2012). *Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital*. U.S. Small Business Administration: Washington, D.C.*

- Do you have a model in place that would be able to measure these attributes if the bill is passed?

The economy is tracked by a host of indicators which would prove useful in measuring the economic implications of immigration reform in the years subsequent to its passage. Moreover, the existing literature on the economic implications of immigration would no doubt continue to evolve and provide additional assessment and perspective post-implementation.

8. On March 17, 2013, *The New York Times* reported: "And as a side benefit, waiting a decade would mean that the costs of the overhaul would not kick in until the second decade because illegal immigrants do not qualify for government benefits until after they earn green cards. That means the 10-year cost estimates by the Congressional Budget Office would not include the expense of those benefits."

- How meaningful are CBO projections that use a 10-year window on assessing the costs of this type of program, when many of the provisions are delayed outside the window by statute?

The Congress adopted a 10-year budget window as the norm for CBO cost estimates. However, it has regularly provided longer-term projections of the

budget outlook that, despite their considerable uncertainty, provide important information for Congress. In addition, I am encouraged that the Congressional Budget Office now provides estimates for whether legislation increases the deficit by at least \$5 billion during any one of the 4 10-year periods outside of the normal budget window. I am also encouraged that there is an associated budget enforcement mechanism to address this concern. This is a useful and appropriate approach to balancing the uncertainty attendant to long-term cost estimation and the need to control out-year costs.

**RESPONSE TO QUESTION FOR THE RECORD: COMPREHENSIVE
IMMIGRATION REFORM HEARING**

Senator Lee,

Thank you for your question for the record regarding the Comprehensive Immigration Reform Hearing conducted April 19, 2013.

You have asked why I stated in a *National Review* editorial that it is important to withhold discretion regarding border security—specifically construction of a border fence—from the Secretary of Homeland Security and any other government functionary. The ultimate reason Congress should withhold this discretion can be reduced to one word: trust. More precisely, the abuse thereof.

Elected officials have repeatedly promised to secure the border and Congress has repeatedly passed legislation intended to secure the border. Promises to secure the border have proven to be piecemeal promises – easily made and easily broken. Detailed below are several reasons why all Americans should favor withholding all but the most ministerial discretion regarding immigration law enforcement. Congress in particular should be keen to withhold such discretion. Although Congress and the executive are coequal branches, the latter repeatedly flouts duly-enacted legislation regarding immigration.

- 1) The past and present behavior of the Department of Homeland Security and almost every other federal agency demonstrates that when government officials have enforcement discretion in the immigration context, that discretion is almost invariably exercised in a direction that militates against enforcing the border.**

In 2006, Congress passed the Secure Fence Act. The legislation directed the Secretary of the Department of Homeland Security to “achieve and maintain operational control over the entire land and maritime borders of the United States.” “Operational control” is defined as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other terrorism.” The Secure Fence Act also directed DHS to install approximately 700 miles of two-layer reinforced fencing along the southern border.

Regrettably, the law was amended by Congress the following year to give DHS the *discretion* to determine what fencing to put where.¹ “Fencing” has been defined down to include concrete posts that are intended to stop vehicles, but pose no barrier to individuals crossing the border on foot. In 2011, “there [was] 36.3 miles of double-layer fencing.”² (the southern border is 1,930 miles long). This is but one example of what happens when DHS and other federal agencies are given discretion regarding substantive aspects of immigration. In addition, as Janice Kephart noted in her testimony before the Judiciary Committee on April 22, “S.744 only calls for

¹ *Obama says the border is “now basically complete,”* Politifact.com, May 16, 2011, <http://www.politifact.com/truth-o-meter/statements/2011/may/16/barack-obama/obama-says-border-fence-now-basically-complete/>.

² *Id.*

a *strategy*, nothing more. While a strategy is a good start, it is actually building [a fence]—one that is actually built to keep individuals out—that works to protect both the border and the environment.”³ (Emphasis added).

Completing a fence should be a prerequisite for even beginning a discussion of legalization of those here illegally. Recent history demonstrates that otherwise DHS will massage the data and smooth any requirements necessary to certify that the border is secure so that legalization can proceed. As Senator Cruz observed during the April 22 hearing, “Madame Secretary, it seems to me that if border security is to be measured by an amorphous, multifactor subjective test, that this Committee knows to a metaphysical certainty that DHS will conclude that border security is satisfied.”

I concur with Senator Cruz’s assessment. There is nothing in DHS’s performance, or indeed the performance of the government as a whole, that gives a reasonable person any confidence the government will secure the border. A double-layer fence that spans the terrain-compatible entirety of the southern border has the great advantage of not being subject to the amorphous, politically motivated whims of cabinet officials. Such a fence eliminates any subjectivity, temporizing or discretion in service of political imperatives.

2) Government officials have repeatedly promised to secure the border, yet the border still is not secure. A grant of discretion merely perpetuates this dynamic.

Elected officials have been promising to secure the border for almost 30 years. Securing the southern border was part of the 1986 amnesty, yet the border was not secured. Congress has passed multiple pieces of legislation since 1986 that purport to secure the border, including the aforementioned Secure Fence Act of 2006. Yet, as detailed in the testimony of Janice Kephart, it is clear that the southern border remains unsecured. Ms. Kephart testified that, “At least over the central Arizona border, there has been a tremendous surge in the amount of illegal border crossing activity from August to December of last year.”⁴ Recently released numbers from Customs and Border Protection indicate that significantly more illegal aliens have been arrested in 2013 than in 2012.⁵ Because there are no accurate measurements of how many people cross the border illegally, we have no idea whether this indicates that more people are crossing the border or if the Border Patrol has just happened to find more people.

As plainly evident from the testimony of Secretary Napolitano, apprehensions are a manifestly unreliable metric of border security. Secretary Napolitano was unable to provide a straight answer when asked about the current level of border crossings, vacillating between “it’s at a 40-year low” and “it’s about the same as last year” and “it’s about the same as last year, except in Texas near the Rio Grande.” If the Secretary of the Department of Homeland Security cannot even provide a straight answer regarding how many people are coming into the country

³ Written Testimony of Janice Kephart before the Senate Committee on the Judiciary, April 22, 2013, at 3, *available at* <http://www.judiciary.senate.gov/pdf/04-22-13KephartTestimony.pdf>.

⁴ *Id.* at 4.

⁵ William La Jeunesse, *States show surge in illegal immigrant traffic despite Napolitano claims*, FOXNEWS.COM, April 5, 2013, <http://www.foxnews.com/politics/2013/04/05/stats-show-surge-in-illegal-immigrant-border-traffic-despite-napolitano-claims/>.

illegally, it is impossible that the border is secure. The border is secure when we know who is coming in and when they leave, not before. The border certainly is not secure when we not only do not *know who* is coming into this country and whether they ever left, but we do not even have a firm idea of how *many* people are coming into the country illegally.

3) The Secretary of the Department of Homeland Security has chosen not to enforce the immigration laws even when she has no statutory discretion to make such a choice.

The Secure Fence Act of 2006 directed DHS to achieve “operational control” over the entire border. Yet in 2011, DHS decided to cease using the term “operational control” and to replace this measure of effectiveness with still-to-be-determined metrics. Customs and Border Patrol Chief Michael Fisher testified in 2011 that the term did not accurately capture “the efforts of CBP partners and the significance of information and intelligence in an increasingly joint and integrated operating environment.”⁶ Stripped of gobbledegook, this amounts to replacing a clearly defined standard—“the prevention of all unlawful entries into the United States”—with “we give ourselves an A for effort.” As Senator Cruz asked Secretary Napolitano, “If there are no objective metrics, if it is simply a subjective assessment of a host of factors, how can we have any confidence that the border will be secure and that any trigger will be meaningful?”

Interestingly, Mr. Fisher did not explain why DHS believed it had the authority to jettison a standard *statutorily mandated* by Congress. Regardless, more than two years after Mr. Fisher’s testimony, DHS still has not implemented a permanent, reliable standard for measuring the people and contraband goods that illegally cross the border. Mr. Fisher pointed to low numbers of apprehensions of illegal immigrants as a measure of success, although those figures are contradicted by numbers recently released by Customs and Border Protection.⁷ However, because we do not know how many people cross the border illegally, we cannot know whether apprehending fewer people represents success or failure. It could mean that fewer people are crossing the border. It could also mean that people have learned to better elude the Border Patrol.

On April 23, Senator Sessions asked Secretary Napolitano about a lawsuit in which ICE agents have sued DHS and Secretary Napolitano relating to DHS’s refusal to enforce federal law regarding the deportation of illegal aliens. Secretary Napolitano replied that she expected law enforcement to follow the enforcement priorities established by their superiors. When Senator Sessions suggested that **she did not have the authority to make a policy decision that**

⁶ Written Testimony of Michael J. Fisher, Chief, United State Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security Before House Committee on Homeland Security, Subcommittee on Border and Maritime Security on “Securing Our Borders – Operational Control and the Path Forward,” Feb. 15, 2011, *available at* <http://www.dhs.gov/news/2011/02/15/us-customs-and-border-protection-border-patrol-chief-michael-fishers-testimony>

⁷ See Written Testimony of U.S. Customs and Border Protection Border Patrol Chief Michael Fisher, Office of Field Operations Assistant Commissioner Kevin McAleenan, and Office of Technology Innovation and Acquisition Assistant Commissioner Mark Borkowski for a House Committee on Homeland Security, Subcommittee on Maritime and Border Security “Measuring the Outcomes to Understand the State of Border Security,” March 20, 2013, *available at* <http://www.dhs.gov/news/2013/03/20/written-testimony-cbp-house-homeland-security-subcommittee-border-and-maritime>; see also La Jeunesse, *supra* note 3.

contradicted a statute, Secretary Napolitano replied, **“I disagree with almost everything you said.”** She then continued:

What we want our officers doing is focusing on drug traffickers and human smugglers and money launderers and others who misuse our border and our immigration system. By having a process by which those in the country illegally can pay a fine, can pay fees, can register so we know who they are, by dealing with the employer demand for illegal labor, by opening up the visa system, that will have the effect basically of confirming the focus of resources where they need to be.⁸

In short, Secretary Napolitano confirmed to Senator Sessions that she has decided not to enforce federal law because she disagrees with it as a matter of policy. She does not think that it is worthwhile to spend time deporting people who commit serious crimes such as identity theft, crimes that would land most Americans in jail. Chris Crane, the President of the ICE agents union, testified that ICE agents are not allowed to arrest illegal immigrants who have committed identity theft or have fraudulent documents.⁹ How can Congress trust Secretary Napolitano or any DHS official with discretion regarding border security when Secretary Napolitano has said that she will not and is not enforcing the law that is already on the books? On April 24, a federal judge even indicated that it is likely that Secretary Napolitano does not have the authority to disregard federal law in this way.¹⁰ Congress enacts laws, not the Secretary of DHS or the president. By flouting the law, Secretary Napolitano and her subordinates have shown themselves contemptuous of the responsible exercise of any discretion pertaining to border security.

In their lawsuit, ICE agents allege that Secretary Napolitano is defying federal law by refusing to deport hundreds of thousands of illegal aliens based only on her own policy preference and in defiance of federal law.¹¹ Secretary Napolitano does not have the statutory authority to make such a policy judgment. She is defying the law by exercising discretion where none is given.¹²

Furthermore, as Secretary of State Kris Kobach testified, there is evidence that Secretary Napolitano is using her arrogated discretion to release illegal aliens who are dangerous by any usual understanding—people who have been charged with “assault on a federal officer, sexual assault on a minor, and trafficking in cocaine.”¹³ Additionally, when Secretary Napolitano testified before the Senate Judiciary Committee that it is her understanding that the immigration bill allows people who are already in removal proceedings or who have in fact already been

⁸ Testimony of Janet Napolitano, Secretary of the Department of Homeland Security, before the Senate Committee on the Judiciary, April 23, 2012, *available at* <http://www.judiciary.senate.gov/hearings/hearing.cfm?id=aa74149c42b092f2488b81816628a1f2>.

⁹ Written Testimony of Chris Crane before the Senate Committee on the Judiciary, April 22, 2013.

¹⁰ Andrew Harris, *Obama Deportation Program Likely to be Blocked, Judge Says*, BLOOMBERG, April 24, 2013, <http://www.bloomberg.com/news/2013-04-24/obama-deportation-program-likely-to-be-blocked-judge-says.html>.

¹¹ *Crane v. Napolitano*, Plaintiff’s Compl. 3:12-cv-03247-O, Oct. 10, 2012, at 35.

¹² See U.S.C. § 1225.

¹³ Written Testimony of Kris Kobach before the Senate Committee on the Judiciary, April 22, 2013, *available at* <http://www.judiciary.senate.gov/pdf/04-22-13KobachTestimony.pdf>.

removed from the country to apply for amnesty, it is clear that her primary goal is to maximize the number of illegal aliens who receive amnesty.¹⁴ Given her willingness to violate/ignore the law to promote her policy preferences, there is reason to believe that she would continue to exercise maximum discretion to avoid enforcing the immigration laws.

4) A grant of discretion regarding certification of a completed border fence would eviscerate many of the remaining enforcement mechanisms in the bill, rendering it little more than a densely-worded amnesty.

As set forth above, allowing Secretary Napolitano or any government functionary or politician the discretion to certify whether a border fence is complete will result, quite simply, in no fence. This will compound the broad discretion and multiplicity of waivers already provided the Secretary of DHS by the bill, transforming the Secretary into an immigration czar with few meaningful constraints on her/his ability to implement immigration policy based on political preference or whims. (Query: At what point does the downstream exercise of such discretion become an unlawful delegation of legislative authority?) The present draft of the bill provides the Secretary with the ability to waive employment, educational and tax requirements for illegal immigrants seeking Registered Provisional Immigrant status. Moreover, the bill also permits the Secretary to exercise discretion as to which crimes may be waived for determining RPI status. Reduced to its essence, such discretion, combined with border fence discretion, permits the Secretary to continue the massive influx of immigrants across the southern border and then pick and choose who is awarded RPI status. Since experience suggests that the overwhelming majority of illegal immigrants will be awarded RPI status, this ensures that the bill will act as a giant magnet for continued illegal immigration.

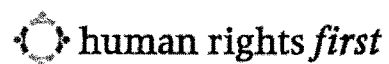
In sum, discretion regarding something as important to national security as securing the border should not be awarded to individuals and/or entities with a demonstrable record of abusing that discretion.

Thank you for your question and the opportunity to supplement the record.

Peter N. Kirsanow

¹⁴ Testimony of Janet Napolitano, *supra* note 4.

SUBMISSIONS FOR THE RECORD



STATEMENT FOR THE RECORD OF ELEANOR ACER

Director, Refugee Protection Program

HUMAN RIGHTS FIRST

On

“Comprehensive Immigration Reform Legislation”

Submitted to the

Senate Judiciary Committee

April 19, 2013

S. 744, Immigration Reform Legislation, Includes Key Reforms that Would Help Refugees by Making System More Efficient

The bipartisan Senate immigration bill introduced on April 17, 2013, includes some provisions that could help thousands of refugees. The bill includes key provisions to eliminate the wasteful and unfair filing deadline that bars refugees with well-founded fears of persecution from asylum. The bill also recognizes that immigration reform should include improvements to address the broken and expensive immigration detention system. We welcome the Gang of Eight's (including Senators Charles Schumer, John McCain, Dick Durbin, Lindsey Graham, Robert Menendez, Marco Rubio, Michael Bennet and Jeff Flake) bipartisan approach to immigration reform and their reaffirmation of America's commitment to the protection of persecuted refugees.

The bill contains some key fixes that will improve the efficiency and effectiveness of the U.S. asylum system. Prior to introduction of the bill, Human Rights First, as chair of the Asylum Working Group, coordinated a [letter to Congress](#) signed by over 160 organizations in support of improvements to the asylum system in immigration reform, several of which were incorporated into the legislation. In particular, the bill would eliminate an inefficient provision that has barred thousands of genuine refugees from asylum in the United States because they filed more than one year after their arrival in this country. The bill's provisions that will help protect refugees include measures that would:

- Eliminate the bar on asylum applications filed over one year after a refugee's arrival in the United States – this bar wastes governmental resources, unnecessarily diverts cases into the immigration court system, denies asylum to genuine refugees, and prolongs the separation of refugee families (sec. 3401);
- Improve efficiency by allowing some asylum seekers to have their asylum requests adjudicated initially by the asylum office instead of the immigration courts (sec. 3402);
- Increase staffing/reducing delays in immigration court, facilitate access to legal information and to counsel, and provide safeguards on the use of immigration detention – as detailed below; and
- Facilitate the reunification of some refugee families by allowing the children of the spouses of refugees granted asylum or refugee status to be treated as “derivatives” (sec. 3402).

The bill contains other humanitarian provisions, including a measure that would allow the U.S. government to address the plight of stateless individuals in the United States (sec. 3405).

In addition, the bill contains some common sense measures that will improve the efficiency and fairness of the immigration system more broadly, by facilitating access to counsel, increasing staffing and reducing delays in immigration courts and providing some basic safeguards on the use of immigration detention. These provisions include some that would:

- Increase the efficiency of the immigration courts by increasing the number of immigration judges and support staff - which will reduce delays in the overburdened and backlogged immigration court system (sec. 3501);
- Provide tested and efficient legal orientation presentations to all detained immigrants (sec. 3503);
- Facilitate access to counsel and authorize appointment of counsel for unaccompanied children and individuals who are incompetent due to serious mental disabilities (sec. 3502);
- Require establishment of secure alternatives to detention programs that incorporate case management services in each field office – alternatives to detention are more cost-effective than detention (costing 30 cents to \$14 per person per day, compared to \$164 per person per day for detention) and have been demonstrated to be effective in ensuring appearances for court dates and deportation (sec. 3715); and
- Extend the purview of the USCIS Ombudsman’s Office to address additional immigration matters, including those relating to immigration detention (sec. 1114); and
- Strengthen accountability for non-compliance with detention standards (sec. 3716).

Not only will these common sense measures improve the efficiency of the immigration system, but they are also consistent with American values, commitment to fairness, and human rights.

Last week, Human Rights First hosted a day-long conference on immigration detention, convening former corrections officials and prosecutors, representatives of faith groups, attorneys, human rights advocates, and conservative leaders including Grover Norquist and Dr. Richard Land, to identify common-sense and rights-respecting reforms – some of which can only be accomplished via legislation.

In its review of the 844 page bill, S. 744 titled the “Border Security, Economic Opportunity and Immigration Modernization Act of 2013,” Human Rights First will be looking to ensure it does not include provisions that might undermine the ability of refugees to receive U.S. protection or adversely impact the human rights of immigrants. As the Senate Judiciary Committee prepares for mark-up of the bill, the organization plans to weigh in on any areas of the bill where amendments may be needed.

Introduction of today’s Gang of Eight bill is the first step. We hope that Congressional leaders demonstrate their commitment to refugee protection by supporting needed reforms and preventing any harmful amendments.



American-Arab Anti-Discrimination Committee
 1990 M Street NW, Suite 610 | Washington, DC 20036 | www.adc.org
 Tel: (202) 244-2990 | Fax: (202) 333-3980 | Email: adc@adc.org

**Statement for the Record
 On behalf of the
 American-Arab Anti-Discrimination Committee (ADC) for the
 “Hearing on Comprehensive Immigration Reform Legislation”
 before the
 Senate Judiciary Committee**

The American-Arab Anti-Discrimination Committee (ADC) appreciates the opportunity to provide a statement for the record for this crucial hearing on comprehensive immigration reform legislation. We commend the Committee’s decision to hold this hearing on this vital issue. ADC commends the introduction of the immigration bill, and sees this as a positive sign that our lawmakers understand the need and importance of passing such a measure in the very near future.

ADC is the largest grassroots Arab American civil rights and civil liberties organization; it is a non-profit, non-sectarian, non-partisan organization with members in every State of the United States. ADC stands by the Principles Recognizing the importance of restructuring the U.S.’s current policy on immigration, ADC submits this statement to stress the importance of Congress passing a swift and fair immigration reform package. Like other minority communities, the Arab American community contains a large immigrant population that is heavily affected by immigration policy.

Pathway to Citizenship

Any reform package passed by the government must work for all communities and families. First, the package must address the issue of undocumented immigrants living in the United States, which some estimates place at over 12 million. A system which creates a registration process that leads to lawful permanent resident status and citizenship must be implemented. Second, the package must fix the immigration enforcement system. Enforcement focus must be on criminals, including employers who are exploiting vulnerable workers, human smugglers, and foreign nationals who have committed serious crimes. Focus on serious criminals will help protect the nation and its borders. On a related note, enforcement raids on worksites and homes must stop. The current raids and strategy used by US Immigration and Customs Enforcement (ICE) has proved to be ineffective, as these practices cause fear in immigrant communities.

Family Unification

A reform package must also restore America’s commitment to promoting family unity. Currently hundreds of thousands of immigrants are separated from their families because of backlogs that are a result of a broken immigration system.



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Some individuals have to wait years before they are united with their spouses and families. Moreover, the package must not allow for the separation of families within the U.S. Often a parent is taken away from his or her spouse and children and sent back to a foreign nation. This places families in a tough position and leads to a broken home. Reform must ensure that families are not separated. Further, it would be beneficial for the federal government to assist programs that teach immigrants English and basic civics. Currently funding for such programs and classes is declining, which in the view of many undermines the important goal of immigrant integration.

Restoring Due Process

Over the past decade, immigration policies have weakened the rights of immigrants. Across the country, many immigrants, including long-term legal residents, find themselves torn away from their families under extremely harsh mandatory detention and deportation policies. Many immigrants are rushed through expedited removal proceedings, often filled with mistakes and multiple abuses. Over the course of the past few years, there has been an increase in the use of privately run, for-profit detention centers, which house many immigrants. The use of detention must be minimized under a new immigration reform package. Furthermore, immigrants must be provided access to fair, humane, and common-sense enforcement proceedings.

Measures Against Racial Profiling

A reform package must include provisions against the use of racial profiling. The use of race, color, ethnicity, religion, or national origin, by law enforcement as a factor in deciding which individuals to stop, search, question, investigate, or arrest, in cases where the characteristics are not part of a specific suspect description results in serious human rights violations.¹ Racial profiling is a pervasive and harmful law enforcement practice that is ineffective, results in the misallocation of law enforcement resources, and negatively impacts individuals and communities.² Individuals and communities become less likely to cooperate with law enforcement agencies because they lose trust and confidence in those agencies as a result of being impacted by racial profiling, hindering criminal investigations and resulting in communities that are less safe for all.³

Immigration and border enforcement measures must also be considered in the context of racial profiling as they entail a risk, particularly where routine actions by state and local law enforcement to determine an individual's immigration status are concerned.

¹ The Leadership Conference on Civil and Human Rights letter to Senators Leahy and Schumer on immigration reform principles. (March 2013)

² *Id.*

³ *Id.*



American-Arab Anti-Discrimination Committee
 1990 M Street NW, Suite 610 | Washington, DC 20036 | www.adc.org
 Tel: (202) 244-2990 | Fax: (202) 333-3980 | Email: adc@adc.org

For example, some Customs and Border Protection (CBP) agents have engaged in certain discriminatory practices which have led to immigrant communities and communities of color to fear and avoid police.⁴ Enforcement programs are ever expanding in their scope and partnerships with law enforcement agencies. These relationships have grown to the point where all agencies-federal, state, tribal, and local- play a role, causing an increase in racial profiling.⁵ Pre-textual arrests based on racial stereotypes and other impermissible bases of checking immigration status have been incentivized by federal programs like the Criminal Alien Program, 287(b) program, Secure Communities, and by laws like Arizona's SB 1070.⁶ In order to solve these and related issues, the immigration reform package should include an affirmation of the principle of federal preemption over state and local immigration enforcement. Further, law enforcement agencies should be held accountable for their actions in these contexts.

End of NSEERS

The new immigration package must also include a complete end of NSEERS, the National Security Entry Exit Registration System, as well as providing a pathway to citizenship for those adversely impacted by NSEERS. Since its implementation in 2002, this discriminatory program forced tens of thousands of Muslim and Arab Americans to register with local immigration offices. However ADC's work has uncovered numerous problems with the program including a lack of transparency and sharing of information between agencies, and more importantly the program has left many in deportation proceedings for merely not registering, often due to confusion on the requirements. The program forced men age 16 and above from 25 countries, 24 of which were Arab or Muslim nations, to register.

⁴ Id. For example, CBP claims jurisdiction within 100 miles of all US borders and some agents have focused their attention on people of color, without regard to citizenship, because of their perception of looking "foreign." *Citing "Justice Derailed, What Raid on New York's Trains and Buses Reveal about Border Patrol's Interior Enforcement Practices"* New York Civil Liberties Union, at 7, Nov. 2011, at http://www.nyclu.org/files/publications/NYCLU_justicederailedweb_0.pdf; Nina Bernstein, *Border Sweeps in North Reach Miles Into U.S.*, *N.Y. Times*, Aug. 29, 2012, available at <http://www.nytimes.com/2012/08/30/nyregion/30border.html>.

⁵ Id.

⁶ Id. *Citing generally*, "The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program," The Warren Institute, September 2009, available at http://www.law.berkeley.edu/files/policybrief_irving_FINAL.pdf, "Secure Communities by the Numbers: an Analysis of Demographics and Due Process," The Warren Institute, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf, and "Local Democracy on ICE: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement," Justice Strategies, February 2009, available at <http://www.justicestrategies.org/sites/default/files/JS-Democracy-On-Ice.pdf>.



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The explicit targeting of the Arab and Muslim communities is un-American and has proven to be counterproductive. Using immigration law as a counterterrorism tool with racial profiling tactics has failed in the past and continues to fail. Despite repeated assurances from the Department of Homeland Security that such policies are no longer used, the Arab and Muslim communities continue to be singled out. The most recent example is Operation Frontline which targeted Arabs and Muslims during the 2004 Presidential elections. Any reform package must include an overhaul of such policies, and further ensure that no such blatantly discriminatory policies can be implemented in the future.

Future Flow of Workers into the U.S.

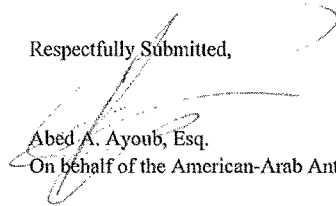
Language below courtesy of the Leadership Conference on Civil and Human Rights

Any immigration proposal designed to meet the needs of employers for new labor must fully protect the rights of both immigrant workers as well as those already here. Any proposal that forces established workers to leave the U.S. after a short period of time, with no path to citizenship, will make the workers vulnerable to abuse and exploitation. Reform must also protect wages and promote economic advancement for native-born workers, including low-income African-American workers whose high unemployment is often exploited by restrictionist groups.

Conclusion

ADC commends the committee for this hearing, and thanks you once again for the opportunity to submit this Statement for the Record. It is the hope of all communities that a fair and principled immigration reform package is passed.

Respectfully Submitted,



Abed A. Ayoub, Esq.

On behalf of the American-Arab Anti-Discrimination Committee (ADC)

April 19, 2013

STATEMENT OF
THE AMERICAN FRIENDS SERVICE COMMITTEE
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

April 19, 2013

**New Immigration Bill Includes Support for Families and Workers,
Yet Would Continue Key Failures of Current System**

*Quaker Group: Fair Path to Citizenship Must Reflect
More Humane Principles*

Philadelphia, PA (April 17, 2013) - The American Friends Service Committee (AFSC) finds the immigration bill introduced today a modest start on reform, due to provisions that address family unification and workers' rights and create a narrow path to citizenship for some immigrants. But much of the bill reproduces many of the current failed policies – making the overall bill a far cry from the just and humane reforms that immigrant communities, faith, labor and advocacy groups have been calling for.

“The Senate bill makes meaningful improvements for immigrants with temporary protected status, undocumented youth, and agricultural workers by providing a fast track to legal permanent residency. However, it would not end the current cruel, costly and inefficient system of detention and deportation, or the militarization of the border that has devastated communities on both sides of the border,” said Gabriel Camacho, director of AFSC’s Project Voice program in Cambridge MA, and Amy Gottlieb director of AFSC’s immigrants’ rights program in Newark NJ.

The bill not only doubles down on some failed policies. It also elevates them to the status of mandatory measurable triggers, including universal E-Verify, a 90 percent border ‘security’ metric, and a new entry-exit port system. It would waste billions on drones, costly high-tech gadgetry, additional fencing, and personnel.

One part of the bill does offer greater accountability and oversight of border enforcement, a long-standing demand by immigrant communities and their allies, including AFSC. It would establish a task force of border community stakeholders to evaluate and make recommendations regarding immigration policies along the border. Since 2010, the Border Patrol has claimed the lives of 20 unarmed civilians, and no official has been held accountable for these deaths. Federal agents seemingly operate with impunity, systematically violating the human rights and civil liberties of border residents.

The bill also includes the right of due process and worker protections under the mandatory E-Verify provision. However, E-Verify and other employment verification programs remain highly flawed, problematic and costly.

“We are gratified to see that the bill does begin an important conversation about future flows of workers to the U.S., by identifying significant labor and wage standard protections and opportunities to apply for permanent status and supporting family unity,” said Gabriel.

“The bill strives to keep families together by restructuring a fundamentally flawed system with long waiting periods into one that provides new opportunities for people to migrate lawfully. Still, because of limitations in the bill, there may be many who continue to live in the shadows, subject to the cruelties of a broken system including exploitation and abuse by unscrupulous employers,” Amy said.

The AFSC implores Congress to adopt compassionate and effective immigration reforms that are grounded in the following principles:

- Develop humane economic policies to reduce forced migration.
- Protect the labor rights of all workers.
- Develop a quick path to legal permanent residency and a clear path to citizenship.
- Respect the civil and human rights of immigrants.
- Demilitarize the U.S.-Mexico border.
- Make family reunification a top priority.
- Ensure that immigrants and refugees have access to services.

AFSC has created [A New Path](#), which lays out policy priorities for humane immigration reform that protects the human rights of all people. These principles are derived from nine decades of work with immigrant communities, whose voices must be heard as we seek meaningful and humane policies.

For more on AFSC's immigrant rights work, visit <http://afsc.org/project/immigrant-rights> and follow us on Twitter and Facebook.

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The American Friends Service Committee is a Quaker organization that includes people of various faiths who are committed to social justice, peace and humanitarian service. Its work is based on the belief in the worth of every person and faith in the power of love to overcome violence and injustice.



**American Friends
Service Committee**

**The American Friends Service Committee statement for the Congressional Record
pertaining to the Senate Judiciary Committee Hearing
Friday, April 19, 2013**

The American Friends Service Committee (AFSC) is an almost 100-year old faith-based organization grounded in the Quaker belief in the dignity and worth of every person. AFSC provides direct legal services and engages in organizing with immigrants and allies along with advocacy and movement building throughout the U.S. We directly support immigrant workers and refugees and their communities to organize themselves, to seek out and raise their issues as a way to affirm their aspirations and needs, and to continue to make contributions to this nation.

The AFSC finds the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 a positive first step but a far cry from the just and humane reforms for which immigrant communities, faith, labor and advocacy groups have been calling. Instead it reproduces, and even expands, many of the current failed policies that are cruel, costly and inefficient.

We are particularly concerned about provisions relating to border security triggers, which must be met before any undocumented person can apply for legal permanent residency. Tying the ability of individuals to adjust their immigration status to certification of the Comprehensive Southern Border Security Strategy invites endless delays for those seeking permanent residency. Additionally, the bill fails to combat the impunity enjoyed by Border Patrol and federal agents who abuse the human and civil rights of border residents. Since 2010 the Border Patrol has claimed the lives of 20 unarmed civilians. The use of force is all too commonplace and must be addressed in this legislation.

We applaud the creation of a path to citizenship for immigrants living in our communities. Yet the process through which this status is achieved contains many onerous conditionalities that will continue to keep immigrants in the shadows and expose them to the cruelties of a broken immigration system, rendering them vulnerable to exploitation and abuse.

The AFSC implores Congress to adopt compassionate and effective immigration reforms that are grounded in the following principles:

- Develop humane economic policies to reduce forced migration
- Protect the labor rights of ALL workers
- Develop a clear path to permanent legal residency and a clear path to citizenship
- Respect the civil and human rights of immigrants
- Demilitarize the U.S.-Mexico border
- Make family reunification a top priority
- Ensure that immigrants and refugees have access to services

The AFSC urges the Committee to exert visionary leadership and to support new immigration policies that respect the human rights and equal economic opportunity of all in our communities and thanks the Committee for this opportunity to submit a statement.



COMMUNITY EDUCATION CENTER • IMMIGRATION POLICY CENTER • INTERNATIONAL EXCHANGE CENTER • LEGAL ACTION

**STATEMENT OF
American Immigration Council
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Washington D.C. – The American Immigration Council applauds the “Gang of Eight” Senators who have introduced the [“Border Security, Economic Opportunity and Immigration Modernization Act.”](#) The Senators and their staff have been working tirelessly, for months, to create a bi-partisan solution that attempts to fix our broken immigration system. The Senate is to be commended for having the courage to lean into this difficult issue and bring forth a detailed and comprehensive proposal. In addition, labor and business groups should be acknowledged for their role in negotiating, in advance, some of the toughest sticking points to help ensure a smooth path through Congress.

In the coming days and weeks as the bill is analyzed and debated, there will be many who criticize both the policy remedies in the bill, as well as the sheer length of the legislation. It is important to keep in mind, however, that developing a comprehensive solution requires striking a delicate balance between a diverse cross section of stakeholders and impacted constituencies. Furthermore, the dysfunctional system that we have developed over the past two decades is in dire need of deep and precise reforms. While there will be fair criticisms of some of the bill’s contents it is important to keep the spirit of the debate productive and to ensure room for compromise.

“The Senate has been working for months and the country has been waiting for years for this kind of broad and deep immigration reform legislation. Introduction of this bill will launch a critical debate on how best to reform our broken immigration system,” said Benjamin Johnson, Executive Director of the American Immigration Council. “These Senators are confronting the critical immigration challenges we face and are due a great deal of credit. There is much more work ahead but our hope is that all members of Congress will set aside old thinking and divisions and do what is right for American families, workers, and businesses.”

We look forward to the House of Representatives engaging constructively in the process and continuing to advance positive reforms, as well as ongoing support from the White House.



**STATEMENT OF
Maya Berry, Executive Director
ARAB AMERICAN INSTITUTE
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Chairman Leahy, Ranking Member Grassley and members of the Committee: I am honored to submit this testimony for the record on behalf of the Arab American Institute in response to the introduction of the "Border Security, Economic Opportunity and Immigration Modernization Act," (S.744) drafted by Senators Bennet, Durbin, Flake, Graham, McCain, Menendez, Rubio, and Schumer.

The Arab American Institute applauds the efforts of the senators who have been working tirelessly to create bi-partisan legislation to address the fundamental problems with our broken immigration system and provide a pathway to citizenship for the nearly 11.5 million undocumented immigrants currently living and working in the United States.

Over the last decade, a number of "national security" initiatives have been added to our already overburdened and inefficient immigration system. The Arab American community believes that real immigration reform must include the termination of enforcement measures that target individuals or communities based on race, religion, or national origin. We are pleased that the legislation includes a section on border security dedicated to preserving and respecting individual civil rights and prohibiting the use of race and ethnicity in federal law enforcement activities. In particular, we are pleased that the bill mandates that additional

resources and training will be devoted to implementing a DHS-wide use of force policy and associated training in appropriate use of force, individual rights, and sensitivity to cultural and environmental impact of federal operations on border communities. We are pleased that a Border Oversight Taskforce will be established to take testimony and conduct hearings in order to review and recommend changes to existing border policies and that racial profiling guidance will be implemented. We are concerned, however, that the bill includes national security exceptions found in Sec. 3305(b)2. Similar national security waiver language has been applied in a number of enforcement measures over the last decade, resulting in real and troubling ramifications for some ethnic and minority communities.

On the issue of family reunification, we are concerned that this bill fails to provide relief to certain family members—particularly siblings and adult married children over age 31. We are heartened by the strong commitment demonstrated in addressing the needs of individuals who, through no fault of their own, are now undocumented and face deportation as young adults. We are pleased that S. 744 provides relief for individuals who entered the U.S. before the age of 16 and who have completed high school in the U.S. by allowing them to apply for Registered Provisional Immigrant (RPI) status through the DREAM Act. We are especially pleased that there is no age cap for the program, which would provide an opportunity for millions of talented individuals to qualify for an expedited process to citizenship.

This comprehensive bi-partisan bill offers some fundamental solutions to our flawed immigration system and we applaud the efforts of the co-sponsors in drafting this bill. We hope this legislation and today's hearing moves us further in the direction of much needed comprehensive immigration reform.



**TESTIMONY BEFORE THE UNITED STATES SENATE COMMITTEE ON THE
JUDICIARY**

**FOR THE HEARING ENTITLED "COMPREHENSIVE IMMIGRATION REFORM
LEGISLATION"**

April 19, 2013

BY THE

ASIAN & PACIFIC ISLANDER AMERICAN HEALTH FORUM

The Asian & Pacific Islander American Health Forum (APIAHF) submits this written testimony for the record for the April 19, 2013 hearing before the Senate Committee on the Judiciary entitled "Comprehensive Immigration Reform." APIAHF is a national health justice organization that influences policy, mobilizes communities, and strengthens programs and organizations to improve the health of Asian Americans, Native Hawaiians, and Pacific Islanders (AAs and NHPIs). For 27 years, APIAHF has dedicated itself to improving the health and well-being of AA and NHPI communities living in the United States and its jurisdictions. We work at the federal, state, and local levels to advance sensible policies that decrease health disparities and promote health equity.

The "Border Security, Economic Opportunity, and Immigration Modernization Act of 2013" (S. 744) is a major step forward for the nation, offering a comprehensive and bipartisan overhaul to our immigration system. While the bill makes substantial inroads, the compromised positions affecting access to care threaten the long-term health, safety and economic future of the entire nation in exchange for short-term cost-savings. Most importantly, cementing these barriers to affordable health care is an affront to our American values of responsibility, fairness and unity

and is out of step with the desires of the majority of Americans who have made it clear that they are ready for a sensible and sustainable fix to our immigration system.

The guiding principle behind any improvements to our immigration laws must be unity for immigrants, unity for families and unity for the entire nation. The following testimony addresses one of the cornerstones of these values: access to affordable health care. It is critical that this committee not view health care access in a vacuum. Right now, federal agencies and states are rapidly implementing the Affordable Care Act (ACA) and other initiatives to combat uninsurance and mitigate the massive toll that uninsurance takes on the nation.

While these initiatives have the potential to drastically reduce rates of uninsurance, S.744 and proposals being debated in the House will undermine these efforts and threaten the nation's health and economy in the long run.

I. Americans and Aspiring Americans Alike Need Affordable Health Insurance and Care Options that Allow them to Take Responsibility for their Health, and a Majority of Americans Agree

Immigration reform proponents often argue that immigrants must be responsible for their actions. The primary reason most immigrants come to the U.S. is to better their lives and that of their children through hard work and sacrifice. Those two principles are one of the many reasons the U.S. is seen as a nation built by immigrants.

Recent polling conducted by the Kaiser Family Foundation found that most Americans support offering the same opportunities for accessing affordable health care and insurance to aspiring Americans.¹ Six out of ten Americans surveyed believed that immigrants on the path to legalization should be able to fully participate in health reform and qualify for Medicaid coverage. Overwhelming majorities of Blacks and Latinos surveyed agreed with providing equal access to health care.

¹ "Kaiser Health Tracking Poll: Public Opinion on Health Care Issues," Kaiser Family Foundation, February 2013, available at <http://www.kff.org/kaiserpolls/upload/8418-F.pdf>.

While the Kaiser poll did not provide disaggregated data on the views of Asian Americans surveyed, the 2012 National Asian American Survey found that one in six Asian American voters placed health care as a top issue and Asian Americans overwhelmingly supported the Affordable Care Act.² These numbers are telling as Asian Americans and Latinos supported progressive policies during the 2012 election by substantial margins. As Asian Americans continue to be the fastest growing racial group and electorate in the nation, Asian American voters will continue to demand policies that serve their communities.

II. Federal Laws Already Restrict Access to Care for Immigrants. S.744 Would Cement these Barriers and Contribute to Costly and Unnecessary Health Disparities

The complex interplay between existing federal health programs and immigration laws already restricts access for many immigrants and families, including the over 4 million citizen children living with undocumented parents. S.744 offers an estimated 11 million undocumented immigrants the chance at legal status and earned citizenship, but unfortunately cements existing federal restrictions that could have disastrous health consequences.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, also known as the “welfare reform” law), created arbitrary and inhumane time limits and other restrictions for lawfully present immigrants to become eligible for federal means-tested public programs including Medicaid and the Children’s Health Insurance Program (CHIP). As a result, legal aspiring citizens are barred from these critical safety net programs for a minimum of five years. The ACA already maintains these immigration-based restrictions on lawfully present immigrants, and the existing absolute bar on eligibility for undocumented immigrants. The ACA also bars undocumented immigrants from purchasing private health insurance coverage in the newly created insurance marketplaces, even at full price and with their own funds, while

² “The Policy Priorities and Issue Preferences of Asian Americans and Pacific Islanders,” National Asian American Survey, September 2012, available at <http://www.naasurvey.com/>.

allowing lawfully present immigrants to purchase marketplace plans and also qualify for affordability programs such as advance premium tax credits and cost-sharing reductions.

S.744 undermines the eligibility framework of the ACA and creates a new exclusion for persons in Registered Provisional Immigrant (RPI) status from the benefits of health reform. RPIs, including DREAMers, are ineligible for programs that would make health insurance more affordable, despite the fact that these individuals would be considered lawfully present for all other purposes. At the same time, they will be subjected to the individual mandate.

In addition, S.744 reaffirms existing restrictions on lawfully present immigrants. The result is that, under the pathway to citizenship outlined in S.744, a newly legalized immigrant going through the ten year process to adjust from RPI to legal permanent resident would have to wait an *additional* five years after adjusting to LPR status to become eligible for safety-net health programs like Medicaid. This—what effectively amounts to a bar of 15 years or more—occurs during a time when the legalized individual is residing in the country and paying into the system.

PRWORA also bars citizens from the freely associated states of Micronesia, Republic of the Marshall Islands and Republic of Palau from the Medicaid program. These individuals, known as COFA (Compact of Free Association) migrants, are persons who are free to enter and work in the U.S. without restriction under long-standing agreements between the U.S. and Pacific jurisdictions. COFA migrants suffer from a number of serious health disparities caused by America's militarization of the Pacific islands, nuclear test bombing and lack of economic supports, including high rates of cervical cancer and other chronic diseases. The 1996 law revoked Medicaid coverage for COFA migrants, and, coupled with existing disparities and failure on the part of the U.S. to provide required supports, has created serious economic consequences for states like Hawaii and the territory of Guam, who have shouldered the burden of providing health care to this population.

These federal policies undermine America's values, further health disparities and put the entire nation's health at risk. These disparities will only worsen in 2014, when the ACA is fully implemented and the gap between the health of immigrants and those who qualify for new coverage options widens. As a result, immigration status will become one of the leading social determinants of health—affecting everything from whether or not a person can buy health insurance, whether a sick child can see the doctor, and whether a low-income worker can afford the treatment they need.

III. America Cannot Afford the Long Term Economic and Human Costs of a Short Term Compromise that Erects Barriers to Affordable Care

The U.S. cannot afford to care for a growing population of uninsured individuals. This was one of the reasons lawmakers and President Obama prioritized the Affordable Care Act (ACA). While the ACA provides new, affordable insurance options for many of the currently 50 million uninsured individuals in the U.S., America will continue to have a population of uninsured workers, children and families even after full implementation of the law.

Uninsurance leads to poor health outcomes, but the opposite is true when an individual is insured. Individuals with health coverage, including Medicaid, report better physical and mental health.³ They are more likely to have routine access to medical care, less likely to rely on expensive emergency room visits and have better access to essential preventive services, reducing the incidence of chronic diseases that take a major toll on the U.S. health care system. In contrast, research shows that the uninsured have significantly worse health outcomes across a number of chronic diseases including cancer and diabetes.⁴

The nonpartisan Institute of Medicine (IOM) has studied the issue extensively and their report, *America's Uninsured Crisis: Consequences for Health and Health Care*, outlines the resulting lack

³ "What is the link between having health insurance and enjoying better health and finance?" Robert Wood Johnson Foundation, January 2012, available at http://www.rwjf.org/content/dam/farm/reports/issue_briefs/2012/rwif72145.

⁴ "American's Uninsured Crisis: Consequences for Health and Health Care," Institute of Medicine, February 2009, available at <http://www.iom.edu/~media/Files/Report%20Files/2009/Americas-Uninsured-Crisis-Consequences-for-Health-and-Health-Care/Americas%20Uninsured%20Crisis%202009%20Report%20Brief.pdf>.

of access to routine preventive care. In addition to the physical toll, there are major economic costs. Shorter lifespans and worse health outcomes result in a loss of \$65 - 130 billion annually⁵ and translate into lost economic productivity and threaten economic security as families live in fear of what might happen if they get sick.

The consequences are not limited to the individual, but impact communities and state economics and put America's security at risk. Expanding access to affordable health insurance would help to relieve overburdened safety net hospitals and clinics and reduce uncompensated care costs, which often falls to states and the federal government to pick up the tab. In total, eighty-five percent of the costs for uncompensated care fall on the government.⁶

While the initial cost of extending coverage to the newly legalized (RPIs) may be significant, it is a needed investment in the future economic prosperity of the nation. Health care costs will become due now or later. The need for any uninsured individual—regardless of immigration status—to access basic health care will not disappear regardless of the number of complex restrictions put forth. Health care is out of reach for most of the uninsured. The average hospital stay in the U.S. costs over \$15,000 and the average cost for a doctor's visit is \$89—expenses that can add up quickly.⁷

Racial and ethnic minorities and other underserved populations are particularly impacted by access and cost barriers, resulting in expensive health disparities. Asian Americans and Pacific Islanders, for example, are overwhelmingly immigrant and account for 40% of recent immigrants to the United States. As of 2011, there are over 17.6 million Asian Americans living in the United States, and over 1.2 million Native Hawaiians and Pacific Islanders. These communities, like many other racial and ethnic minorities, are disproportionately uninsured for a number of reasons, including cost, challenges navigating enrollment and eligibility processes,

⁵ "Hidden Costs, Value Lost: Uninsurance in America," National Academies Press, 2003, available at http://www.nap.edu/openbook.php?record_id=10719&page=1.

⁶ "The Cost of Care for the Uninsured: What do We Spend, Who Pays and What Would Full Coverage Add to Medical Spending?" Kaiser Family Foundation, May 2004, available at <http://www.kff.org/uninsured/upload/the-cost-of-care-for-the-uninsured-what-do-we-spend-who-pays-and-what-would-full-coverage-add-to-medical-spending.pdf>.

⁷ "Survey Shows that Americans Pay a Lot More for Healthcare," National Journal, March 25, 2012, available at <http://www.nationaljournal.com/healthcare/survey-shows-americans-pay-a-lot-more-for-health-care-20120304>.

and importantly for this Committee—the intersection of immigration-based eligibility restrictions on access to health insurance and health programs.

The choice is clear; America cannot afford the human or economic toll that access barriers create. Putting up roadblocks to good health risks individual, family and community health and the safety and economic security of the entire nation.

IV. Offering Immigrants the Same Opportunities for Affordable Health Care and Coverage is Fiscally Responsible and Promotes Full Integration

Providing equal access to affordable, quality care and insurance for immigrants is sound fiscal policy. Immigrants are often younger, healthier and have lower health care expenses than native-born Americans.⁸ Contrary to the claims of some, immigrants are not a drain on the safety-net or on entitlements. A recent report by leading health researchers Leighton Ku and Brian Bruen analyzing the Census Bureau’s March 2012 Current Population Survey reaffirmed that immigrants continue to have lower utilization rates for public benefits, and the value of those benefits received is less than that for native-born individuals.⁹ In addition, the report used 2010 Medical Expenditure Panel Survey (MEPS) data to show the cost for providing care to immigrants under Medicaid were substantially lower compared to native-born adults, and for immigrant children, Medicaid costs were less than half that of native-born children. The report reinforces existing studies that have conclusively shown that immigrants as a whole

⁸ “Health Insurance Coverage and Medical Expenditures of Immigrants and Native-Born Citizens in the United States,” *Am J Public Health*, Leighton Ku, 2009 July; 99(7):1322-1328, *available at* <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2696660/>.

⁹ “The Use of Public Assistance Benefits by Citizens and Non-Citizen Immigrants in the United States,” CATO Institute, Leighton Ku and Brian Bruen, February 2013, *available at* http://www.cato.org/sites/cato.org/files/pubs/pdf/workingpaper-13_1.pdf.

underutilize health care services compared to the U.S. born and, when they participate in federal and state funded health programs, use fewer resources.¹⁰

America needs commonsense immigration policies that align with our values, protect all families and communities, and put the nation on a path to a better, healthier future. Our laws should make health care more affordable and accessible for both Americans and aspiring Americans alike. Immigrants already feel the pain when archaic eligibility laws, language barriers and access challenges converge. We cannot afford to create new barriers to good health for anyone.

For more information or questions, please contact Priscilla Huang, APIAHF Policy Director at phuang@apiahf.org or (202) 466-3550.

¹⁰ "Health Insurance Coverage and Medical Expenditures of Immigrants and Native-Born Citizens in the United States," *Am J Public Health*, Leighton Ku, 2009 July; 99(7):1322-1328, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2696660/>.

Senator Michael F. Bennet Statement on the Border Security, Economic Opportunity, and Immigration Modernization Act

April 24, 2013

Chairman Leahy, Ranking Member Grassley – As the Judiciary Committee begins the important work of considering legislation to fix our broken immigration system, I write in strong support of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013. This common-sense piece of legislation will strengthen our economy, help keep families together, better protect our borders and communities, and offer a tough but fair path to citizenship for those currently living here without legal status.

There is no other country in the world for which immigration is so central to its history and identity. But our immigration policies do not reflect this history or the values that shaped it. Neither do they reflect our 21st century economic needs. Fixing our broken immigration system is long overdue, and I believe that the bipartisan solutions crafted in this bill will do just that.

Mr. Chairman, we have an opportunity to rise above politics as usual and build upon the bipartisan efforts of the group of eight which I have been honored take part. Senators Schumer, McCain, Durbin, Graham, Menendez, Rubio, Flake, and I each brought a diverse point of view and experience as we negotiated and drafted this bill. Our collaboration underscores the fact that immigration is an issue that materially affects just about every part of our country. This could not be truer for Colorado. Last year, leaders from across my state came together in support of the Colorado Compact, a set of commonsense principles around immigration to drive a more constructive conversation in Washington. Faith, law enforcement, business, agriculture, Latino, advocacy, and civic leaders from across the state and political spectrum spoke in one voice to tell Washington to fix our broken immigration system. The Compact principles outline an immigration policy that is more in tune with the changing needs of our economy, prioritizes keeping families together, strengthens our security and provides a path forward for those here living in the shadows. I believe that S.744 is pragmatic, forward looking and very much reflects the spirit and intention of these principles.

The legislation before the Committee embodies two fundamental American values; that we are a nation that respects the rule of law and that we are a nation of immigrants.

First, our bill provides an earned pathway to citizenship for many of the nation's 11.5 million undocumented immigrants—especially young people whose parents brought them here as children, in search of a better life. First, these individuals would be required to undergo a background check, pay fines and back taxes. They would also have to “go to the back of the line,” behind those who have gone through the proper process to immigrate. However, I am very happy to note that the bill offers a faster path to citizenship for DREAMers, individuals who came to this country as children and know only the United States as their true home and for agricultural workers who are critical to delivering our nation's food supply. Doing these things is

not only of a higher moral imperative, it is also sound economic policy. In fact, a recent report by noted economist Douglas Holtz-Eakin found that “immigration reform will raise the pace of economic growth by nearly a percentage point over the near term, raise GDP per capita by over \$1,500 and reduce the cumulative federal deficit by over \$2.5 trillion.”

Second, our legislation recognizes that we must take concrete steps to further secure our borders by building on the progress we have already made. This is why we direct the Secretary of Homeland Security to take steps to increase control in high risk border sectors for which we appropriate funding. Investing in technologies such as motion sensors, virtual monitoring systems, inexpensive surveillance, and other innovative approaches—will enable us to significantly reduce illegal entries, drug smuggling and national security threats at our borders for years to come. Our bill will also provide for a more effective entry/exit system to better track who comes in and out of country and prevent visa overstays.

Third and finally, we propose an efficient, sensible, and flexible visa system that would encourage new workers—skilled and lesser skilled—to come do the work of a changing, 21st-century economy. For example, we should be able to invest in foreign-born entrepreneurs who want to start new businesses here in the United States. A new category of visas proposed in our bill provides that investment opportunity. Immigrant entrepreneurs with a qualifying investment will be able to come into the country on an INVEST visa and after establishing successful start-ups, they would be able to stay in order to create jobs and fuel our economy.

This bill specifically recognizes the importance of addressing the labor challenges facing our agriculture industry by creating a more reliable guest worker program. It also provides a better process for admitting highly skilled workers particularly in science, technology, engineering and math fields, and an effective visa system for lower skill workers to come into the country to fill jobs where there are no available U.S. workers.

Importantly, our bill includes strong labor protections for U.S. workers and jobs to and prevents exploitation. This is paired with a reliable, cost-effective employment verification system that prevents identity fraud and protects our civil liberties. It is backed by a determination to crack down on employers who knowingly hire illegal workers. Simply put, if we want to reduce illegal immigration, we must make legal immigration a more straightforward process. This bill delivers that. I have often talked about my travels across Colorado speaking with just about every type of person and business you could imagine, each struggling with the reality of our broken immigration system. From the peach growers of Palisade to the DREAMERS and families of Denver Public Schools, the mountain resorts on the Western Slope to the cattle ranchers of the Eastern Plains - each Coloradan had their own story of how our outdated and convoluted immigration policies stifle our economy and hurt our families.

I believe that this bill offers a pathway forward, not just for those who are here waiting to come out of the shadows or for better economic and security interests of our country, but for the

American people desperate for this elected body to move past the partisan talking points and bickering to actually lead.

Mr. Chairman, I look forward to hearing the findings of the Committee, and working with my colleagues in the Senate to pass this historic piece of legislation. Thank you.

March 1, 2013

Dear Honorable Senators and Members of Congress:

The undersigned represent the vast number of U.S. corporations who support the values and principles that are at the core of the Uniting American Families Act (S.296, H.R.519).

Our companies represent diverse industries, from pharmaceuticals to hospitality to technology. What we share is frustration at seeing our lesbian, gay, bisexual, and transgender (LGBT) employees treated differently under U.S. immigration law than their colleagues.

We have each worked to help American employees whose families are split apart because they cannot sponsor their committed, permanent partners for immigration benefits. We have lost productivity when those families are separated; we have borne the costs of transferring and retraining talented employees so they may live abroad with their loved ones; and we have missed opportunities to bring the best and the brightest to the United States when their sexual orientation means they cannot bring their family with them.

We have long supported LGBT employees facing immigration discrimination and we will continue to support them, but the real solution is for Congress to amend the Immigration and Nationality Act to recognize same-sex permanent partners. Passage of the Uniting American Families Act, the Reuniting Families Act, or the inclusion of permanent partners in comprehensive immigration reform would accomplish this necessary goal.

We endorse this legislation not only as a matter of fairness, but because we cannot afford to lose our most precious resource: talent.

Sincerely,

**Business Coalition for the
Uniting American Families Act**

American Airlines

Fort Worth, Texas

Bain & Company

Boston, Massachusetts

Barclays

New York, New York

BNP Paribas

New York, New York

Boehringer Ingelheim USA

Ridgefield, Connecticut

Bristol-Myers Squibb

New York, New York

Carlson

Minnetonka, Minnesota

Cisco Systems

San Jose, California

Citi

New York, New York

Diageo

Norwalk, Connecticut

The Dow Chemical Company

Midland, Michigan

eBay

San Jose, California

Ernst & Young LLP

New York, New York

The Estée Lauder Companies

New York, New York

Fifth & Pacific Companies

New York, New York

Goldman Sachs

New York, New York

Google

Mountain View, California

Intel

Santa Clara, California

Marriott International

Bethesda, Maryland

Medtronic

Minneapolis, Minnesota

Merck & Co., Inc.

Whitehouse Station, New Jersey

Nike

Beaverton, Oregon

Ogilvy & Mather

New York, New York

Omnicom

New York, New York

Pfizer

New York, New York

Replacements, Ltd.

Greensboro, North Carolina

Starwood

White Plains, New York

Texas Instruments

Dallas, Texas

Thomson Reuters

New York, New York

US Airways

Tempe, Arizona

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Uniting American Families Act**

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Carlson

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Goldman Sachs

Google

Intel

Marriott International

Medtronic

Merck & Co., Inc.

Nike

Ogilvy & Mather

Omnicom

Pfizer

Replacements, Ltd.

Starwood Hotels

Texas Instruments

Thomson Reuters

US Airways

Immigration Equality Action Fund
1325 Massachusetts Avenue NW
Suite 250
Washington, DC 20005

202 347-0002



**STATEMENT OF
CENTRO DE LOS DERECHOS DEL MIGRANTE, INC.
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Centro de los Derechos del Migrante, Inc. (CDM) is a transnational nonprofit organization with offices in Mexico City, Oaxaca, and Baltimore with the mission of improving the conditions of migrant workers who labor in the United States. Through outreach and legal work on both sides of the U.S.-Mexico border, CDM has uncovered critical flaws in U.S. policy that result in abuses of migrant workers. Below, we highlight the organization's key priorities for migrants in immigration reform and analyze the effects of the Senate immigration reform bill on current abuses.

Justice in International Labor Recruitment

Labor contractors who recruit migrant workers for U.S. companies often engage in abusive practices. In a study of over 220 workers on H-2 temporary visas, CDM found that more than 58 percent had paid recruitment fees. In order to pay these high fees, workers often take out loans that make them even more vulnerable to exploitation. In worst-case scenarios, unscrupulous employers and recruiters traffic workers into the U.S. Regulation and oversight of foreign labor recruiters is much needed, as is a system to hold U.S. employers who utilize such recruiters jointly responsible for abuses.

WHAT THE SENATE BILL WOULD DO: The Border Security, Economic Opportunity, and Immigration Modernization Act (Senate Bill) includes much needed reforms to address abuses in international labor recruitment. The key measures to address recruitment abuse are a required set of disclosures given to workers, a prohibition on employers charging workers recruitment fees, a prohibition on discrimination in recruitment, a foreign labor contractor registry at the DOL and the State Department, extensive data gathering and data publication, and critical enforcement mechanisms.

The Bill would require that important information be disclosed to workers at the time of recruitment. These disclosures are important so that workers know the terms and conditions of their employment and visa before leaving their homes for employment in the U.S. The required disclosures include the following: the identity of the employer and the recruiter; the terms of employment; a copy of the signed contract; the type, length, and terms and conditions of the visa; any costs and expenses associated with

the work; any training that will be provided or required; and worker's compensation or insurance coverage in the event of injury or death, among others.

The Bill addresses the economic coercion of workers who pay recruiters high fees, often incurring debt with exorbitant interest rates in order to come to the U.S. Specifically, the Bill prohibits employers, labor contractors, and agents from charging recruitment fees to workers and requires employers to reimburse all costs associated with their recruitment, including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs to a worker for any foreign labor contracting activity. The Bill also requires several disclosures related to fees.

The Bill provides some visa-specific worker protections. With respect to the H-2B program, the Bill would require that employers pay transportation costs, including reasonable subsistence costs during travel, from the place of recruitment to the place of employment and from the place of employment to the place of permanent residence or the subsequent worksite. The Bill would require that employers pay any fees related to hiring the worker and would prohibit deducting such fees from workers' wages. With respect to the newly created W visas, the Bill would also require that employers pay fees related to hiring workers but would not require that workers be reimbursed for travel and transportation costs. The Bill is not comprehensive in its protections of H-2B workers and fails to provide other much-needed improvements to the H-2B program.

Freedom from Discrimination

During the recruitment process, internationally recruited workers are subject to various forms of discrimination. Recruiters and employers limit access to the recruitment stream by national origin, sex, and age. They segregate workers into jobs and visa categories based on racialized and gendered stereotypes. They also retaliate against and blacklist workers who complain about unfair or unlawful treatment.

WHAT THE SENATE BILL WOULD DO: Pursuant to the Senate Bill, foreign labor contractors would be prohibited from failing to hire or refusing to hire, discharge, intimidate, threaten, restrain, coerce or blacklist any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, creed, sex, national origin, religion, age, or disability.

Access to Justice and Protection from Employer Retaliation

Migrant workers face barriers to seeking and obtaining justice in the United States. Migrant workers should receive information on their rights before coming to the U.S. and should have access to legal assistance once they arrive in the U.S. They should be able to remain in the United States to pursue employment related claims before administrative bodies and civil and criminal courts. They should be allowed to reenter the country in pursuit of justice.

Due to threats of deportation and other forms of retaliation, many migrant workers are afraid to voice their concerns out of fear of losing their jobs and visas. Most temporary visas bind a worker to a single employer, so a migrant worker cannot change employers, even in the face of exploitative wages and working conditions. Visas need to be portable, so that workers can leave abusive employers and seek employment elsewhere.

WHAT THE SENATE BILL WOULD DO: The Senate Bill would require that, before issuing visas, consular officers provide visa applicants with a know-your-rights pamphlet in a language the applicant understands and review the pamphlet with the visa applicant. The Bill would also expand access to Legal Services Corporation funded legal services to migrants who suffered certain recruitment abuses and to agricultural workers in certain circumstances.

The Bill would prohibit retaliation against internationally recruited workers and their family members based on worker disclosures or complaints about a violation of his/her rights in the recruitment process. The Bill would enable the Attorney General and the Secretary of Homeland Security to grant advance parole to permit workers to remain legally in the U.S. in order to fully and effectively participate in all legal proceedings related to recruitment abuses.

The Bill would create a new W visa category for certain sectors of nonimmigrants. These workers would self-petition for their visas with registered U.S. employers and would be able to change employers while in the U.S.

Also, the Bill would expand U visa qualifying crimes to include the labor crimes of fraud in foreign labor contracting and serious violations involving workplace abuse, exploitation, retaliation, or violation of whistleblower protections. Qualifying migrants who are arrested or detained and who are necessary for the investigation or prosecution of a workplace claim would not be removed from the United States until being interviewed as witnesses; migrants pursuing U visas would be provided with stays of removal. The Bill would increase the number of U visas available to victims of crimes, meaning that U visas would be more available to migrants who suffered certain qualifying labor crimes.

Transparency

Unscrupulous employers and recruiters are currently gaming the employment-based visa system. In a recently released groundbreaking study, CDM uncovered significant fraud in recruitment practices. The recruitment system needs to be made more transparent so that the public and workers can identify the bad actors and fraudulent recruiters. Data should be gathered to monitor international labor recruitment and should be publicly available. More data should be provided on how many U and T visas are issued to migrant workers due to labor and employment-based complaints.

WHAT THE SENATE BILL WOULD DO: The Senate Bill would require the Department of Labor (DOL) to create a public registry of foreign labor contractors containing information about the employers, visas, and locations for which they contract workers, as well as a list of foreign labor contractors whose

certification has been revoked. All foreign labor contractors besides employers would be required to register and receive a revocable certification from DOL. Employers would be required to notify DOL of the foreign labor contractors they use. The Secretary of Labor would require foreign labor contractors to post a bond to ensure both the fulfillment of the contractor's responsibilities and the wages of the workers.

The Bill would also improve transparency by requiring the Secretary of State to maintain information related to the identities of foreign labor contractors and the employers to whom the foreign labor contractors supply workers. This information would be made available on-line, including on the websites of U.S. embassies in the official language of that country. The Secretary of State is also charged with annually disclosing data in an on-line, public format regarding the gender, country of origin and state, date of birth, wage, level of training and occupation category, disaggregated by job and by visa category of visas processed.

Fair Wages and Safe Working Conditions

Many migrant workers are paid below-market wages and are not compensated for overtime. Migrant workers should be paid a fair wage and should have the ability to switch employers. Many migrant workers are unable to recover workers' compensation after job-related injuries.

WHAT THE SENATE BILL WOULD DO: The Senate Bill would require that H-2B workers be paid the greater of the actual wage level paid by the employer to other employees with similar experience and qualifications for such position *or* the prevailing wage level for the occupational classification of the position based on the best information available at the time the application is filed. It is unclear that this wage structure would improve wages for H-2B workers from the 2008 prevailing wage schema that was recently declared invalid by the *CATA* court.

The new W visa would have a wage structure requiring that workers be paid the greater of the level 4 wage set out by the Foreign Labor Certification Data Center Online Wage Library for such occupation in that metropolitan statistical area *or* the mean of the highest two-thirds of wages surveyed for such occupation in that metropolitan statistical area. The effects of this wage structure are unclear at this time.



Immigrant Professional Integration

April 17, 2013

TO: The Honorable Patrick Leahy; Members of the US Senate Judiciary Committee

RE: Testimony of IMPRINT to US Senate Judiciary Committee hearing on Comprehensive Immigration Reform Legislation on April 19, 2013

FROM: Nikki Cicerani, spokesperson for IMPRINT (contact@imprintproject.org, 212-219-8828); and executive director of Upwardly Global

Thank you for the opportunity to submit written testimony to the Senate Judiciary Committee in support of Comprehensive Immigration Reform.

While much of the conversation around immigration has to do with who we allow to legally enter the United States, **it is also critical to consider how we design the next step in the process: what comes after an immigrant receives his or her "green card"** for permanent residence.

IMPRINT is a national coalition of nonprofits working to support the successful integration of skilled immigrants into American society. **Our work focuses on a less-often discussed set of skilled immigrants – those who are already in the United States, and who have legal, permanent work authorization, yet struggle to transfer their international credentials** and enter the American professional workforce. Instead, these New Americans may be employed as taxi drivers, dishwashers, or nannies.

IMPRINT's member organizations provide a range of education and workforce services to internationally educated, skilled immigrants who are unemployed or under-employed.

We work to help immigrants like Luc Jean-Baptiste,* a doctor from Haiti with a decade of experience as an OB-GYN, find his way back to treating patients. Before connecting with IMPRINT member the Welcoming Center for New Pennsylvanians, Luc worked as a car-wash attendant for \$6.25 an hour to support his wife and three children.

This kind of under-employment has heavy consequences that extend beyond individual immigrants. When these talented men and women aren't engaged at their fullest capacity, their families may unnecessarily struggle in poverty. Our wider society is losing out on their professional skills and experience. And our communities fail to benefit from higher tax revenue and a more globally competitive workforce.

IMPRINT

Immigrant Professional Integration

There is solid research documenting the scope of this problem and the value of potential solutions.

Here are just a few relevant facts:

- More than 1 million college-educated immigrants residing in the US are unemployed or underemployed in low- or semi-skilled jobs that fail to draw on their education and expertise.
- Those immigrants who have earned their college degree abroad are twice as likely to be under-employed than their US-educated counterparts.
- Yet many of these immigrants are trained in areas that are in demand here in this country, such as Science, Technology, Engineering and Math (STEM), Health Care and IT.
- Every 100 immigrant workers with advanced degrees, who are employed in skill-appropriate jobs, are associated with 44 new jobs for other workers; in STEM fields this rises to 86 jobs.
- With appropriate guidance and targeted interventions, under-employed skilled immigrants typically increase their annual income by 215% to 900%.¹

In short: There are proven strategies that can help underemployed immigrants to lift themselves and their families out of poverty and establish themselves in the middle class.

IMPRINT and its member organizations have developed many of these strategies. Our results can be seen in the lives of the men and women we serve, and the powerful outcomes of the programs we implement.

In the case of Luc, the Haitian doctor, the Welcoming Center helped him get his credentials evaluated and found him a medical technician job that paid \$22.60 an hour. After a year of working the night shift and completing certification requirements during the day, Luc successfully obtained a slot in the highly competitive US medical residency “match.” Today, he is a practicing obstetrician again.

Luc is not alone. **Another IMPRINT member, the Welcome Back Initiative, has to date helped 112 immigrant doctors obtain US licensure** and return to practicing medicine. This has real economic benefit to our nation: The cost of educating 112 new doctors in American medical schools would run an average of \$264,000 each.²

¹ Sources for this entire section: Migration Policy Institute; Drexel University Center for Labor Markets and Policy; Partnership for a New American Economy; IMPRINT member organization client data.

² Association of American Medical Colleges
(<http://www.amednews.com/article/20120827/profession/308279940/6/>)


IMPRINT**Immigrant Professional Integration**

Because these skilled international health professionals were aided in navigating the US credentialing process, *the country saved over \$26 million that would otherwise have been spent to educate new doctors*. Critically, many such immigrant health professionals then choose to work in primary care and/or locate in medically underserved communities -- further increasing their positive effects on American society.

Of course, doctors are only one part of the equation. Among the hundreds of thousands of under-employed skilled immigrants in the US are engineers, scientists, accountants, teachers, and more. Making sure they are able to contribute to their fullest potential is IMPRINT's mission.

Providing the mechanism via Immigrant Integration activities in the proposed immigration reform legislation is up to Congress.

On behalf of IMPRINT, and the men and women we serve, thank you for your attention and consideration to these vital issues. We would be glad to answer any additional questions you may have.

*Name changed for privacy.



State of Connecticut
Latino and Puerto Rican
Affairs Commission

18-20 Trinity Street
 Hartford, CT 06106
 Tel. (860) 240-8330
 Fax (860) 240-0315
 E-Mail: lprac@cga.ct.gov
 Web Site: www.cga.ct.gov/lprac

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Isaias Tomas Diaz, Esq.
Vice-Chair
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Special Projects
Director/Guest Writer
Lucia Gatochea-
Hernández

Senior Legislative Secretary
Clarisa Cardone

Monday, March 18th, 2013

The Honorable Richard Blumenthal
 U.S. Senator
 90 State House Square, 10th Floor
 Hartford, CT 06103

Dear Senator Blumenthal:

On behalf of the Connecticut General Assembly's Latino and Puerto Rican Affairs Commission (LPRAC) we are reaching out to you seeking your counsel to ensure that your colleagues in Congress remain committed to passing Comprehensive Immigration Reform this year.

The United States of America has always been at the forefront of building this nation through the efforts of immigrants who entered this country and embraced the American dream. With the growing number of immigrants entering this country from Latin America and the Caribbean in the last decade and their rapid internal growth, it is even more imperative that any reform considered by Congress should remain grounded in equal treatment and ensure due process under the law to everyone seeking to adjust their immigration status, including seasonal farm workers, refugees and those seeking asylum. We are confident that you will also help us ensure that the immigration reforms ultimately considered by the Senate will remain grounded in civil and human rights and most importantly that you urge national leaders to seek an immediate moratorium of deportations of families that do not pose a threat to public safety.

LPRAC, for the record, is both supportive of the recommendation provided by a bipartisan group of U.S. senators that include Chuck Schumer, John McCain, Dick Durbin, Lindsey Graham, Robert Menendez, Marco Rubio, Michael Bennet, and Jeff Flake and the framework outlined by the President of the United States in his remarks to the nation about the need to create a 21st Century Immigration system earlier this year. Those basic pillars of reform are: (1) the creation of a path to earned citizenship; (2) strengthening border security; (3) crack down on employers that hire undocumented workers; & (4) a revised process which streamlines our legal immigration system. These principles, as listed herewith, are of paramount importance to the Latino community in the State of Connecticut that we at LPRAC would like to see included in forthcoming legislation.

LPRAC is a nonpartisan policy agency within the Legislative branch of government created in 1994 by an Act of the Connecticut Legislature. Under Public Act 09-07, LPRAC consists of 21 appointed volunteers who are mandated to advise the General Assembly and the Governor on policies that foster progress in the Puerto Rican and Latino communities residing in Connecticut.

If you have any questions regarding this correspondence, please do not hesitate to reach our agency at 860-240-0097.

Sincerely,

Werner Oyanadel
 Werner Oyanadel
 LPRAC Acting Executive Director

Isaias Diaz
 Isaias T. Diaz., Esq.,
 LPRAC Chairman



Office of Government
and International Affairs
1156 15th Street, NW
Washington, DC 20005
t: 202.785.4200
f: 202.785.4115
www.ajc.org

**Statement of
Richard T. Foltin, Esq.
Director of National and Legislative Affairs
Office of Government and International Affairs
American Jewish Committee (AJC)**

**Submitted on behalf of AJC to
The Senate Judiciary Committee**

**Hearing on
Comprehensive Immigration Reform Legislation**

April 19, 2013

**T: (202) 785-5463, F: (202) 659-9896
e-mail: foltinr@ajc.org**

AJC Statement on
Comprehensive Immigration Reform

1

Since its founding in 1906, AJC has been outspoken in support of fair and generous immigration policies. As American Jews, we recall how our parents and grandparents made their way to this country seeking a better life, and know that we have prospered in and contributed to this country. That same opportunity should be available for others. Comprehensive immigration reform will strengthen America's global competitiveness as well as allow hard-working immigrants an opportunity to succeed in the United States, for themselves and for future generations—and, at the same time, promote respect for the rule of law and protect our national security.

In advocating for fair, effective and humane immigration policies, AJC acts in accord with the American Jewish community's longstanding interest in, and commitment to, a United States immigration and refugee policy that represents our nation's best traditions. According to Jewish tradition, "strangers" are to be welcomed and valued, as we were once "strangers in the land of Egypt." The Torah tells us: "The strangers who sojourn with you shall be to you as the natives among you, and you shall love them as yourself; for you were strangers in the land of Egypt" (Leviticus 19:33-34).

AJC applauds the introduction of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S.744), bipartisan comprehensive immigration reform legislation introduced on April 17, 2013 by Senator Schumer, and drafted by Senators Schumer, McCain, Menendez, Graham, Durbin, Flake, Bennett and Rubio. AJC looks forward to working with the Senators as this legislation moves through Congress, and to ultimately seeing the President sign into law legislation that will permanently fix America's broken immigration system.

Comprehensive immigration reform offers our country a tremendous opportunity to act in accord with its highest values, ensuring fairness and humanity while also being mindful of our nation's security and economic interests. The Border Security, Economic Opportunity, and Immigration Modernization Act includes a path to earned citizenship for the undocumented, reforms to the family and employment visa categories, critical updates to the refugee and asylum program, and a fair and effective enforcement program that will respect the rule of law and protect our national security.

Bringing undocumented immigrants out of the shadows and allowing immigrant families to more easily reunite with their loved ones promotes a strong social fabric in our communities. However, we are concerned that this bill fails to provide relief to certain family members—especially siblings, adult married children over age 31, and LGBTQ families—seeking to reunite with their loved ones. Just as we, as Americans, have been able to build our lives alongside our brothers, sisters and children, we must now preserve that opportunity for prospective new Americans.

The bill's proposed employment visa reforms will make it easier for high- and low-skilled immigrant workers to come to the U.S., as well as establish a viable program for temporary immigrant workers and foreign graduate students in science, technology, engineering and math. These reforms will make it easier for high and low-skilled immigrant workers to come to this country and help to ensure that American businesses have the labor they need to compete in a global economy.

Immigration, however, is not a zero sum game. Family and employment visa categories are equally important to ensuring a strong economy and pluralistic America. Some of the most successful immigrant entrepreneurs in America today, including those who created Intel and Google, arrived with family and refugee visas, not through the employment visa program. In this bill, we must preserve all

legal immigration channels to ensure that the future inventors, scientists, and leaders, including those still too young and yet to be discovered, are able to immigrate to America and become the future of tomorrow.

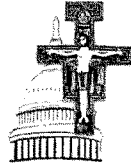
This bill also includes critical improvements to the refugee and asylum program, such as repealing the one-year filing deadline that caused so much unnecessary hardship for asylum seekers; eliminating provisions that needlessly separate asylees and refugees from close family members; expediting the process for granting asylum to asylum seekers when the evidence clearly demonstrates that they have been or will be persecuted; and permitting qualified stateless individuals to apply for green cards. Other important provisions would make refugee adjudications abroad more fair and efficient, and streamline the process for admitting certain high risk refugee groups, including Jews and other religious minorities fleeing Iran. We commend the Senators for including these essential refugee protection provisions in this legislation.

Finally, we support the inclusion in this legislation of provisions directed at enhancing border security and enforcement, just as we recognize that the very fact of providing an earned path to citizenship for the undocumented in and of itself serves our national security interests. Implementing an effective and fair mandatory employment verification system that includes worker and due process protections, and a nationwide system to track entry and exit visas, will help to ensure that we know who is in the workforce and who is entering and exiting our country, making it safer for everyone.

However, the aforementioned enforcement enhancements should not be allowed to hinder the path to legalization for those currently living in the shadows. This bill includes two stages of enforcement and border security operations, with benchmarks that must be met before eligible individuals would be permitted to adjust their status to become permanent residents and, ultimately, U.S. citizens. AJC firmly believes that there is no reason to link a pathway to earned citizenship for hardworking immigrants already living in the United States to border security benchmarks. The immigrants who will be eligible for the new Registered Provisional Immigrant status will already have met strict requirements to demonstrate their personal and financial contributions to our country, and are not the target of enforcement operations. As such, it is simply illogical to link their access to adjustment of status to enforcement benchmarks.

Jewish tradition teaches us that each person is made *b'tselem elohim*, in the image of G-d. Accordingly, we engage the immigration issue with the goal of fashioning an immigration system that facilitates legal status and family unity in the interest of serving the inherent dignity and rights of every individual, even as it enhances our national security, strengthens our economy, and promotes respect for the rule of law. It is our collective prayer that the legislative process will produce a just immigration system of which our nation of immigrants can be proud.

AJC appreciates the opportunity to submit this statement and welcomes your questions and comments.



Franciscan Action Network

Transforming the World in the Spirit of St. Francis and St. Clare

3025 4th Street, N.E. • Washington, DC 20017 • 202-527-7575 • 1-888-964-3388 (toll free) • 202-527-7576 (fax)

**STATEMENT OF
FRANCISCAN ACTION NETWORK
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

FRANCISCAN ACTION NETWORK ENCOURAGED BY NEW IMMIGRATION BILL

Washington, DC: Franciscan Action Network (FAN), a collective Franciscan voice on U.S. public policy, thanks the bi-partisan group of Senators who labored for several months on a new immigration bill titled "Border Security, Economic Opportunity, and Immigration Modernization Act of 2013." The bill offers hope that Congress can reach an agreement that respects the dignity of all immigrants in our country.

We especially welcome the inclusion of a path to citizenship, with a special provision for Dreamers, and several provisions which promote family unity. In our initial and incomplete assessment, FAN has several concerns about the legislation, including stringent and costly border enforcement measures, the very long path to citizenship, and the elimination of the family sibling category. However, we will continue to work with members of Congress toward a final bill that repairs our broken immigration system and sends a message of welcome to aspiring U.S. Americans. We commend the Senators who introduced the bill for their courage and leadership.

Franciscan Action Network was founded in 2007 to create a unified Franciscan voice for justice by working to transform United States public policy related to peacemaking, care for creation, poverty and human rights. See www.franciscanaction.org.



**Submitted to the Senate Judiciary Committee Regarding the Hearing on
Comprehensive Immigration Reform Legislation**

April 19, 2013

HIAS, the global migration agency of the American Jewish community, welcomes the opportunity to submit written testimony regarding reforming our country's immigration system. Throughout its more than 130-year history, HIAS has advocated for just and compassionate immigration laws that honor America's tradition as a welcoming nation. HIAS is also a national resettlement agency and an international refugee services organization with programs around the world.

HIAS welcomes S. 744, which offers a pathway to citizenship for undocumented immigrants, modernizes the immigration system, strengthens our economy, protects families, and treats American and immigrant workers fairly. In particular, HIAS is grateful to see the pathway to citizenship, inclusion of the DREAM Act for undocumented youth, provisions that prioritize immigrant integration and create a pilot program to promote integration at the state and local level, provisions that keep families together, "alternative to detention" programs, increased resources for immigration courts personnel and more training for judges and their staff, and broader exemptions from the English language requirements for naturalization for elderly immigrants.

As the Judiciary Committee meets to consider immigration reform legislation, HIAS urges Congress not to neglect those who come to this country as humanitarian immigrants. HIAS is proud of the United States' strong history of protecting and welcoming victims of persecution, and the U.S. refugee resettlement program reflects our nation's highest values. Refugees and asylees who are given the opportunity to rebuild their lives in the U.S. contribute to the rich diversity and economic vibrancy of communities across the country. The humanitarian act of saving and resettling refugees not only benefits the refugees themselves, but the communities where they resettle and the country as a whole. HIAS believes that in order to ensure that local communities remain welcoming to refugees we need to update our outdated laws, reverse chronic underfunding, better prepare refugees for life in America, demonstrate the benefits of refugee resettlement, and – for the first time – create clear goals and a comprehensive approach for successful refugee integration.

HIAS is particularly encouraged that there are several humanitarian fixes for refugees and asylum seekers in S. 744. Repealing the one-year filing deadline that causes so much unnecessary hardship, eliminating provisions that needlessly separate asylees and refugees from close family members, expediting the process for granting asylum to asylum seekers in expedited proceedings that clearly show they have been or will be persecuted, permitting qualified stateless individuals to apply for green cards, and modifying the procedures for refugee adjudications abroad will make the refugee and asylum systems more efficient and humane.

The bill would also streamline the process for admitting certain high risk refugee groups, including Jews and other religious minorities fleeing Iran. The Senate bill would preserve Senator Lautenberg's legacy of protecting persecuted religious minorities while creating new opportunities for other persecuted groups – with an emphasis on those seeking religious freedom – to receive protection.

As Jews, we support policies that fulfill the Torah's mandate to 'welcome the stranger,' as we know that effective immigration policies have often made the difference between life and death, between oppression and the opportunity for success. It is crucial that we utilize this opportunity to provide safe haven to the persecuted. HIAS looks forward to working with legislators and immigrant communities to revamp and revitalize our country's current immigration system in a way that honors our American and Jewish values.

Economic and Budgetary Implications of Immigration Reform

Testimony presented to the
U.S. Senate
Committee on the Judiciary

Douglas Holtz-Eakin, President*
American Action Forum

April 19, 2013

*The views expressed here are my own and do not represent the position of the American Action Forum. I thank Laura Collins, Gordon Gray, and Cameron Smith for tremendous assistance in preparing this testimony. All remaining errors are my own.

Introduction

Chairman Leahy, Ranking Member Grassley and members of the Committee, I am pleased to have the opportunity to appear today. In this testimony, I wish to make three basic points:

- Immigration reform is a potentially powerful tool of economic policy that can positively affect economic growth and help shrink the federal deficit. My recent analysis of a benchmark reform puts the budgetary impact in the range of \$2.5 trillion over 10 years;
- The Congressional Budget Office's analysis of the proposed immigration reform legislation in 2007 provides a good starting point for estimating the budgetary costs of the current immigration reform proposal; and
- Immigration enforcement programs in the proposed legislation are largely expansions of current and well-established programs such as the Secure Fence Act and E-Verify, likely reducing the discretionary spending required to implement the expanded programs.

I will pursue each in additional detail.

The Federal Budget Costs of Immigration Reform: Overview

An estimate how any reform to the nation's immigration system will ultimately affect federal finances will reflect the net effect of gross federal costs and gross federal savings and/or revenues in the context of the broader economy. There are thus many moving pieces to this calculation and it is critical to consider all them. This is properly the job of the Congressional Budget Office. However, some additional perspective may helpful before, and even after, an official cost estimate for a reform proposal is available.

A good starting point for this discussion is the cost-estimate for the last comprehensive reform legislation considered by the Senate in 2007.¹ This is not meant to equate the 2007 proposal with the one considered at present. Rather, to the extent that any comprehensive immigration proposal involves key elements included in the 2007 bill, the associated cost estimate can provide a clearer picture of how those elements interact with the federal budget and provides a useful benchmark for assessing the potential costs of the current undertaking.

The cost estimate from the 2007 bill showed essentially three budgetary flows:

- An increase in federal direct spending of \$23 billion over the 2008-2017 period, most of which was attributable to for refundable income tax credits and Medicaid;

¹ <http://www.cbo.gov/publication/18716>

- An increase in federal revenues by \$48 billion over the 2008-2017 period, most of which from greater receipts payroll taxes, which are classified as off-budget; and
- An increase in discretionary spending (that is, spending subject to annual appropriation action) \$43 billion over the 2008-2017 period.

Gross costs exceeded gross receipts, and therefore yielded an increase in the unified budget deficit of \$18 billion over ten years. While not an insignificant sum, \$18 billion over a decade is swamped by the economic and technical changes that would be made over that period – and pales in comparison to the budgetary duress of these times. To my eye, it is essentially a budgetary wash.

This estimate offers a good starting point to illustrate the magnitudes of certain costs and benefits that we could expect to accrue from a comprehensive immigration reform. However, it is not 2007 anymore. It is important to consider what has happened since then to get a sense of how the relevant budgetary effects of a comprehensive immigration reform may have changed.

Direct Spending

The element subject to the largest degree of change is direct spending. Undoubtedly, the single largest change is the Patient Protection and Affordable Care Act (ACA), and the implications of comprehensive immigration *vis-à-vis* the ACA have necessarily received considerable attention.

I remain convinced that the ACA itself is poor economic, budget and health policy. However, I would caution policy-makers against reliance on any policy analysis that exploits the failures of the ACA to suggest a comprehensive immigration reform would pose outsized cost on taxpayers. There are two key flaws with some analysis I have seen on this matter. First, as noted above, any accurate measure of the budgetary effects of a comprehensive immigration reform will include multiple budgetary flows – including higher revenues from additional tax payers. An analysis that only focuses on costs is necessarily one-sided and tells only half the story.

Second, assumptions matter a great deal. Take-up and program participation rates significantly affect federal programmatic outlays. Assumptions of high program participation will drive up related spending, while assumptions of lower participation will diminish programmatic spending. Moreover, assumptions related to future changes in law can significantly alter federal spending.

A recent publication by the Senate Budget Committee suffers from both such flaws. The publication stated “that costs could be upwards of \$40 billion in 2022 alone, just for Medicaid and Obamacare. The long-term unfunded liability for Obamacare would grow another \$2 trillion.”² This estimate focuses exclusively on cost and ignores net new

² <http://www.budget.senate.gov/repblican/public/index.cfm/budget-background?ID=76f68efd-5f90-4301-aa2b-fdcfd18fe744>

revenue, and is by its nature incomplete. Setting aside this issue, the estimate itself relies on unrealistic assumptions. The estimate apparently assumes a 100 participation rate and assumes that the global cap on ACA subsidies in current law is not in place. With a more reasonable estimate of program participation and acknowledgement of current law – this single year estimate drops to less than 9 billion, based on the Committee’s own estimates. The long-term estimate similarly diminishes– revealing an overstatement of costs over the long by half an order of magnitude.

More directly, the immigration reform proposal considered today contemplates *no* new ACA spending for the currently undocumented population within the 10-year window. To the extent that reforms may increase *legal* immigration compared to what would otherwise be the case, the spending on Medicare, refundable tax credits, and other federal benefits would increase as the population of “eligible aliens” increases. This was also the case in 2007 and is not a new phenomenon.

Revenues

There has been no change in payroll tax law since 2007 that would materially alter the relative magnitude of how an immigration reform would raise additional revenues.

Discretionary Spending

Since 2007, border security continued to receive attention and federal resources. It is not within my expertise to assess the security state of the nation’s borders. Rather it is important to note that nearly 6 years have elapsed since the 2007 cost estimate during which time the nation has spent considerable sums on security and immigration enforcement measures. As such, incremental discretionary spending on the order of the 2007 bill may not be necessary to achieve similar outcomes, as much of that spending has occurred notwithstanding the failure to pass the 2007 measure.

Since 2007, immigration enforcement spending has totaled \$95 billion.³ This includes *discretionary* spending on U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the United States Visitor and Immigrant Status Indicator Technology Office (US-VISIT), and U.S. Citizenship and Immigration Services (USCIS); and includes supplemental spending as well as funds provided by the American Recovery and Reinvestment Act (ARRA).

Some of this spending would have occurred anyway. However, it is useful to understand how much is essentially “new” – or above what would have otherwise been spent over that time period. This can be observed by establishing a baseline beginning with 2007 and projecting this type of spending in the future consistent with CBO methodology. This baseline would have seen \$82 billion spent on immigration enforcement over 2008-2013. Accordingly, the U.S. provided \$13 billion in *new* (i.e. above baseline) immigration enforcement over 2008-2013.

³ Similar to the methodology used to categorize “immigration enforcement” spending as defined here: <http://www.migrationpolicy.org/pubs/enforcementpillars.pdf>; all budget data can be found here: <http://www.dhs.gov/dhs-budget>

It is difficult to reconstruct funding streams from the programs proposed in the 2007 bill. Some may or may not have gone into place anyway (like E-Verify, additional Border Patrol agents, use of surveillance technology, and fences), or came about in different ways. This exercise does not seek to do that. Rather, it does suggest that to the extent the 2007 was proposing \$28 billion in new discretionary spending over 2008-2013, quite a bit has been spent anyway in pursuit of the same objective.⁴

This estimate suggests that the federal government spent close to but not quite half of what the 2007 bill proposed: 46 percent. This suggests that the additional discretionary spending in any bill subsequent to 2007 may be relatively smaller.

Dynamic Effects

The CBO's cost estimate will provide key insight into how the current proposal will impact federal finances. However, consistent with scoring rules, it will do so on a "static" basis – one that does not take into account the effects of immigration reform on the national income. It is this element that must be considered even after a formal cost estimate is available.

The mechanics of reform and the research literature suggest that immigration reform can raise the overall pace of population growth – indeed, in the absence of immigration, low birth-rates mean that the U.S. population will actually shrink. Because foreign-born individuals tend to have higher rates of labor force participation, this translates into an even more rapid pace of growth in the labor force. At historic rates of population growth, this immediately translates into more rapid overall growth in Gross Domestic Product (GDP).

There are, however, two reasons for even further impacts. Immigrants have traditionally displayed an entrepreneurial bent, with rates of small business ownership above that of the native born population. New entrepreneurial vigor offers the potential for productivity-enhancing innovations. In addition, to the extent that new innovation is "embodied" in new capital and consumer goods, more rapid economic growth per se means that more output will have these advances embedded within, and productivity per worker will rise.

Taken as a whole, these channels of impacts suggest that any discussion of immigration reform that omits the benefits on economic performance is incomplete. Similarly, there will be direct feedback from better economic growth to more revenues, fewer federal outlays, and improved budgetary performance. These links are fundamentally "dynamic" in the jargon of federal budgeting. They stem from the fact that policy changes reshape the growth environment, and thus in turn reshape the budget. Traditional "static" budget analyses will be similarly incomplete.

Taken together, the overall growth rate in real GDP would rise from 3.0 percent to 3.9 percent, on average annually, over the first 10 years.⁵ The upshot is that GDP after 10

⁴ The 2013 is an extrapolation of the 2008-2012 values presented in the cost estimate.

⁵ Some of this rise would be "transitory" in that once labor force participation rates stabilized, the difference would decline to 0.6 percentage points over the longer term.

years would be higher – a difference of \$64,700 per capita versus \$62,900 per capita. This higher per capita income of \$1,700 after ten years is a core benefit of immigration reform.

This new growth drives the “dynamic” budgetary impacts of immigration reform. How large are these impacts? One metric is the CBO “rules of thumb” for the linkages between the pace of real GDP growth and the federal budget. These indicate that over 10 years an additional 0.1 percentage in average economic growth will reduce the federal deficit by a bit over \$300 billion.⁶ In this context, the rules imply that over the first 10 years of the benchmark immigration reform, the federal deficit would be reduced by a cumulative amount of \$2.7 trillion.

Net Effect

Changes in direct spending and discretionary spending policies since 2007 will necessarily alter the federal costs of any new immigration proposal. However, the current proposal takes great care to mitigate the most significant change direct spending policy (ACA) while benefiting from significant resources having been devoted to immigration enforcement since 2007. These changes move in opposite directions. It is therefore reasonable that the net budgetary effects of the current proposal should be roughly neutral on a “static” basis. Taking into account the “dynamic” effects of immigration reform, the budgetary effect is far different. Deficit reduction from higher growth – combined higher tax revenues from higher incomes, lower mandatory spending from diminished participation in income and employment-related spending programs, and interest savings – would exceed \$2.5 trillion.

Immigration Enforcement Programs Currently in Place

As I stated earlier, border security programs have received attention and federal resources since before 2007. The current proposed immigration reform legislation expands some of the programs currently in place, such as the Secure Fence Act and E-Verify. As such, incremental discretionary spending on the order of 2007 may not be necessary to achieve similar outcomes as much of that spending has occurred notwithstanding the failure of the 2007 measure.

The Secure Fence Act of 2006

The Secure Fence Act of 2006 requires the Secretary of Homeland Security to take appropriate actions to achieve operational control over U.S. international land and maritime borders through the use of surveillance technology such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras; checkpoints; and physical infrastructure such as fencing. The Act also requires the Secretary to conduct a study on border security on the northern international border.

The border security provisions of the proposed immigration reform legislation build on the provisions in the Secure Fence Act. These provisions include surveillance and detection capabilities developed or used by the Department of Defense; additional Border Patrol agents and Customs and Border Protection officers at and between ports of entry along the southern international border; fixed, mobile, and agent portable surveillance systems; and

⁶ http://www.cbo.gov/sites/default/files/cbofiles/attachments/01-31-2012_Outlook.pdf

unmanned aerial systems and fixed-wing aircraft with qualified staff and equipment to fully utilize the systems.

E-Verify

Since it was originally created in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, E-Verify has been extended by legislation filed every few years. E-Verify has grown and changed since its creation, with enrollment increasing by 35% in 2012 and more than 424,000 employers enrolled. E-Verify is currently voluntary except for businesses in those states that have mandated its use.

The proposed immigration reform legislation mandates E-Verify nationwide, including for agricultural businesses, over a 5-year phase-in period. The mandated E-Verify system will also include biometric work authorization cards for non-citizens and a photo database for employers to use as part of the certification process. The Secretary of Homeland Security will create and administer a grant program to reimburse states that provide the Secretary access to driver's license information. The Secretary is also required to develop an effective security measure to verify individuals without the photo tool. Finally, the proposed legislation requires U.S. Customs and Immigration Services to develop a system for employees to check their own E-Verify history as well as "lock" their Social Security number in the system.

Because these programs are already well-established, the expansions required in the proposed immigration reform legislation are unlikely to result in discretionary spending at the levels estimated for the failed 2007 immigration reform legislation.

Dynamic Economic Analysis of the Current Immigration Reform Proposal

The United States faces interrelated challenges of weak economic growth and dramatic levels of projected growth in federal debt. The threats posed by this environment on economic opportunity and the social safety net have been the focus of recent federal policy debates.

Inspection of the breadth of the impacts of immigration reform suggests that it will have important economic impacts. This represents an economic policy opportunity at the same time; indeed the degree to which immigration policy *is* economic policy has been traditionally underappreciated in the United States. In this way, immigration reform can be thought of as another tool to address its growth and fiscal challenges.

The mechanics of reform and the research literature suggest that immigration reform can raise the overall pace of population growth – indeed, in the absence of immigration, low birth-rates mean that the U.S. population will actually shrink. Because foreign-born individuals tend to have higher rates of labor force participation, this translates into an even more rapid pace of growth in the labor force. At historic rates of population growth, this immediately translates into more rapid overall growth in Gross Domestic Product (GDP).

There are, however, two reasons for even further impacts. Immigrants have traditionally displayed an entrepreneurial bent, with rates of small business ownership above that of the native born population. New entrepreneurial vigor offers the potential for productivity-enhancing innovations. In addition, to the extent that new innovation is “embodied” in new capital and consumer goods, more rapid economic growth *per se* means that more output will have these advances embedded within, and productivity per worker will rise.

Taken as a whole, these channels of impacts suggest that any discussion of immigration reform that omits the benefits on economic performance is incomplete. Similarly, there will be direct feedback from better economic growth to more revenues, fewer federal outlays, and improved budgetary performance. These links are fundamentally “dynamic” in the jargon of federal budgeting. They stem from the fact that policy changes reshape the growth environment, and thus in turn reshape the budget. Traditional “static” budget analyses will be similarly incomplete.

U.S. Demography and Immigration Policy

According to the Pew Research Center, America’s birth rate has fallen to its lowest level since 1920 when record keeping began. At current rates, there will be an average of 1.93 children born to each child bearing aged woman in the U.S. In contrast, the replacement rate in the U.S. and other developed countries is roughly 2.1. This leads to the most important and striking fact: because native-born women are having fewer than an average of 2.1 children in their lifetimes, in the absence of immigration the population of the United States will decline and the size of its economy will contract.

Immigrants have a much higher birth rate than native-born women. For native-born women in 2012, the birth rate was 58.4 per 1,000 women compared to 87.8 for foreign-born women.⁷ In 2007, 25 percent of all U.S. births were from foreign-born mothers, compared with 16 percent in 1990. (That share has decreased slightly in more recent years to 23 percent.)

It is often said that demography is destiny. If so, the U.S. destiny is fairly daunting. As Jonathan Last put it, “If you strip these immigrants—and their relatively high fertility rates—from our population profile, America suddenly looks an awful lot like continental Europe, which has a fertility rate of 1.5, not quite as demographically terminal as Japan.”⁸

Given that immigration has such profound economic implications, it is interesting to note that immigration to the United States has primarily been concerned with family reunification. In 2010, 74 percent of our permanent immigrants were for purposes of family reunification, greater by far than any other OECD country. In this way, the U.S. remains an outlier when compared to the rest of developed economies, who since the 1980’s all promote reunification to a far lesser extent than we do. Australia, Canada, and the United Kingdom undertook reforms to focus their system on economic growth and less

⁷ <http://www.pewsocialtrends.org/2012/11/29/u-s-birth-rate-falls-to-a-record-low-decline-is-greatest-among-immigrants/>

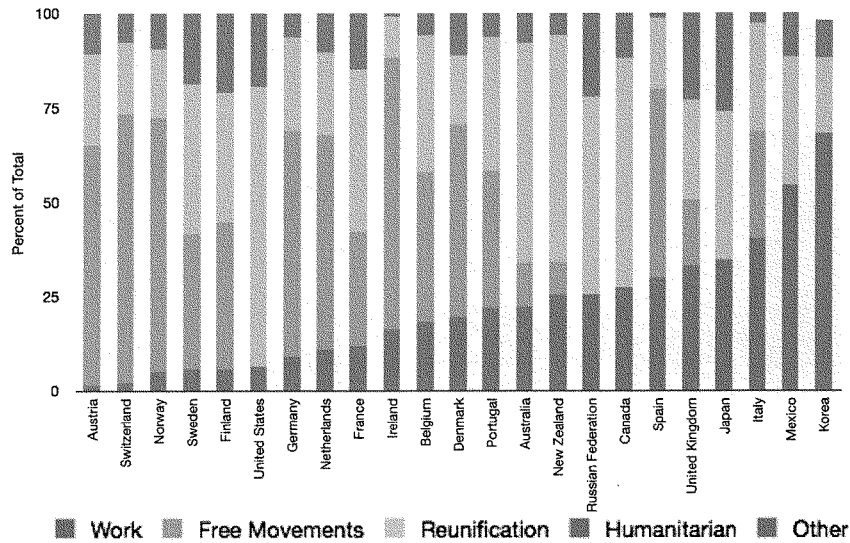
⁸ <http://online.wsj.com/article/SB10001424127887323375204578270053387770718.html>

so on reunification. As evidenced in chart 1, the United States remains behind the bulk of other countries whose immigration policies attract immigrants for purposes of work. In 2010, the United States issued a mere 6.4 percent of visas for economic reasons, compared to the United Kingdom's 33 percent.

This paucity of economic focus is not due to a lack of applications. The United States has always been a place that immigrants want to come to work and start businesses. According to the US Citizenship and Immigration Service, the denial rate for L-1B visas, those set aside for employees with "specialized knowledge," reached an all-time high of 27 percent in 2011.⁹

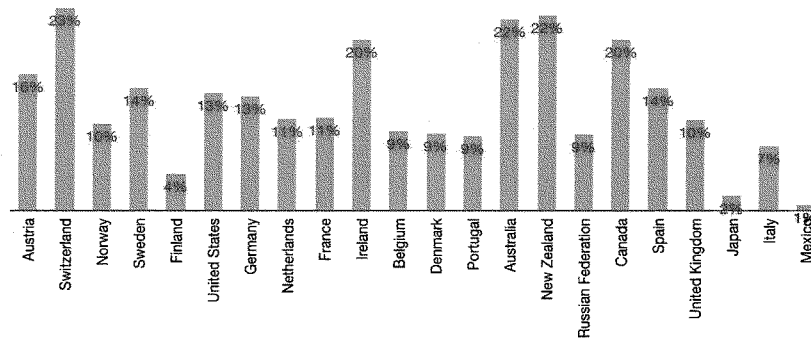
These trends suggest that any immigration reform will have deep economic implications, that such a reform should be thought as a one additional tool in economic policy, and that reform should be – at least in part – evaluated from an economic perspective.

Chart 1: Permanent Inflows by Category, 2010



⁹http://www.nfap.com/pdf/NFAP_Policy_Brief.USCIS_and_Denial_Rates_of_L1_and_H%201B_Petitions.February2012.pdf

Chart 2: Immigrants as a Percentage of Population, 2010



Demography and Economic Growth

The building blocks of economic growth are not complex. Total GDP stems from the total number of workers and the average output per worker, or productivity. The pace of overall population growth will raise the number of workers, and thus raise GDP. In addition, the structure of the population – by age, gender, and education – can influence the fraction of the population at work. Growth in the labor force participation rate can, in turn, raise the rate of GDP above the rate of population growth.

Similarly, the structure of the population affects productivity; thus changes in education and other aspects of the population can influence the growth of productivity. However, there is a further impact between demography and productivity that works through the overall pace of economic growth.

Research suggests that innovation is at least in part embodied into the quality of consumer and, especially, capital goods.¹⁰ To the extent this is true, productivity will be higher as the opportunities for this embodiment to take place are greater. In particular, at higher rates of *overall* GDP growth, there will be greater replacement of existing capital goods and investment in new capital goods.¹¹

¹⁰ For a nice discussion, see <http://www.frbsf.org/publications/economics/letter/2002/el2002-05.html>

¹¹ Estimates suggest that this channel could be responsible for up to 20 percent of productivity growth. See <http://www.nber.org/papers/w3971.pdf> or <http://www.carnegie-rochester.rochester.edu/april03-pdfs/a03laitnerstolyarov.pdf>

To close the circle, more rapid overall population growth would generate more rapid GDP growth, which would in turn raise productivity growth. The latter raises GDP per capita, or the standard of living.

Immigration Reform and Growth

As federal policymakers contemplate immigration reform, it is useful to include in the discussion the demographic channels on economic growth. For example, the difference between the low-immigration and high-immigration projections by the U.S. Census amounts to more rapid population growth of nearly 0.2 percent annually (from 0.81 percent to 0.99 percent).¹² If we think of the difference between these projections as a hypothetical immigration reform, such a population-enhancing reform would raise GDP growth as well.

As noted above, there would be effects above and beyond that of greater population as well. Labor force participation rates are higher among the foreign-born, especially among males and later in work careers.¹³ Similarly, the rates of entrepreneurship among immigrants are higher than among the native born population, raising the possibility of greater innovation and productivity growth in the aftermath of immigration reform.¹⁴ Finally, the combined effect of these impacts on economic growth would allow greater productivity growth through the embodiment effect on quality of capital goods.

How large might these effects be? Returning to the Census projections permits one to piece together the kinds of impacts immigration reform might produce. In the interest of being conservative, consider the difference between the “constant net migration” and “high net migration” scenarios.¹⁵ The more rapid population growth translates directly into more rapid GDP growth rates by 0.25 percent annually over the first 10 years. As noted above, there would be an additional growth impact as the economy benefited from adjusting to a labor force growth rate that would be higher by 3.2 percentage points (after fully phasing in the immigration population). In addition, the more rapid economic growth might raise productivity by another 20 percent through the embodiment effect. Summing the impacts, the overall growth rate in real GDP would rise from 3.0 percent to 3.9 percent, on average annually, over the first 10 years.¹⁶ The upshot is that GDP after 10 years would be higher – a difference of \$64,700 per capita versus \$62,900 per capita. This higher per capita income of \$1,700 after ten years is a core benefit of immigration reform.

The Economy and the Budget

Immigration reform will also influence the budget outlook through its impacts on economic growth. These impacts are “dynamic” effects in the parlance of federal budgeting. That is,

¹² See <http://www.census.gov/population/projections/data/national/>

¹³ See http://www.census.gov/compendia/statab/cats/labor_force_employment_earnings/labor_force_status.html

¹⁴ For a great summary, see <http://www.sba.gov/sites/default/files/rs396tot.pdf>

¹⁵ The computations here use actual 2012 GDP and economic growth rates in the most recent CBO *Budget and Economic Outlook* as the baseline for comparison.

¹⁶ Some of this rise would be “transitory” in that once labor force participation rates stabilized, the difference would decline to 0.6 percentage points over the longer term.

any budgetary analysis that is conducted strictly using the baseline economic growth impacts will necessarily be incomplete by excluding the impacts that produce more rapid economic growth.

How large are these impacts? One metric is the CBO “rules of thumb” for the linkages between the pace of real GDP growth and the federal budget.¹⁷ These indicate that over 10 years an additional 0.1 percentage in average economic growth will reduce the federal deficit by a bit over \$300 billion. In this context, the rules imply that over the first 10 years of the benchmark immigration reform, the federal deficit would be reduced by a cumulative amount of \$2.7 trillion.

It is important to emphasize that ballpark estimates of this type are exactly that: ballpark. At even half the estimated size, they should be an important component of the debate. Even more important, it would be even more incorrect to exclude these effects and thus *de facto* assert that they are zero.

¹⁷ See http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/120xx/doc12039/01-26_fy2011outlook.pdf



**STATEMENT OF
INTERFAITH WORKER JUSTICE
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

National – Interfaith Worker Justice (IWJ) welcomes the Senate “Gang of 8” immigration reform bill as an important and historic first step towards real and humane reform.

“Our elected officials have a great opportunity –and responsibility - to overhaul a broken system that tears families apart and leaves workers vulnerable to abuse,” IWJ Executive Director Kim Bobo said. “Passing comprehensive immigration reform and creating a path to citizenship is clearly the way to “welcome the immigrant” and “love our neighbor.”

The proposed “Border Security, Economic Opportunity, and Immigration Modernization Act of 2013” (SB 744) offers a roadmap to citizenship that includes thousands of families torn apart by deportation. The proposal also includes a temporary worker program that extends workplace protection to immigrant workers.

“It’s not a perfect bill, but it’s an important first step and we will continue to push for stronger worker protections,” Bobo said. “Now is the time for all of us to put our faith into action, our feet to the street, and advocate policies that reflect our values of compassion and justice.”

IWJ has a network of more than 27 worker centers around the country that serve as drop-in centers for low-wage workers who experience injustice at the workplace. Many of these centers routinely see wage theft cases that involve immigrant workers.

“Immigrant workers who are forced to live the shadows are more vulnerable to abuse. When we allow immigrant workers to be exploited, we lower the standards for all workers,” Bobo said. “Reforming our immigration system is morally imperative and fundamental to restoring justice and equity in the workplace and the community.”

IWJ is a member of the Interfaith Immigrant Coalition, a coalition of 35 national faith-based organizations calling for a reform of our broken immigration system, and the Alliance for Citizenship.

Interfaith Worker Justice has been organizing, educating and advocating at the intersection of work and faith since 1996. There are 70 affiliated organizations in the

**Testimony of Peter Kirsanow before the Senate Judiciary Committee
April 19, 2012**

Chairman Leahy, Senator Grassley, Members of the Committee, I am Peter Kirsanow, a member of the U.S. Commission on Civil Rights, a former member of the National Labor Relations Board, and a partner in the labor and employment practice group of Benesch, Friedlander. I am appearing in my personal capacity.

The U.S. Commission on Civil Rights was established by the Civil Rights Act of 1957 to, among other things, examine matters related to discrimination and denials of equal protection. Because immigration often implicates issues of national origin and sometimes race discrimination, the Commission has conducted several hearings on various aspects of immigration, particularly illegal immigration. The most recent hearings occurred last August in Birmingham, Alabama and in 2008—the latter specifically related to the effect of illegal immigration on the wages and employment opportunities of black Americans.¹ The evidence adduced at the latter hearing showed that illegal immigration has a disproportionately negative effect on the wages and employment levels of blacks, particularly black males.²

The briefing witnesses, well-regarded scholars from leading universities and independent groups, were ideologically diverse. All the witnesses acknowledged that illegal immigration has a negative impact on black employment, both in terms of employment opportunities and wages. The witnesses differed on the extent of that impact, but every witness agreed that illegal immigration has a discernible negative effect on black employment. For example, Professor Gordon Hanson's research showed that "Immigration . . . accounts for about 40 percent of the 18 percentage point decline [from 1960-2000] in black employment rates."³ Professor Vernon Briggs wrote that illegal immigrants and blacks (who are disproportionately likely to be low-skilled) often find themselves in competition for the same jobs, and the huge number of illegal immigrants ensures that there is a continual surplus of low-skilled labor, thus preventing wages from rising.⁴ Professor Gerald Jaynes's research found that illegal immigrants had displaced U.S. citizens in industries that had traditionally employed large numbers of African-Americans, such as meatpacking.⁵

Illegal immigration has a disparate impact on African-American men because these men are disproportionately represented in the low-skilled labor force. The Census Bureau released a new report on educational attainment after the Commission issued its report. This report,

¹ U.S. COMMISSION ON CIVIL RIGHTS, THE IMPACT OF ILLEGAL IMMIGRATION ON THE WAGES AND EMPLOYMENT OPPORTUNITIES OF BLACK WORKERS [HEREINAFTER THE IMPACT OF ILLEGAL IMMIGRATION], *available at* http://www.usccr.gov/pubs/IllegImmig_10-14-10_430pm.pdf.

² *Id.* at 3, Finding 5:

Illegal immigration to the United States in recent decades has tended to depress both wages and employment rates for low-skilled American citizens, a disproportionate number of whom are black men. Expert economic opinions concerning the negative effects range from modest to significant. Those panelists that found modest effects overall nonetheless found significant effects in industry sectors such as meatpacking and construction.

³ *Id.* at 26.

⁴ *Id.* at 37, 38-39

⁵ *Id.* at 31.

released in February 2012, found that 50.9 percent of native-born blacks had not continued their education beyond high school.⁶ The same report found that 75.5 percent of foreign-born Hispanics had not been educated beyond high school, although it does not disaggregate foreign-born Hispanics who are legal immigrants from those who are illegal immigrants.⁷ However, Professor Briggs estimated that illegal immigrants or former illegal immigrants who received amnesty constitute a third to over a half of the total foreign-born population.⁸ Foreign-born Hispanics who are in the United States illegally are disproportionately male.⁹ African-Americans who have not pursued education beyond high school are also disproportionately male.¹⁰ These poor educational attainment levels usually relegate both African-American men and illegal immigrant men to the same low-skilled labor market, where they must compete against each other for work.¹¹

The obvious question is whether there are sufficient jobs in the low-skilled labor market for both African-Americans and illegal immigrants. The answer is no. As Professor Briggs noted in his testimony to the Commission, “In February 2008 . . . the national unemployment rate was 4.8 percent, but the unemployment rate for adults (over 25 years old) without a high school diploma was 7.3 percent.”¹² During 2007, “Black American adult workers without a high school diploma had an unemployment rate of 12.0 percent, and those with only a high school diploma had an unemployment rate of 7.3 percent.”¹³ These statistics suggest both that there is an overall surplus of workers in the low-skilled labor market, and that African-Americans are particularly disfavored by employers.¹⁴ More recently, Professor George Borjas of Harvard wrote:

⁶ CAMILLE L. RYAN & JULIE SIEBENS, U.S. CENSUS BUREAU, EDUCATIONAL ATTAINMENT IN THE UNITED STATES: 2009 (Feb. 2012), at 7, available at <http://www.census.gov/prod/2012pubs/p20-566.pdf>.

⁷ *Id.*

⁸ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, at 35-36.

⁹ Peter Skerry, *Splitting the Difference on Illegal Immigration*, NATIONAL AFFAIRS (Winter 2013), at 5 (“Of the undocumented immigrants over the age of 18 currently residing in the U.S., there are approximately 5.8 million males, compared to 4.2 million females.”), available at http://www.nationalaffairs.com/doclib/20130102_Skerry.pdf.

¹⁰ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, at 52; see also Anne McDaniel, Thomas A. DiPrete, Claudia Buchmann & Uri Shwed, *The Black Gender Gap in Educational Attainment: Historical Trends and Racial Comparisons*, 48 DEMOGRAPHY 889, 890 (2011) (“It is well known that black males trail black females on a range of key educational outcomes, including high school graduation, college enrollment, and college completion.”), available at <http://jrnetsolserver.shorensteincenter.netdna-cdn.com/wp-content/uploads/2011/10/fulltext.pdf>.

¹¹ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, *Statement of Vernon M. Briggs, Jr.*, at 37.

[I]t is not everywhere that there is likely to be significant competition between low skilled black workers and illegal immigrant workers, but there are ample circumstances where there is – such as the large metropolitan labor markets of Los Angeles, New York, San Francisco, Chicago, Miami and Washington-Baltimore. Moreover, some of the fastest growing immigrant concentrations are now taking place in the urban and rural labor markets of the states of the Southeast – such as Georgia, North Carolina and Virginia, which never before were significant immigrant receiving states in previous eras of mass immigration. Indeed, about 26 percent of the nation’s foreign-born population are now found in the states of the South – the highest percentage ever for this region. There is mounting evidence that many of these new immigrants in this region are illegal immigrants.

¹² THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, *Statement of Vernon M. Briggs, Jr.*, at 36.

¹³ *Id.*

¹⁴ *Id.*, *Statement of Harry J. Holzer*, at 41.

Other evidence, including that by ethnographers, indicates that employers filling low-wage jobs requiring little reading/writing or communication clearly prefer immigrants to native-born blacks, and encourage

Classifying workers by education level and age and comparing differences across groups over time shows that a 10 percent increase in the size of an education/age group due to the entry of immigrants (both legal and illegal) reduces the wage of native-born men in that group by 3.7 percent and the wage of all native-born workers by 2.5 percent. . . . The same type of education/age comparison used to measure the wage impact shows that a 10 percent increase in the size of a skill group reduced the fraction of native-born blacks in that group holding a job by 5.1 percentage points.¹⁵

Furthermore, these statistics reflect an economy that was not experiencing the persistent stagnation we are experiencing today. The country's economic woes have disproportionately harmed African-Americans, especially those with little education. In 2011, 24.6 percent of African-Americans without a high school diploma were unemployed, as were 15.5 percent of African-Americans with only a high school diploma.¹⁶ Two and half years into the economic recovery, African-Americans face particular difficulty obtaining employment. According to the Bureau of Labor Statistics, the seasonally adjusted January 2013 unemployment rate for all black Americans—not just those with few skills—was 13.8 percent, nearly twice the white unemployment rate of 7.0 percent.¹⁷ The economy has a glut of low-skilled workers, not a shortage.

Not only do illegal immigrants compete for jobs with African-Americans, but that competition drives down wages for the jobs that are available. Harvard professor George Borjas wrote:

Illegal immigration reduces the wages of native workers by an estimated \$99 to \$118 billion a year A theory-based framework predicts that the immigrants who entered the country from 1990 to 2010 reduced the average annual earnings of American workers by \$1,396 in the short run. Because immigration (legal and illegal) increased the supply of workers unevenly, the impact varies across skill groups, with high school dropouts being the most negatively affected group.¹⁸

Immigration, both legal and illegal, resulted in a disproportionately large increase in the number of high school dropouts in the labor pool. This caused a drop in wages among the poorest and least-educated members of the workforce.¹⁹ As discussed above, these people are

informal networks through which immigrants gain better access to these jobs. The native-born black workers likely would be interested in some, but not all of these jobs, depending on their wages.

¹⁵ George Borjas, *Immigration and the American Worker: A Review of the Academic Literature*, Center for Immigration Studies (April 2013), available at http://cis.org/immigration-and-the-american-worker-review-academic-literature?utm_source=E-mail-Updates&utm_campaign=344e45830d-Borjas_Study4_8_2013&utm_medium=email.

¹⁶ U.S. DEPT. OF LABOR, *The African-American Labor Force in the Recovery* (Feb. 29, 2012), at Chart 3, available at http://www.dol.gov/_sec/media/reports/BlackLaborForce/BlackLaborForce.pdf.

¹⁷ BUREAU OF LABOR STATISTICS, *Employment situation summary* (Feb. 1, 2013), available at <http://www.bls.gov/news.release/empst.nr0.htm>.

¹⁸ Borjas, *supra* note 15.

¹⁹ *Id.*:

disproportionately likely to be African-American men. Furthermore, there is evidence that wages for these men have not just failed to increase as much as they would have in the absence of illegal immigration. Their real wages, the number of dollars they take home at the end of the week, have actually diminished. Julie Hotchkiss, a research economist and policy advisor at the Federal Reserve Bank of Atlanta, estimated that “as a result of this growth in the share of undocumented workers, the annual earnings of the average documented worker in Georgia in 2007 were 2.9 percent (\$960) lower than they were in 2000. . . . [A]nnual earnings for the average documented worker in the leisure and hospitality sector in 2007 were 9.1 percent (\$1,520) lower than they were in 2000.”²⁰ A \$960 annual decrease may not seem like much to a lawyer or a doctor. But as President Obama noted in regard to the 2012 payroll tax cut extension, an extra \$80 a month makes a big difference to many families: “It means \$40 extra in their paycheck, and that \$40 helps to pay the rent, the groceries, the rising cost of gas”²¹

The consequences of illegal immigration for black men and the black community in general are not limited to wages. In another study, Borjas found that lower wages and fewer jobs also correlate with an increase in the black incarceration rate.

Our study suggests that a 10% immigrant-induced increase in the supply of a particular skill group is associated with a reduction in the black wage of 2.5%, a reduction in the black employment rate of 5.9 percentage points, and an increase in the black institutionalization rate of 1.3%. Among white men, the same 10% increase in supply reduces the wage by 3.2%, but has much weaker employment and incarceration effects: a 2.1 percentage-point reduction in the employment rate and a 0.2 percentage-point increase in the incarceration rate. It seems, therefore, that black employment and incarceration rates are more sensitive to immigration rates than those of whites.²²

Both lower wages and incarceration likely contribute to one of the most serious problems facing the African-American community today: the dearth of intact nuclear families. The late senator Daniel Patrick Moynihan famously sounded the alarm about the disintegration of the

[The simulation] shows that immigration particularly increased supply at the bottom and top of the education distribution. Immigration increased the effective number of hours supplied by high school dropouts to 25.9 percent, and those of workers with more than a college degree by 15.0 percent. In contrast, immigration increased the number of hours supplied by workers with 12 to 15 years of school by only 6 to 8 percent. Overall, immigration increased effective supply by 10.6 percent during the two-decade period.

Because of the skewed nature of the supply shift, the simulation shows that immigration particularly affected the wage of native workers at the two ends of the education distribution. The large supply increase experienced by high school dropouts decreased the wage of this group by 6.2 percent in the short run and 3.1 percent in the long run. Similarly, the wage declines for the most highly skilled workers (those with more than a college degree) were 4.1 percent in the short run and 0.9 percent in the long term.

²⁰ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, at 46.

²¹ Amie Parnes, *Obama: Payroll tax cut extension will help with higher gas prices*, THE HILL, Feb. 21, 2012, available at <http://thehill.com/blogs/e2-wire/e2-wire/211765-obama-payroll-tax-cut-extension-will-help-with-higher-gas-prices>.

²² George J. Borjas, Jeffrey Grogger, and Gordon Hanson, *Immigration and the Economic Status of African-American Men*, 77 *ECONOMICA* 255, 256 (2010).

black family during his tenure at the Department of Labor in the 1960s.²³ It is one of the great tragedies of modern America that the disintegration of the African-American family has not abated.²⁴ 72 percent of African-American children are born out of wedlock.²⁵ It is now a truism that children born out of wedlock are far more likely to experience a host of negative outcomes than are children raised by their own biological, married parents.²⁶

²³ United States Department of Labor, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION (March 1965), available at <http://www.dol.gov/oasam/programs/history/webid-mcynihan.htm>.

²⁴ Kay Hymowitz, *The Black Family: 40 Years of Lies*, CITY JOURNAL (Summer 2005), available at http://www.city-journal.org/html/15_3_black_family.html.

²⁵ Jesse Washington, *Blacks struggle with 72 percent unwed mothers rate*, ASSOCIATED PRESS, Nov. 7, 2010, available at http://www.nbcnews.com/id/39993685/ns/health-womens_health/t/blacks-struggle-percent-unwed-mothers-rate/#.UWR6fZPvyn4.

²⁶ See Charles Murray, *COMING APART*, 139–41 (2012):

Trends in marriage are important not just with regard to the organization of communities, but because they are associated with large effects on the socialization of the next generation. No matter what the outcome being examined—the quality of the mother-infant relationship, externalizing behavior in childhood (aggression, delinquency, and hyperactivity), delinquency in adolescence, criminality as adults, illness and injury in childhood, early mortality, sexual decision making in adolescence, school problems and dropping out, emotional health, or any other measure of how well or poorly children do in life—the family structure that produces the best outcomes for children, on average, are two biological parents who remain married. Divorced parents produce the next-best outcomes. Whether the parents remarry or remain single while the children are growing up makes little difference. Never-married women produce the worst outcomes. All of these statements apply after controlling for the family's socioeconomic status. I know of no other set of important findings that are as broadly accepted by social scientists who follow the technical literature, liberal as well as conservative, and yet are so resolutely ignored by network news programs, editorial writers for the major newspapers, and politicians of both major political parties [citations omitted].

See also W. Bradford Wilcox and Jeffrey Dew, *Protectors or Perpetrators: Fathers, Mothers, and Child Abuse and Neglect*, Center for Marriage and Families (Feb. 2008), available at <http://www.wbradfordwilcox.com/Dad.abuse.pdf>.

[A] 1996 federal study found that the overall rate of child maltreatment among single-parent households was nearly double that of two-parent families: 27.3 children per 1,000 were maltreated in single-parent families, whereas 15.5 children per 1,000 were maltreated in two-parent families. Another study found that 7 percent of children who had lived with a single parent had been sexually abused, compared to 4 percent of children who lived in an intact, biological family. Still another study found that children were half as likely to suffer physical abuse involving a traumatic brain injury when they lived in a household with their father, compared to children living in a fatherless family.

Research also indicates that children living in stepfamilies are more likely to suffer from abuse. One study by David Finkelhofer of the University of New Hampshire and his colleagues found that "children currently living in single parent and stepfamilies had significantly greater lifetime exposure than those living with two biological or adoptive parents" to five different forms of victimization—sexual assault, child maltreatment, assault by peers or siblings, being a victim of a crime, or witnessing violence. Other studies have found that children are markedly more likely to be killed or sexually abused by stepfathers, compared to children living in an intact, married household.

Married men are more likely to be employed and to have higher earnings than unmarried men, although the relationship between marriage and economic success is complex.²⁷ However, it is obvious that men who are unemployed or are incarcerated are far less appealing prospective spouses than men who hold down a steady job.²⁸ Yet there are fewer and fewer jobs available—and at lower wages—for men in traditionally masculine industries.²⁹ Giving amnesty to illegal immigrants would only exacerbate this problem facing low-skilled men, who are disproportionately African-American. The dearth of job opportunities gives these men less confidence in their ability to support a family, and gives women reason to fear that these prospective husbands will be only another mouth to feed.

Granting amnesty to illegal immigrants will only further harm African-American workers. Not only will the low-skilled labor market continue to experience a surplus of workers, making it difficult for African-Americans to find job opportunities, but African-Americans will be deprived of one of their few advantages in this market. Some states require private employers to use E-Verify to establish that their workers are in the country legally. This levels the playing field a bit for African-Americans. If illegal immigrants are granted legal status, this small advantage disappears.

Furthermore, recent history shows that granting amnesty to illegal immigrants will encourage more people to come to the United States illegally. The 1986 amnesty did not solve the illegal immigration problem. To the contrary, that amnesty established the precedent that if you come to America illegally, eventually you will obtain legal status. Thus, it is likely that if illegal immigrants are granted legal status, more people will come to America illegally and will further crowd African-American men (and other low-skilled men and women) out of the workforce.

Thank you again for inviting me to testify, and I look forward to your questions.

²⁷ See Murray, *supra* note 26, at 156–157 (2012) (discussing the “marriage premium”).

²⁸ *Id.* at 157 (“In the 2000s Fishtown had a lot fewer men who were indicating that they would be good providers if the woman took a chance and married one of them than it had in 1960.”); see also Hannah Rosin, THE END OF MEN (2012) 8–10 (a single mother’s description of her daughter’s underemployed father as “one less granola bar for the two of us”).

²⁹ See Rosin, *supra* note 28, 71–97 (2012).

**Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On “Comprehensive Immigration Reform Legislation”
April 19, 2013**

The Committee will work with Secretary Napolitano to reschedule her testimony given the ongoing events in Massachusetts. Her attention is needed on that matter this morning. I thank Mr. Holtz-Eakin and Mr. Kirsanow for being with us today and we will go forward with our discussion about the economic aspects of immigration reform.

The bipartisan proposal establishes a path to citizenship for the 11 million undocumented immigrants in this country. It addresses the lengthy backlogs in our current immigration system – backlogs that have kept families apart sometimes for decades. It grants a faster track to the “dreamers” brought to this country as children through no fault of their own, and to agricultural workers who are an essential part of our communities and work so hard to provide our nation’s food supply. It makes important changes to the visas used by dairy farmers and the tourism industry and by immigrant investors who are making investments in our communities. It addresses the needs of our law enforcement community, which requires the help of immigrants who witness crime or are victims of domestic violence. It improves the treatment of refugees and asylum seekers so that the United States will remain the beacon of hope in the world.

But in other ways, I fear it does not live up to our values. This bill includes what some are calling “triggers” that I am concerned could long delay green cards for those who we want to make full and contributing participants in our society. I do not want for people to move out of the shadows only to be stuck in some underclass. Just as we should not fault “dreamers” who were brought here as children, we should not make people’s fates and future status depend on border enforcement conditions over which they have no control. And I am disappointed that the legislation does not treat all American families equally. We must end the discrimination that gay and lesbian families face in our immigration law. I also am concerned about changes to the visa system for siblings and the lack of clarity about how the new point-based visa system will work in practice. And I cannot help but question whether spending billions more on a fence between the United States and Mexico is really the best use of taxpayer dollars.

I recognize this bill was the product of compromise, and I have no doubt it involved difficult concessions by all involved. I commend Senator Schumer, Senator McCain, Senator Durbin, Senator Graham, Senator Menendez, Senator Rubio, Senator Bennet, Senator Flake and Senator Feinstein for their extraordinary work. Now it is time for us on this Committee to invite the public into this process.

Today’s immigration hearing is the fourth this year, and we will hold day of hearings on Monday. I hope that Senators on this Committee will not seek to delay our progress. I expect today’s hearing and our next hearing will give Senators and the public an opportunity to learn about all aspects of this important legislation.

Throughout our history, immigration has been an ongoing source of renewal of our spirit, our creativity and our economic strength. From the young students brought to this country by their

loving parents seeking a better life, to the hardworking men and women who play vital roles supporting our farmers, innovating for our technology companies, or creating businesses of their own, our Nation continues to benefit from immigrants. We need to uphold the fundamental values of family, hard work and fairness.

In Vermont, immigration has promoted cultural richness through refugee resettlement and student exchange, economic development through the EB-5 Regional Center program, and tourism and trade with our friends in Canada. Foreign agricultural workers support Vermont's farmers and growers, many of whom have become a part of farm families that are woven into the fabric of Vermont's agricultural community.

The dysfunction in our current immigration system affects all of us. It is time to fix it. Now is our opportunity to do so. We must act deliberately and without delay. Millions of people – millions of Americans – are depending on us.

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**Translated Statement of Blas Burboa Leyva
Submitted for Hearing on Comprehensive Immigration Reform Legislation
Committee on the Judiciary
United States Senate
April 18, 2013**

My experience as a temporary worker in the United States

My name is Blas Burboa Leyva, I am 27 years old and I am from Morelia, Mexico. In order to cover the cost of my law education and to contribute something to my family's finances, in 2005 and 2006 I went to work in Arkansas with the tomato company, Candy Brand, on an H-2A visa.

A friend of mine told me about the opportunity and put me in contact with a person named Rubén who was the recruiter for the company as well as a supervisor in the fields. He charged me almost \$300 dollars to put my name on his list and then I had to pay another \$300 dollars to other recruiters to be able to get an appointment at the consulate in Monterrey. When it was time for my appointment, I traveled from Morelia to Monterrey where I had to pay for my lodging and food for three days. Altogether I had to pay more than \$900 dollars, which my mother loaned me, for the expenses of getting on the recruiter's list, the passport and the visa and the trip to Arkansas in addition to the lodging and food.

When I arrived in Arkansas, things got even worse. In 2005, I worked the first days in the field doing the most difficult work that I had ever done in my life. We worked long hours, usually from 5 in the morning until 5 in the afternoon and other days until the sun went down. Because of how difficult the work was many people vomited and fainted. Sometimes there was no water to drink on the buses when it was really hot. Rubén, the supervisor, treated us like animals even coming to the fields drunk on occasion. On top of that, he threatened my friend and me so that we would pay him \$3,000 dollars. I didn't have a way to defend myself as I saw that he was very close to the company's owners and I was afraid because I saw his son extorting [money from] some other workers with a gun. For doing such a hard job they only paid us \$50 dollars a day.

Fortunately, after nine days in the field I changed over to the packing shed. The work was less exhausting but it was still hard because you had to be standing up all day long. We began work at 6:00 a.m. and sometimes we worked up to 18 hours a day without receiving overtime. Also, the company did not reimburse us for the expenses that we had paid to come. At the end of my contract, which lasted a little more than a month, I returned to Mexico without having made any money.

I came back to work with Candy Brand in their packing shed in 2006 because of the lack of work in Mexico, hoping to make some money this time. Even though I was hired by a different recruiter, I had to pay the same amount of money in expenses to be able to get this opportunity. Like the year before, we worked long hours, seven days a week without receiving overtime or a reimbursement for the expenses incurred to come here.

We, as temporary workers, do not complain to our employers about the abuses we suffer out of fear and ignorance. First of all, we were in a foreign country, we lived in total isolation and there were no resources, like a center to help immigrants, somewhere nearby where you could go and seek help. They also had not given us information about our rights

as temporary workers. In addition, I was afraid that if I complained, they were going to fire me and I did not have anyone to go for help or any money to go back to my country.

I decided not to go back a third time because the work is very hard, abusive and unfair and I was afraid that I wouldn't be able to recover the investment you have to make to go and work in the US. Unfortunately, due to the lack of employment and low salaries in Mexico, many people find themselves forced to take this risk year after year.

When considering a change in the guest worker system I hope that the government takes my experience into account because it is the reality that many of my compatriots face. As we come to work in the most difficult industries in the United States, we risk our lives because we are exposed to violence, exploitation and inhumane treatment. Because of the role we play in your economy, we should at least have the basic rights: to receive a fair salary, to be treated like a human being and not like a disposable worker and to be able to demand our rights or leave an abusive employer without fear of retaliation.

Statement of Blas Burboa Leyva
Submitted for Hearing on Comprehensive Immigration Reform Legislation
Committee on the Judiciary
United States Senate
April 18, 2013

Mi experiencia como trabajador temporal en los Estados Unidos

Mi nombre es Blas Burboa Leyva, tengo 27 años de edad, y soy de Morelia, México. Para cubrir el costo de mi educación en leyes y aportar algo a la economía familiar, fui a trabajar en 2005 y 2006 con la compañía de tomate en Arkansas, Candy Brand, con la visa H-2A.

Un amigo mío me aviso de la oportunidad y me puso en contacto con una persona de nombre Rubén, que era reclutador para la empresa así como mayordomo en los campos. Me cobró casi 300 dólares para apuntar mi nombre en su lista y luego tuve que pagar otros 300 dólares a otros contratistas para sacar una cita en el consulado de Monterrey. Cuando me tocó la cita, viajé de Morelia a Monterrey donde tuve que pagar mi hospedaje y comida por tres días. En total, me tocó pagar más de 900 dólares, que me prestó mi mama, por los gastos de los apuntes de los contratistas, el pasaporte y la visa, el viaje hasta Arkansas, además del hospedaje y alimentación.

Cuando llegué a Arkansas, las cosas se pusieron peor aún. En 2005, trabajé los primeros días en el campo haciendo la labor más difícil que he hecho en mi vida. Trabajábamos largas horas, regularmente de 5 de la mañana hasta las 5 de la tarde, otros días hasta que caía el sol. Por la dificultad del trabajo, mucha gente vomitaba y se desmayaba. A veces no había agua en los camiones para tomar cuando hacia tanto calor. El mayordomo Rubén nos trataba como animales, yendo en ocasiones en estado de ebriedad a los campos. Además, a mí y a mi amigo nos amenazó para que le pagáramos \$3000 dólares. Yo no tenía modo de defenderme, ya que lo veía muy cerca de los dueños de la empresa y tenía miedo porque vi a su hijo extorsionando a otros trabajadores con una pistola. Por realizar este trabajo tan duro, solo nos pagaban \$50 dólares por día.

Afortunadamente, me cambié a la empacadora después de nueve días en el campo. El trabajo era menos agotador, pero seguía siendo difícil porque tenías que estar todo el día parado. Entrábamos a trabajar a las 6:00 a.m., y en ocasiones trabajábamos hasta 18 horas diarias, sin recibir overtime. La compañía tampoco nos reembolsó por los gastos que hicimos en venir. Al final de mi contrato, que duró poco más que un mes, regresé a México sin haber ganado nada de dinero.

Por falta de trabajo en México, volví a trabajar con Candy Brand en la empacadora en 2006 con la esperanza de ganar algo de dinero esta vez. Aunque conseguí el puesto por medio de otro reclutador, tuve que pagar los mismos gastos para conseguir la oportunidad. Como el año anterior, trabajábamos largas horas, siete días la semana, sin recibir overtime, ni un reembolso por los gastos que incurrimos al venir.

Nosotros, como trabajadores temporales, no reclamábamos a los empleadores acerca de los abusos que sufrimos por temor e ignorancia. En primer lugar, estábamos en un país extranjero, vivíamos en total aislamiento y no existían medios, como un centro de atención al migrante, al alcance donde uno pudiera buscar ayuda. Tampoco no nos habían informado

sobre nuestros derechos como trabajadores temporales. Además, yo tenía miedo de que si reclamaba, me iban a correr y no tenía a quién recurrir ni el dinero para regresar a mi país.

Decidí no regresar por un tercer año porque el trabajo es muy duro, abusivo y poco justo y temía no poder recuperar la inversión que tienes que hacer para ir a trabajar allá. Desafortunadamente, por la falta de empleo y los bajos salarios que sufrimos en México, mucha gente se ve obligada a tomar este riesgo año tras año.

Al considerar cualquier cambio al sistema de trabajadores huéspedes, espero que el gobierno tome en cuenta mi experiencia, que es una realidad que sufren muchos compatriotas míos. Al venir a trabajar a las industrias más difíciles en los Estados Unidos, arriesgamos nuestra vida, ya que estamos expuestos a la violencia, a la explotación y al trato inhumano. Por el papel que representamos en su economía, por lo menos debemos gozar de derechos básicos: a recibir un salario justo, a ser tratado como un humano más que un trabajador desechable y a reclamar nuestros derechos o dejar a un empleador abusivo sin miedo a represalias.



Statement of Lutheran Immigration and Refugee Service

Senate Committee on the Judiciary

April 19, 2013: "Hearing on Comprehensive Immigration Reform Legislation"

Lutheran Immigration and Refugee Service (LIRS), the national organization established by Lutheran churches in the United States to serve uprooted people, welcomes the introduction of S.744. LIRS is particularly grateful for the way this new Senate bill embodies bipartisan agreement on basic improvements that LIRS has long championed for welcoming newcomers to the United States.

"We're thrilled that S.744 shows bipartisan agreement on fundamental improvements to America's immigration process that LIRS has long advocated," said LIRS President and CEO Linda Hartke. "The majority of Americans are calling for immigration reform that keeps families together and offers a roadmap to earned citizenship – because family unity is vital to our congregations and communities, and because this reform is smart for our economy and our country."

"It's no coincidence that 40 Lutheran leaders from across the country were on Capitol Hill this week calling for passage of a bill that creates a fair and humane immigration system," said Hartke. "Although we're still analyzing S.744, we are glad that Senate leadership has taken heed of their call for action. Now we're urging the House of Representatives to show bipartisan leadership like that in the Senate."

S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act, aligns with the LIRS Principles for Comprehensive Immigration Reform as follows:

Principle 1. Provide an earned pathway to lawful permanent residency and eventual citizenship for undocumented immigrants and their families.

We are overall quite pleased with the creation of a process for undocumented immigrants to eventually earn citizenship in the country they consider home. This pathway towards citizenship must be accessible and fairly adjudicated, and this bill is a positive step towards that outcome.

Principle 2. Ensure humane and just enforcement of immigration laws by reducing use of immigration detention and expanding community support programs.

This bill improves access to justice for migrants and refugees navigating our immigration system. LIRS welcomes the increased provision of counsel and legal protections for unaccompanied migrant children and individuals facing deportation and detention. The bill also

recognizes the promise of community based alternatives to detention, which LIRS has begun to cultivate nationwide, as a cost-effective and humane way to promote integration and make our communities stronger.

Principle 3. Protect families from separation and ensure an adequate supply of visas for families seeking to reunite. LIRS remains committed to family unity for all migrants and refugees.

We are encouraged by improvements for refugee children in need of protection and children separated from their parents by immigration detention and deportation. Although this bill does improve the options for family unity for many immigrants who have been seeking to reunite with loved ones in the United States for years, LIRS is disappointed by the creation of an age cap on married children hoping to reunite with their U.S. citizen parents and the proposed elimination of immigration channels for brothers and sisters of American citizens.

Principle 4. Provide adequate resources and protections to ensure the successful integration of refugees, asylees, survivors of torture and trafficking, unaccompanied minors, and other vulnerable migrants.

We welcome the bill's recognition of how essential integration is for new Americans and their communities. Especially exciting are improvements that would better protect refugees, asylum seekers, stateless individuals, and migrants who are victims of serious crimes. These changes bring America closer to fulfilling humanitarian obligations to those seeking a safe haven and new life, while also improving efficiencies in current immigration processes.

Principle 5. Ensure the protection of U.S. citizen and migrant workers.

The bipartisan bill makes changes that would treat workers fairly and recognize the contributions of immigrant workers to this country.

LIRS is nationally recognized for its leadership in advocating on behalf of refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations, and for serving migrants through over 60 grassroots legal and social service partners across the United States.

Los Angeles
4988 N. Figueroa St.
(323) 258-6722 Fax (323) 258-5879
e-mail: info@mpac.org



Washington, D.C.
1020 16th St., NW
Washington, D.C., 20036
(202) 547-7701 Fax (202) 547-7704
Website: www.mpac.org

**STATEMENT OF
MUSLIM PUBLIC AFFAIRS COUNCIL
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

The Muslim Public Affairs Council applauds the introduction of S. 744, the *Border Security, Economic Opportunity and Immigration Modernization Act* and thanks the Gang of Eight senators who worked tirelessly to produce a bill to reform our immigration processes.

Senators Dick Durbin (D-IL), Michael Bennet (D-CO), Charles Schumer (D-NY), Robert Menendez (D-NJ), Jeff Flake (R-AZ), Marco Rubio (R-FL), Lindsey Graham (R-SC) and John McCain (R-AZ) have dedicated their time and efforts to paving the path to a more comprehensive immigration process through a compromising and a bipartisan way.

The historic nature of the bipartisan bill is refreshing as we see our members of Congress working beyond party lines for the greater good of our nation.

Although the initial bill has yet to be discussed and debated, MPAC looks forward to continuing the conversation on improving our immigration system. The American Muslim community contributes to the experiences of a "nation of immigrants," and as such continue the conversations and engagement with our elected members of Congress to see to a just immigration system.

MPAC remains engaged in the immigration debate and looks forward to a fair and just bill that benefits the progression of our nation.

Founded in 1988, MPAC is an American institution which informs and shapes public opinion and policy by serving as a trusted resource to decision makers in government, media and policy institutions. MPAC is also committed to developing leaders with the purpose of enhancing the political and civic participation of American Muslims.



The Honorable Janet Napolitano

testifying before the

United States Senate

Committee on the Judiciary

Comprehensive Immigration Reform Legislation

April 19, 2013

Hart Senate Office Building, Room 216

Washington, D.C.

Thank you, Chairman Leahy, Ranking Member Grassley, and Members of the Committee for holding this noteworthy hearing today on the Border Security, Economic Opportunity, and Immigration Modernization Act. It is a pleasure to again appear before the committee, especially for such an occasion.

We are very encouraged by the work of this committee. I also want to commend the solid bipartisan work of eight senators and their staff to fashion a commonsense immigration reform bill that will address the most serious problems with our current system. The introduction of this legislation is an important first step that reflects significant momentum toward our shared goal to reform the nation's immigration laws.

As the President stated earlier this week, this bill is clearly a compromise, and there are some things we don't agree on, but the bill is largely consistent with the President's principles on commonsense comprehensive reform. The bill would continue to strengthen security at our borders and hold employers more accountable if they knowingly hire undocumented workers. It would provide a pathway to earned citizenship for the 11 million individuals who are already in this country illegally. It would also modernize our legal immigration system, allowing families to be reunited in a humane and timely manner and grow our economy by attracting the highly-skilled entrepreneurs and workers who will help create good paying jobs. These are all commonsense steps that the majority of Americans support. The President and I, as well as the rest of the Cabinet, stand willing to do whatever it takes to make sure that comprehensive immigration reform becomes a reality as soon as possible. DHS is ready to work directly with this Committee to further refine the bill and pass the much-needed reforms that will help make our border safer and our country stronger.

America is a nation of immigrants and a nation of laws. Our history is rooted in immigration. At every great and momentous occasion throughout our proud history, immigrants, and the immigrant experience, have contributed to the richness of our culture, the strength of our moral character, and the advancement of our society.

As I noted in my testimony before the committee in February, DHS secures our Nation's borders to prevent the illegal entry of people, drugs, weapons, and contraband, while fostering legal trade and travel. We enforce immigration laws to protect public safety, promote economic fairness and competition, and maintain the integrity of our immigration system. We administer legal immigration benefits and services to millions of new and aspiring Americans, including members of our Armed Forces. And we work with a range of Federal, state, tribal, local, territorial, and international partners to advance all of these efforts, while ensuring that the civil rights of affected communities are respected.

We have made great strides in each of these areas over the past four years and, indeed, since the department's founding ten years ago. In order to build on this strong record, America needs a 21st century immigration system that meets the needs of law enforcement, businesses, immigrants, communities, and our economy. The current patchwork of outdated laws and requirements fails in each of these areas, and we are hopeful that this new bipartisan legislation will address each of these needs. We know what needs to get done to mend this broken system, to change our laws to create a 21st century system and one that lives up to our proud traditions.

The principles for commonsense immigration reform are encompassed in the Border Security, Economic Opportunity, and Immigration Modernization Act.

Stronger Border Security and Immigration Reform

These principles begin with continuing to focus on securing our borders. Over the past four years, the Obama Administration has made historic investments in border security, adding more personnel, technology, and infrastructure; making our ports of entry more efficient to lawful travel and trade; deepening partnerships with federal, state, tribal, and local law enforcement, and internationally; improving intelligence and information sharing to identify threats sooner; and strengthening entry procedures to protect against the use of fraudulent documents and the entry of those who may wish to do us harm. We are proud of these achievements, which reflect the hard work of many DHS agents and officers and our partners, who work long hours and often at great personal risk.

These efforts have contributed to a border that is far stronger today than at any point in our nation's history, and border communities that are safe and prosperous. Since 2004, we have doubled the number of Border Patrol agents from approximately 10,000 in 2004 to more than 21,000 today. Even in a time of fiscal austerity, the President's budget includes adding nearly 3,500 additional Customs and Border Protection Officers to reduce growing wait times at our land, air, and sea ports of entry, while also increasing seizures of illegal items and counterfeit goods, and protecting our country from national security or public safety threats. Along the Southwest border, the number of Border Patrol agents has increased by 94 percent to nearly 18,500. Along the Northern border, we now have more than 2,200 Border Patrol agents.

To facilitate the secure flow of people and goods, we have also increased the number of U.S. Customs and Border Protection (CBP) officers ensuring the secure flow of people and goods into our nation also has increased from 17,279 customs and immigration inspectors in 2003 to more than 21,000 officers and 2,400 agriculture specialists today.

CBP also has deployed proven, effective technology to the border tailored to the operational needs of our agents on the ground. In addition, we have expanded unmanned aerial surveillance to the entire Southwest border and strengthened our air and marine interdiction capabilities.

The results of these efforts speak for themselves. Attempts to cross the Southwest border illegally, as measured by Border Patrol apprehensions, have decreased 49 percent over the past four years, and are 78 percent lower than what they were at their peak. Since 2009, DHS has also seized 71 percent more currency, 39 percent more drugs, and 189 percent more weapons along the Southwest border, compared to the previous four year period. Further, since 2008, crime in each of the four Southwest border states—Arizona, California, New Mexico, and Texas—has decreased significantly.

To build on these successes, efforts to strengthen security at our borders must continue. The President's proposal identified continued use of proven technologies to secure the land and maritime borders, strengthening and improving infrastructure at ports of entry, expanding smart enforcement efforts that target convicted criminals in correctional facilities, and cracking down

on criminal networks engaging in passport and visa fraud and human smuggling, and improving partnerships with border communities and law enforcement.

I am pleased to see that the Border Security, Economic Opportunity, and Immigration Modernization Act, included similar provisions that would help us accomplish these efforts. In particular, funding for the Department to continue deployment of proven, effective surveillance technology along the highest trafficked areas of the southwest border will help us continue to achieve record levels of apprehensions and seizures. Funds will be used to procure and deploy technology tailored to the operational requirements of the Border Patrol, the distinct terrain, and the population density within each sector. These provisions will allow us to sustain and build on our progress and ensure a border region that is safe and thriving.

Strengthening Employee Tools and Employer Verification

One of the best ways to reduce illegal migrant traffic across the border – and thereby strengthen border security – is by reducing opportunities for unauthorized work in the United States. We believe a mandatory employee verification system combined with stronger tools to help employers maintain a legal workforce will help us achieve that goal and should be part of any comprehensive immigration reform package.

The President's proposal calls for a mandatory, phased-in electronic employment verification to provide tools for employers to ensure a legal workforce and increases the penalties for employers who hire undocumented workers to skirt the workplace standards that protect all workers. The President's proposal also calls for protecting workers against retaliation for exercising their labor rights and ensuring confidentiality and privacy protections for personal information.

The Border Security, Economic Opportunity, and Immigration Modernization Act includes many of these proposals. The bill mandates a national system that would be phased in over 5 years, starting with federal government and critical infrastructure employers and ending with small employers and the agricultural industry. This timeline is essential for the Department to ensure that the System meets the needs of every employer in the country—the majority of which do not currently participate in the system—and the diversity of our workforce. The bill also includes identify fraud measures such as the ability for individuals to lock their own Social Security number or for the Department to lock suspected fraudulent use of Social Security numbers.

Businesses of all kinds and sizes must be able to find and maintain a stable, legal workforce, and have confidence that they are all playing by the same set of rules. When businesses break the law by hiring undocumented workers, it undercuts lawful businesses, creates an uneven playing field, and hurts all workers, affecting wages, employee safety, and creating further demand for illegal labor.

The employment verification system proposed in this bill will support stronger border security, the integrity of our immigration system, and the American economy, by providing businesses with a clear, free, and efficient means to determine whether their employees are eligible to work in the United States. By helping employers ensure their workforce is legal, electronic verification promotes economic fairness and a level playing field, prevents the illegal hiring that

serves as a magnet for further undocumented immigration across our borders, and protects workers from exploitation.

The President's 2014 Budget includes \$114 million to operate E-Verify, improve the system's fraud-prevention and detection capabilities, modernize E-Verify customer service to improve ease of uses, and build additional capacity to support continued expansion. The Budget also enhances E-Verify Self Check, an online service that provides U.S. workers with the opportunity to ensure employment authorization records are accurate before getting a job and improves employee understanding of the employment eligibility process.

We also believe that the penalties proposed in the bill for hiring undocumented workers serve as a further disincentive to illegal hiring. In combination with DHS's existing worksite enforcement strategy, these measures would significantly reduce the jobs magnet that drives much of the illegal flow across our borders and enhance border security.

Earned Legalization with a Path to Citizenship

Equally important, the President's framework for commonsense creates a mechanism to bring the millions of undocumented immigrants unlawfully present in the United States out of the shadows and into a legal, regulated pathway to earned citizenship. No one questions that those unlawfully in the United States should be held accountable for their actions. But they are here, and in many cases they have been in the United States for years, have raised families here, and are now contributing members of our communities. Removing all of them is not only impractical and cost-prohibitive, but inconsistent with our values.

For immigration reform to be successful, we believe these individuals should have a clear pathway to earned citizenship. But it must be evident from the outset that there is such a pathway and it is attainable. It won't be a quick process but it must be a fair process. The President's framework provides such a roadmap. It requires immigrants to register, submit biometric data, pass criminal background and national security checks, and pay fees in order to be eligible for provisional legal status. These individuals with provisional status would have to wait until the current legal immigration visa waiting lists are cleared and pay penalties before being able to apply for lawful permanent residency, and ultimately, United States citizenship. We also believe childhood arrivals—known as DREAMers—should be eligible for earned citizenship. Additionally, immigrant farm workers, many of whom are currently undocumented, must be provided a similar opportunity to get on the right side of the law.

Again, the Border Security, Economic Opportunity, and Immigration Modernization Act is consistent with the President's framework. This bill would allow individuals in the United States by December 31, 2011 to apply for registered provisional immigrant status, and eventually obtain permanent residence and citizenship. It's not an easy path. They will need to comply with many requirements, including documenting a history of work, paying penalties and taxes, and learning English. DREAMers and immigrant farm workers have also been included, and those who complete the rigorous requirements of the bill will be placed on an expedited path to citizenship.

Having a large population of undocumented immigrants in our country creates problems for law enforcement and leaves many immigrants vulnerable to exploitation and harm. Creating provisional legal status for these individuals, and an eventual path to earned citizenship for those who qualify, will ensure that our immigration enforcement resources remain focused on high priority cases and national security threats.

Streamlining Legal Immigration

Our nation's immigration system is just that – a system. Its elements work together and support each other, and must be considered in their totality, not as distinct, unrelated pieces. Therefore, what we do to strengthen border security and immigration enforcement is directly tied to our efforts to promote and strengthen lawful immigration. By extension, all of these elements must be included in comprehensive immigration reform.

We have already made progress in improving the legal immigration process over the past four years. Our commitment to improving legal immigration includes launching new initiatives to spur economic competitiveness; streamlining and modernizing immigration benefits processes; strengthening fraud protections; protecting crime victims; supporting and helping to integrate refugees and asylees; updating rules to keep immigrant families together; and promoting civic engagement and integration.

For example, USCIS has launched initiatives to spur economic competitiveness by attracting foreign entrepreneurial talent to create jobs, form startup companies, and invest capital in areas of high unemployment. DHS also has taken action using existing authorities to keep more talented science and math graduates in the country longer and to attract highly skilled immigrants who will be critical to continuing our economic recovery and encouraging job creation. USCIS also has begun to modernize its immigration benefits system, transitioning from a paper-based to an electronic system that will improve case management and efficiency, and it has improved its fraud detection capabilities and efforts to combat immigration-services scams.

We also have worked to help protect victims of domestic violence, human trafficking, and victims of devastating natural disasters and violent conflicts, as well as individuals from around the world seeking refuge or asylum in the United States. We have made rule changes that will reduce the time U.S. citizens are separated from their immediate relatives who are in the process of applying for immigrant visas to become lawful U.S. permanent residents. And we have continued to strengthen our work with communities nationwide to promote citizenship preparation, including civics-based English instruction and education on the rights and responsibilities of citizenship.

There is much more to be done in each of these areas, but further progress requires statutory changes. Outdated legal immigration programs need to be reformed to meet current and future demands. That is why the President's proposal calls for an overhaul of legal immigration system so that families can be reunited and to ensure it better aligns the available legal workforce with the needs of our economy and strengthens economic competitiveness.

Although not entirely consistent with the President's proposal, the Border Security, Economic Opportunity, and Immigration Modernization Act would also overhaul our current employment

and family immigration systems and reduce the existing backlogs. The bill makes significant changes in employment based programs that will also us to attract and retain highly skilled workers and entrepreneurs. The bill provides green cards to both low and high skilled workers that our economy needs to recover. This is especially important in the STEM fields. The bill would allow STEM PhD and Master's Degree graduates from qualified U.S. universities who have found employment in the United States to remain here as permanent residents. Providing visas to foreign entrepreneurs will enable them to start and grow their businesses in the United States, and create jobs for American workers, and strengthen our economy.

Like the President's proposal, the bill treats spouses and children of permanent residents as immediate relatives. Outdated legal immigration programs need to be reformed to meet current and future demands. I am pleased to see that the bill eliminates existing waiting lists in the family-sponsored immigration system by recapturing unused visas and temporarily increasing annual visa numbers, raising annual country caps, and revising current unlawful presence bars and providing broader discretion to waive bars in cases of hardship.

The bill also contains important protections for vulnerable immigrants, including those who are victims of crime and domestic violence, and asylum seekers by eliminating certain limitations that prevent qualified individuals from applying for asylum. The bill also contains provisions creating new temporary worker programs – one targeted to the agricultural industry and another broader based program – that are the product of compromise between business and labor leaders seeking to address worker shortages while also protecting American workers.

Conclusion

Over the past four years, DHS has worked very hard to meet our immigration responsibilities in a smart, common-sense manner. The results we are seeing today reflect the most serious and sustained effort to strengthen border security and enforce immigration laws that I've seen in the more than twenty years I've been engaged in immigration enforcement and policy. Our men and women on the frontlines, in the interior, and overseas deserve a great deal of credit for this success.

Today our borders are more secure and our border communities are among the safest communities in our country. We have removed record numbers of criminals from the United States and our immigration laws are being enforced according to sensible priorities. We have taken numerous steps to strengthen legal immigration and build greater integrity into the system. And we are using our resources in a smart, effective, responsible manner. We have matched words with action, and now is the time to take the next step and fundamentally reform the nation's immigration system to reflect the realities of the 21st century.

We must not miss this opportunity to enact meaningful reforms to not only strengthen our immigration system but also to ensure that our nation remains a land of opportunity for immigrants, businesses, and all those whose dreams, aspirations, hard work, and success have contributed to our nation's uniqueness, diversity, cultural richness, and economic strength since our founding. The time to modernize our immigration laws is long overdue, and we stand ready to work with this Committee and the Congress to achieve this important goal for our country, the American people, and all those seeking to contribute their talents and energy to our great nation.

We are very encouraged by the progress that has been made thus far in developing the Border Security, Economic Opportunity, and Immigration Modernization Act. The introduction of this legislation is a true milestone, and we look forward to working with you to build on this momentum. Thank you, again, for the attention you are giving to this critical issue.



National Council of Jewish Women

**STATEMENT OF
NATIONAL COUNCIL OF JEWISH WOMEN
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Washington, DC – The National Council of Jewish Women (NCJW) congratulates the bipartisan group of 8 US senators who early this morning released the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, a comprehensive bill to reform our immigration laws. NCJW CEO Nancy K. Kaufman released the following statement:

“NCJW commends the group of 8 US senators who have introduced a groundbreaking immigration bill after months of deliberation. Although it isn’t perfect, this legislation is an historic step towards addressing our nation’s broken immigration system. It is also an example of much-needed bipartisan cooperation in confronting our nation’s challenges, and for that we congratulate the senators and their staff.

“The bill is a good starting point for the dialogue necessary to overhaul our nation’s broken immigration system with the goal of achieving just, humane and comprehensive reform. We are pleased to see many of its provisions. Its landmark path to citizenship will enable the 11 million undocumented immigrants currently living in the US to emerge from the shadows of our society, and we applaud provisions that expedite citizenship for DREAMers and provide protections for temporary workers.

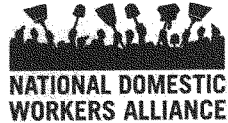
“However, we are concerned that burdensome fines and requirements for permanent residence and citizenship could prevent many immigrants from participating, and we hope improvements will be made to allow newly legalized immigrants access to critical services including health and nutrition supports. Additionally, NCJW is disappointed by the exclusion of LGBT people from the definition of family – a reminder of ongoing discrimination against this community.

“At this critical juncture, we must remember that immigration reform is about families. Despite provisions to ease applicant backlogs and reduce wait times in the family visa program, we object to proposals that would curtail eligibility and limit the promise of family unity.

“We are heartened at the progress the Senate bill represents, and again congratulate the “Gang of 8” for their perseverance in developing this comprehensive proposal. NCJW pledges to work with members of Congress and coalition partners on this critical issue to achieve just, humane and comprehensive immigration law that reflects our shared values as Americans.”

The National Council of Jewish Women (NCJW) is a grassroots organization of volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. Since its founding in 1893, NCJW has worked for immigrant communities in the US and continues to advocate for just and humane immigrant policies.

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NATIONAL OFFICE
330 7TH AVENUE, 19TH FLOOR
NEW YORK, NY 10001
(P) 646-360-5906
(F) 212-213-2233

**Statement from the National Domestic Workers Alliance
Submitted for the Record to the Senate Judiciary Committee Hearing
on Comprehensive Immigration Reform
April 19, 2013**

The National Domestic Workers Alliance (NDWA) commends the Senate Gang of Eight on the introduction of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013. As the Senate Judiciary Committee meets to discuss the bill, NDWA urges the Committee and all members of Congress to consider the needs and contributions of immigrant women, specifically the hundreds of thousands of domestic workers whose labor makes all other work in this country possible. Domestic workers play a central role in our families, in our communities and in our economy, and immigration reform must be inclusive of this vitally important workforce.

Every day, hundreds of thousands of undocumented women go to work in homes across the country, caring for children, parents and grandparents; they clean, wash, teach, support, and cook. Some live in their employers' homes. Others commute long distances to work. Their work allows their employers to meet their own family and career aspirations. And they have migrated to the United States to meet their own aspirations for work and a better life for their families. Seventy-five percent of domestic workers in this country are immigrants, and fifty percent of that number are undocumented.¹

Domestic workers have faced generations of exclusion from basic labor protections. Isolated in the workplace, they are among the most invisible and vulnerable workers in the workforce today. And as a result of our current immigration laws, many are trapped in undocumented status without a roadmap to citizenship. For more than a decade, our immigration policy has focused almost entirely on enforcement -- detention, deportation and family separation. This has created an unstable environment for domestic workers at home, at work, and in the community. In turn, it's unsustainable for the families they work for and the communities they are a part of.

Domestic workers are survivors of violence, people of faith, artists and community leaders. They are mothers, daughters, grandmothers, neighbors and friends to millions of us, and without them our communities and families would not be whole. Domestic workers support an inclusive road to citizenship for all because citizenship provides the opportunity for 11 million aspiring Americans, including domestic workers, to come out of the shadows toward a brighter future for all of us.

Specifically, as you review the proposed bill, we call on the Senate Judiciary Committee to consider the needs of immigrant women, in particular women workers who care for our children, family members and homes, including:

¹ National Domestic Workers Alliance, "Home Economics: The Invisible and Unregulated World of Domestic Work," found at <http://www.domesticworkers.org/homeeconomics/>

www.domesticworkers.org • info@domesticworkers.org

NEW YORK | OAKLAND | ATLANTA

1) A broad and inclusive road to citizenship

The roadmap to citizenship should avoid prohibitive requirements that would effectively exclude most domestic workers and many other workers who work in low-wage and contingent industries. Most importantly, requiring proof of employment at any point in the process would bar women whose work is done in the informal economy, and women who are full-time caretakers of their own families. The overwhelming majority of domestic workers do not have pay stubs and tax forms to prove they worked for their employers. As many other workers in the informal economy, their employment is cash-based and paperless. In a survey of over 4000 low-wage workers in three largest cities in the US – New York, Chicago and Los Angeles—workers in occupations with high percentages of women did not receive pay stubs with their pay. Although New York, Illinois and California do require employers to provide a pay stub or a wage statement with pay, 98% of surveyed undocumented nannies, 92 % of maids and housecleaners, 77 % of garment workers did not receive any pay stubs.² Linking eligibility to proof of employment at any stage on the road to citizenship would exclude hundreds of thousands of domestic workers and millions of other low-income workers in the informal sector. And it would also exclude an estimated 40% of undocumented women work as stay at home moms, spending their days and nights caring for their own families. Thus, eligibility should be based on physical presence only, and there should be various ways to demonstrate physical presence in the U.S., such as affidavits from community leaders.

The application process should promote integration and opportunity. English language requirements, fines, and fees should not create obstacles for the 11 million people who have been in this country, working and helping to build the economy for all of us. In order to facilitate immigrant integration, any immigration reform should ensure that fees are reasonable and payable over time. High application fees will limit the number of applications a family can afford, resulting in applications only being filed by male heads-of-households. Fee structures should incentivize families to apply for all eligible members of the family, and must be on a sliding scale in order to support the economic self-sufficiency of women, particularly low-wage women workers.

Lastly, the road to citizenship should not be predicated by further enforcement of our borders. Border triggers would bring more unaccountable enforcement policies and would ultimately restrict access to citizenship for 11 million undocumented immigrants. There are alternatives to protect our national safety, uphold the civil and human rights of Americans living in border regions and throughout the country, and ensure responsible spending and accountability in our border enforcement system. Most importantly, border enforcement should not be a veiled attempt to stop immigration reform.

2) Caregivers for our community and our economy

Today, more than half of American workers are women. As more women enter the workforce, more workers are needed to provide care, supports and services in the home. In addition to the ongoing childcare responsibilities of working parents, the baby boom generation is reaching retirement age and people are living longer. 2011 marked the first year of the “age wave,” when the baby boom generation has begun to turn sixty-five at a rate of a person every 8 seconds. By the year 2050, 27 million older adults and people with disabilities will we need care workers just to meet their basic daily needs. The overall demand for direct-care workers, who are predominantly women, is projected to increase by 48 percent over the next decade and the population of US-born workers is only growing by about 1%.³ The

² National Employment Law Project, *Immigration Status and Pay Documentation*, 2008, See http://nep.lawproject.org/files/56610295228b59f19a_1km6ibvof.pdf.

³ PHI, Fact Sheet: Occupational Projections for Direct Care Workers 2010-2020, February 2013, Retrieved from: http://phinational.org/sites/phinational.org/files/phi_factsheetupdate_singles_2.pdf.

booming demand for care workers will dramatically outpace supply of care workers over the next decade. Any immigration legislation should:

- o Include a program for future care workers to enter the country to fill critical needs in the care labor market.
- o Provide strong labor protections, including the right to change jobs for better wages and working conditions, the right to organize, protection from retaliation, and fair wages that will not depress wages for US workers in the sector.
- o Allow workers to bring their families and have the right to seek citizenship for themselves and their families.
- o Require employers of live-in caregivers to provide room and board for these workers, free of charge.

3) Opportunities to strengthen families

Immigration reform offers the opportunity to strengthen American families. Between July 1st, 2010, and September 31st, 2013, nearly 23 percent of all deportations were issued for parents with U.S. citizen children.⁴ Research conducted in 2011 by the Applied Research Center indicates that there are over 5,000 U.S. citizen children in foster care at any given moment, as a result of the deportation or detention of their parents, and an estimated 5.5 million children have at least one parent who is undocumented, and live daily with the fear of family separation.⁵ The separation of families and the resulting climate of fear negatively impacts entire communities. The primary roadblock to citizenship is deportation; it is time to focus our resources on the pathway to citizenship. The legislation should:

- o Ensure that care providers who are supporting families can immediately stay without fear of deportation
- o Ensure that immigrant parents can stay with their children and families without fear of deportation
- o Ensure that parents who are in detention or deportation proceedings have the authority to determine the fate of their children
- o Offer the right to reunite for parents who have already been deported and separated from their children in the United States
- o Shorten wait times for people who have been waiting to be reunited with their families
- o Include LGBT families to remain together and reunify, including through provisions outlined in the Uniting American Families Act.

4) A stronger American workforce

Immigration reform offers the opportunity to enter a new phase of economic growth and prosperity for all workers. When conditions are improved for immigrant workers, all workers benefit. Without protections for immigrant workers, employers use threats of retaliation and deportation to silence whistleblowers and get away with abuse, which hurts them and the US workers who work alongside them.

The legislation should:

- o Offer access to U-visa for workers in labor disputes or actively working to improve their working conditions.
- o Include important worker protections from the POWER Act for immigrant workers who blow the whistle on employer abuse
- o Ensure a road to citizenship and legal status that is not dependent on employment or family sponsorship
- o Designate workers organizations like unions, workers centers and organizations like the National Domestic Workers Alliance to serve as "navigators" to help immigrants navigate eligibility and application processes for citizenship

⁴ Colorlines, "Nearly 205K Deportations of Parents of U.S. Citizens in Just Over Two Years" http://colorlines.com/archives/2012/12/us_deports_more_than_200k_parents.html

⁵ Applied Research Center, "Shattered Families: The Perilous Intersection of Child Welfare and Immigration Enforcement," found at www.arc.org/shatteredfamilies

5) Safety and security for survivors of violence and trafficking

Many survivors of violence are forced to stay silent in dangerous situations due to dependence on the sponsorship of an abusive spouse or employer, or fear that service providers, local police, and immigration enforcement agents share information that could lead to deportation. Immigration reform should:

- Expedite current family based sponsorships
- Expand protections and relief for survivors of trafficking
- Offer immediate relief for undocumented women who report, or seek help in cases of violence and abuse
- Strengthen self-petitioning for survivors of violence
- End collaboration between local police and federal immigration enforcement agencies
- Ensure full and immediate access to health care and social services for immigrant women survivors of violence and trafficking

The National Domestic Workers Alliance looks forward to working with the Senate Judiciary Committee and Congress to create, pass and implement fair and inclusive immigration reform that will meet the needs of domestic workers and immigrant women in general, and that will, by extension, benefit the millions of families and communities across this country that depend on our care.

Submitted for the record to the Senate Judiciary Committee
By the National Domestic Workers Alliance
Ai-jen Poo, Director

For information, contact Lisa Moore, lisa@domesticworkers.org



Statement for the Record

Senate Judiciary Committee

“Hearing on Comprehensive Immigration Reform Legislation”

April 18, 2013

The National Immigration Forum works to uphold America’s tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

The National Immigration Forum applauds the Committee for holding this hearing on the matter of America’s broken immigration system and urges the Committee to take up Senate bill S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. We applaud the bipartisan Senate working group for making progress on much-needed reform of our immigration laws

We believe this time will be different when it comes to passing immigration reform. In the past two years, an alliance of conservative faith, law enforcement and business leadership has come together to forge a new consensus on immigrants and America. These relationships formed through outreach in the evangelical community; the development of state compacts; and regional summits in the Mountain West, Midwest and Southeast.

In early December 2012, over 250 faith, law enforcement and business leaders from across the country, came to Washington, D.C., for a National Strategy Session and Advocacy Day. They told policymakers and the press about the new consensus on immigrants and America. The event generated more than 60 news stories across the country, and participants organized 78 Hill meetings (57 with Republicans). More importantly, faith, law enforcement and business leaders from across the country committed to work together to urge Congress to pass broad immigration reform in 2013. In February, we launched the Bibles, Badges and Business for Immigration Reform Network to achieve that goal.

As the Committee discusses reforming our immigration system, we applaud the work of four of the committee’s members, Senators Richard Durbin, Charles Schumer, Lindsey Graham and Jeff Flake, who helped craft the Border Security, Economic Opportunity, and Immigration Modernization Act. The bipartisan legislation is a strong start for the



immigration debate this year. People on both sides of the political spectrum have concerns about certain parts of the package. However, that is the nature of compromise: yielding on something we care about to move forward on what all of us care about.

However, now that the legislation is introduced, many will work to improve it as it goes through the regular order in the Senate, first in Committee and then to the Senate floor. This process is right and necessary to ensure that the bill has the broadest possible support. However, this bill is the product of a great deal of discussion and debate and negotiation already. It strikes a careful balance among its most important pillars: interior enforcement and border security, earned legalization and a path to citizenship, needed reforms to our current immigration system, and efforts to deal with the current backlog of immigration.

We urge this Committee, and all Senators, as they consider this bill, to continually remember that the whole of the bill, is much more than just the sum of its parts. Each part of the bill has impacts on the other areas. For example, we are very aware that many have criticized the failure of enforcement after the 1986 legislation was enacted and wish to see strengthened enforcement and border security measures in this bill. However, a singular focus on immigration enforcement will not result in workable solutions to our overall immigration system, and may, if too expensive or difficult to achieve, unduly delay reform and further politicize border security.

The border is more secure now than it has ever been. The “triggers” for border security proposed in the last attempt at comprehensive immigration reform in 2007 have all been met, and the provisions of the current bill reflect targeted, achievable additional measures without over-reaching.

Currently, the entire Southwest border is either “controlled,” “managed,” or “monitored” to some degree according to the Department of Homeland Security. A record 21,370 Border Patrol agents continue to be stationed at the border, a number that does not include the thousands of agents from other federal agencies, including the Drug Enforcement Agency (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Federal Bureau of Investigations (FBI), and other agencies, supplemented by National Guard troops.

As of February 2012, 651 miles of border fencing have been built out of the 652 miles that the Border Patrol feels is operationally necessary. The fence now covers almost the entire length of the border from California to Texas. There is double fencing in many areas.



Customs and Border Protection now has more than 250 Remote Video Surveillance Systems with day and night cameras deployed on the Southwest border. In addition, the agency relies on 39 Mobile Surveillance Systems, which are truck-mounted infrared cameras and radar. CBP has also deployed additional Mobile Surveillance Systems, Remote Video Surveillance Systems, thermal imaging systems, non-intrusive inspection systems, radiation portal monitors, RFID readers and license plate readers to the Southwest border and is the process of acquiring more. CBP currently operates three Predator B unmanned aerial drones from an Arizona base and two from a Texas base, providing surveillance coverage of the entire Southwest border across Arizona, New Mexico, and Texas.

Prior to August 2006, many persons who were apprehended at the border were released pending their immigration hearing. That practice was ended in August 2006, and now nearly all persons crossing the border illegally are detained. Immigration and Customs Enforcement (ICE) is now funded to hold 33,400 individuals in detention at any given time. Over the course of the government's fiscal year 2011, ICE reported that it detained more than 429,000 individuals, an all-time high and 118,000 more than the 311,000 individuals who were detained in 2007. For fiscal year 2012, ICE reported that it had removed nearly 410,000 persons, also a record. That number is approximately 91,000 more than were removed in 2007.

Border security is about much more than illegal immigration and, in fact, with the recent reductions in apprehensions, the missions of protecting against drugs and other contraband are arguably more of a priority. However, the National Immigration Forum believes that if a border security "trigger" to be part of immigration reform legislation it must meet the following principles:

A trigger must not indefinitely delay reform: The metrics laid out in the Border Security, Economic Opportunity, and Immigration Modernization Act must stay definable border metrics that are attainable and that do not indefinitely hold up immigration reform. While further enforcement at the border is a worthy goal, our border will never be completely sealed and proposals that insist on a sealed border are nothing more than roadblocks intended to stop immigration reform.

Immigration Reform should not be dependent on future appropriations: In this time of tight budgets and partisanship in Washington, an immigration reform bill should not pass the buck to appropriators who may be unwilling or unable to fund the requirements imposed by the legislation, thereby indefinitely delaying reform. The Border Security, Economic Opportunity, and Immigration Modernization Act authorizes new fee-funded accounts to pay for additional border security measures. The fees and fines paid by immigrants applying under the new programs, and employers sponsoring



high-skilled immigrants and others will fund these measures. The amounts in the current bill, while steep enough to be considered severe, are not unattainable for immigrants and their families. However, funding additional, unneeded security measures on the backs of immigrants and employers will render the legalization and work visa programs unusable for many, undercutting the source of funding that some might like to achieve and overall making the entire system less viable.

Border Security is not a political issue: The Border Security, Economic Opportunity, and Immigration Modernization Act potentially would create a border commission headed by border community local elected officials and border security experts to make recommendations on how to achieve the 90% border effectiveness rate in high traffic border areas, if the government is unsuccessful in meeting this metric within 5 years. Any border commission that is created should be in an advisory capacity only. While the input of border communities is crucial, immigration reform for our *country* should not be held hostage by individuals with parochial or political interests. Ultimately, the federal government is in charge of securing our borders and the final decisions should lie with it.

The National Immigration Forum looks forward to continuing this positive discussion on how best to move forward with passing broad immigration reform into law this year. We cannot let the status quo continue any longer. The time is now for immigration reform.

Statement of the National Immigration Law Center
Senate Judiciary Committee
Hearing on Comprehensive Reform Legislation
April 19, 2013

The National Immigration Law Center (NILC) is a nonpartisan organization exclusively dedicated to defending and advancing the rights of low-income immigrants and their families. We conduct policy analysis, advocacy, and impact litigation, as well as provide training, publications, and technical assistance for a broad range of groups throughout the U.S.

NILC is pleased to submit this statement to the U.S. Senate Committee on the Judiciary for the April 19, 2013 hearing entitled on S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. We applaud the Committee for conducting this important hearing. Since 1979, NILC has defended the fundamental and constitutional rights of all Americans through impact litigation. Many of our clients are low-income immigrants who have been harmed by our current immigration laws and policies that deny them basic due process protections.

If enacted, S. 744 would represent the largest-scale change to the nation's immigration laws in more than 25 years. The plan includes a road to citizenship for immigrants who have been in the country without authorization since before Dec. 31, 2011, and proposes to reduce visa backlogs for those who have been waiting for years to be reunited with their loved ones.

NILC is very pleased that the sponsors of this legislation delivered on their months-long promise to finally come up with a plan to bring our country's immigration laws in line with our societal needs and economic well-being. This historic proposal would create a road to citizenship for many of the millions of aspiring citizens who have lived and worked in this country for decades. The bill would also lift the specter of deportation from millions more families who face the constant fear that their undocumented loved one is one traffic ticket away from deportation. If enacted, this law would bring our legal reality in line with what we all already know: that the 11 million people living and working in this country without papers are a fundamental part of the fabric of our nation's society.

As with all bipartisan legislation, this bill contains many compromises, some of which may have been made in hopes of strengthening the chances that this legislation would ultimately become law. Unfortunately, many of these compromises threaten the health and stability of immigrants and their U.S. citizen family members by excluding them from our most important health care and social insurance programs or by requiring U.S. employers

to use an electronic employment eligibility verification system that is much more likely to hurt authorized immigrant workers than native-born workers. We should not sacrifice sound public policy at the altar of political expedience.

This bill introduction is merely the first act of what will undoubtedly be a long political play. NILC looks forward to working with members of this Committee to finally bring our immigration laws in line with our values for fairness, equality, and justice. Current and aspiring citizens deserve nothing less, and our country can and must do better than the status quo.

“Hearing on Comprehensive Immigration Reform Legislation”
Statement for the Record¹
April 19, 2013

As the Senate Judiciary Committee meets to consider immigration reform, we, the undersigned women’s rights, immigrant rights and other organizations from across the United States, urge the Committee and all members of Congress to ensure that women’s priorities and lived realities are at the forefront of the immigration debate. We welcome the tremendous momentum around immigration reform and call on the members of the Senate Judiciary to take every necessary measure to ensure that reform is inclusive of women. Any future immigration laws and processes must ensure that women are treated humanely and fairly, and must allow them to fully contribute to our culture, economy, and communities in America. Immigration policy reform is not broad unless it includes women and meets the needs of their families.

Immigrant women make vital contributions to the rich social, cultural, intellectual, and economic fabric of the United States. Immigrant women are the drivers of integration: they encourage their families to learn English, succeed in school and business, pursue naturalization, and fulfill their civic responsibilities. Immigrant women fuel economic growth by starting new businesses² and contributing to the workforce in important ways. Immigrant women are key contributors in the informal economy, such as domestic care workers, taking care of other people’s families, the sick, elderly, and children. And immigrant women workers will only play a *greater* role in America’s economy going forward.³ Despite, their many contributions to our families and communities, issues of concern to women continue to be left out of conversations about immigration reform.

The face of today’s immigrant is increasingly female. Immigrant women comprise 51% of all immigrants in the United States⁴ and 100 immigrant women arrive in the United States for every 96 men.⁵ Immigrant women come to the United States for many reasons, largely to improve their lives and those of their family. Immigrant women are motivated to provide a better life for their children, to keep their families together, and to reunite with their families.⁶ They have already shown promise, ambition, and strength through their journeys and arrivals.

¹ This statement was coordinated by We Belong Together and the National Coalition for Immigrant Women’s Rights

² Pearce S, Clifford E, Tandon R. *Our American Immigrant Entrepreneurs*. Immigration Policy Center. December 2011. Available at <http://www.immigrationpolicy.org/special-reports/our-american-immigrant-entrepreneurs-women>. Accessed April 14, 2013.

³ Note: In less than 20 years – 75 million Americans will have reached retirement age and the overall demand for direct-care workers, who are predominantly women, is projected to increase by 48 percent over the next decade. PHI, Fact Sheet: *Occupational Projections for Direct Care Workers 2010-2020*, February 2013, Available at http://phinational.org/sites/phinational.org/files/phi_factsheet1update_singles_2.pdf

⁴ United States Census Bureau. *2011 American Community Survey 1-Year Estimates. Selected Characteristics of the Native and Foreign-Born Populations*. Available at: <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. Accessed on January 15, 2013.

⁵ Migration Policy Institute. *MPI Data Hub: Foreign-Born Males per 100 Foreign-Born Females, for the United States: 1870 to 2011*. Available at <http://www.migrationinformation.org/datahub/charts/final.malesfemales.shtml> Accessed on January 15, 2013.

⁶ New American Media. *Women Immigrants: Stewards of the 21st Century Family*. February 2009. Available at <http://media.namx.org/images/communications/immwomenexecsummary.pdf>. Accessed on January 13, 2013.

Immigration reform must be inclusive of women and their families and responsive to their needs. We will all benefit from common-sense immigration policy that supports and protects families and empowers women to contribute their full selves to our communities, culture, and economy. As you review and debate immigration reform legislation, we urge you to ensure that the national conversation on common-sense immigration reform includes full consideration of the unique needs of women and the impact of policy choices on women and families.

Specifically, we ask that any immigration reform legislation address the following women's priorities and needs:

- **Include a broad, clear, affordable, and efficient roadmap to citizenship that recognizes the contributions of women and women's work.** Immigrant women, including the 60% of women in the informal economy and the 40% of undocumented women who work in the home caring for their children and families, must have a clear roadmap to citizenship equal to that available to men. It is imperative to keep in mind that undocumented women workers are primarily in the informal economy and any roadmap that links citizenship to continuous employment or proof of employment will leave millions of women behind. For example, in a survey of over 4000 low-wage workers in three largest cities in the US – New York, Chicago and Los Angeles—workers in occupations with high percentages of women did not receive pay stubs with their pay. 98% of surveyed undocumented nannies, 92% of maids and housecleaners, and 77% of garment workers did not receive any pay stubs.⁷ In isolated and informal workplaces it is unrealistic to expect workers to ask their employers for documentation, especially immigrant workers with such little control over the terms and conditions of their work in the first place. Similarly, women whose work is in their home will be excluded from the roadmap if eligibility is linked to proof of employment. *The pathway to citizenship must be open, affordable, safe, and accessible to all women because all women are contributors to our economy and communities.*
- **Keep families together by creating a stronger, not weaker, family-based system that keeps family at the heart of the immigration process.** Strong families are the backbone of a strong society. For many decades, family was at the heart of our immigration system. Yet backlogs, inefficiencies, and the current debate about eliminating certain family visa categories are jeopardizing family unity and threatening this core American value. There are approximately 4 million people waiting in the backlogged family immigration system. Women are disproportionately affected by these huge backlogs and would be even more disproportionately disadvantaged if certain family visa categories are eliminated. Seventy percent of immigrant women currently attain legal status through a family-based visa—some waiting in line for decades to be reunited with their families.⁸ When sufficient legal channels for migration do not exist, families suffer and incentives exist for people to migrate unlawfully. Family migration also supports economic growth, and the backlogs in the family system can hold our economy back. Women who enter through the family immigration system play key roles in the

⁷ National Employment Law Project, *Immigration Status and Pay Documentation*, 2008, Available at http://nelp.3cdn.net/56610295228b59f19a_1km6ibvof.pdf.

⁸ National Asian Pacific American Women's Forum. *Facts About Family Immigration System and Asian Pacific Islander Women*. January 2011. Available at http://nciwr.files.wordpress.com/2011/01/napawf_familyimmigration_factsheet-3.pdf.

economy, starting businesses at high rates. Immigrant women now represent 40% of immigrant business owners in the United States, often while serving as the primary caregivers within their families.⁹ Furthermore, family members – in particular grandparents – often provide childcare, allowing younger members of the family to open businesses and participate in the workforce. Any shift away from a family-based immigration system would disproportionately affect women and children. We urge you to protect the important family based system that has been a cornerstone of United States immigration policy for so long and is critical to our future. For these same reasons, LGBT bi-national couples must be allowed to sponsor their partners or children for residency. Immigration reform must protect the right of all families to stay together, regardless of immigration status, family structure, sexual orientation, or marital status, and must provide sufficient family-based channels for migration in the future. *Immigration reform must be inclusive, eliminate backlogs to keep families together, and honor the love and commitment of all families.*

- **Promote healthy families to strengthen communities.** Any immigration policy reform must enable participants to exercise both the responsibilities and rights of citizenship so that they may fully integrate into American society. Immigrant women and families work hard, pay taxes, and are committed to being in the United States. They should be able to pay their fair share for health care and should be included in our health care and other family economic support systems. Investing in health is common sense—and good fiscal policy. Immigrants are younger and healthier than the American population as a whole and expanded access to health coverage promotes the utilization of preventive care, and ultimately better and less costly health outcomes. If immigrant women are healthy, they are better able to contribute to the success of their children, which benefits the whole family. Protecting women and family’s health is a much-needed step that leads to full social, economic, and civic integration. And in fact, a majority of Americans support improving immigrant equity in health care via immigration reform.¹⁰ *Immigration reform must advance all immigrant women’s access to health care and family economic supports, including comprehensive health coverage and care, so as to promote immigrant women’s health, including reproductive health & decision-making, and ability to care for their families.*
- **Recognize women’s work in future employment categories and protect women workers on the job.** Currently, only a quarter of all employment visas are given to women as principal holders. Two-thirds of immigrant women in the employment visa category enter as dependents on their spouse’s visa, with no ability to work

⁹ Immigration Policy Center. *Our American Immigrant Entrepreneurs: The Women*. December 2011. Available at http://www.immigrationpolicy.org/sites/default/files/docs/Women_Immigrant_Entrepreneurs_120811.pdf

¹⁰ A recent survey by the Kaiser Family Foundation found that 63% of Americans agree that immigrants currently without status who will obtain provisional status through immigration reform should be eligible for Medicaid coverage, meeting the program’s other income requirements. And 59% believed immigrants with provisional status should be eligible for federal assistance to purchase a health plan if they do not have access to health insurance through their employer. Support for both proposals was higher among Black and Latino respondents. The study also found that many people underestimate the extent to which immigrants are excluded from affordable and quality health care options. Henry J. Kaiser Family Foundation. Kaiser Health Tracking Poll: Public Opinion on Health Care Issues. February 2013. Available at <http://www.kff.org/kaiserpolls/upload/8418-F.pdf>. Accessed on April 14, 2013.

themselves.¹¹ This prevents these women from contributing their skills and qualifications to the country, and makes them more vulnerable to an abusive partner. Immigrant women also face sexual harassment and other exploitative working conditions in the workplace. *Immigration reform must include future flows in critical professions populated by women, allow dependent visa holders to work with full protections and adjust to legal permanent residency, and expand protections for immigrant women workers in asserting labor and civil rights.*

- **Ensure protections for women asylum seekers, and survivors of violence and trafficking.** Our current immigration system exposes many women to violence and fails to protect many others, including asylum seekers and survivors of domestic violence, sexual assault, trafficking and other crimes. Women seeking to enter the United States to flee violence in their home country are exposed to violence en route and often upon arrival in the United States. Border deterrence programs further compromise women's well being by separating them from their families, removing them through unsafe areas, and discouraging them from making asylum claims or otherwise accessing protection. Inside the United States, enforcement policies such as Secure Communities, and a lack of labor protections, discourage survivors of violence and crime from coming forward to tell their story and seek assistance. Many women feel they must stay silent in dangerous situations due to dependency on the sponsorship of an abusive spouse or employer, or fear that engaging with service providers, local police or immigration agents could lead to deportation. *Immigration reform must provide sufficient lawful channels for migration, expand protections and relief for asylum seekers and survivors of domestic violence, sexual assault, and trafficking, increase the number of U-visas, and ensure full and immediate access to health care and social services for immigrant women fleeing violence inside the United States and abroad.*
- **Protect families and ensure due process.** Too many women and children unfairly bear the brunt of enforcement, detention, and deportation. In a recent two-year period, 23% of all deportations were issued for parents of United States citizen children.¹² In a nation that values liberty and justice for all, we cannot continue to put into practice laws that harm children and families, and punish aspiring Americans. Immigration reform must protect parental rights, expand access to legal counsel, and increase alternatives to detention. Immigration reform must also ensure due process that safeguards American values of fairness and justice. *Enforcement, detention, and deportation programs that compromise immigrant women's safety, violate their civil, human, and due process rights, and tear families apart must be replaced by sensible and sufficient legal channels for migration that adequately meet family and labor demands and respect our obligations under international law.*
- **Promote immigrant integration that includes and empowers women.** Approximately

¹¹ National Asian Pacific American Women's Forum. *Facts About Family Immigration System and Asian Pacific Islander Women*. January 2011. Available at: http://nciwr.files.wordpress.com/2011/01/napawf_familyimmigration_factsheet-3.pdf.

¹² Colorlines.com. *Primary Data: Deportations of Parents of U.S. Citizen Kids*. December 2012. Available at: http://colorlines.com/archives/2012/12/deportations_of_parents_of_us-born_citizens_122012.html.

10 million immigrant women speak limited English¹³ and need help from the federal government to learn our language and laws and ensure they can contribute their skills fully. They also need English to be able to report crimes, leave abusive relationships, and participate in their children's schooling and medical decisions. Onerous English language requirements, without providing immigrant integration assistance, in any reform legislation will exclude millions of women. Additionally, immigrant women need expanded access to legal and other social services that promote equality of opportunity and immigrant integration. *Providing immigrant women and families the tools for full integration now will pay off in their contributions later. Immigration reform must not be so onerous that it excludes millions for generations to come.*

As Americans, we honor and celebrate our unique commitment to protecting families, and giving equal opportunities and respect to women and girls. We look forward to working with the Senate Judiciary Committee and Congress on creating, passing, and implementing a common sense immigration reform that reflects this commitment to equality and opportunity for women.

Sincerely,

National Organizations

9to5
 AF3IRM
 AIDS United
 America's Voice Education Fund
 American Rights at Work
 Americans for Immigrant Justice
 American Medical Student Association
 Asian American Justice Center, Member of Asian American Center for Advancing Justice
 Asian & Pacific Islander American Health Forum
 Asian Pacific Islander Institute on Domestic Violence
 ASISTA Immigration Assistance
 Association of Asian Pacific Community Health Organizations
 Association of Reproductive Health Professionals (ARHP)
 Breakthrough
 Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
 Center for Gender & Refugee Studies
 Center for Reproductive Rights
 Choice USA
 Equal Rights Advocates
 Family Values @ Work Consortium
 First Focus
 Futures Without Violence

¹³ Migration Policy Institute. *Immigrant Women in the United States*. December 2009. Available at <http://www.migrationinformation.org/usfocus/display.cfm?ID=763>.

General Service Foundation
Institute for Science and Human Values Inc.
Jobs with Justice
Labor Council for Latin American Advancement
MomsRising.org
Ms. Foundation for Women
National Alliance to End Sexual Violence
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Social Workers
National Center for Transgender Equality
National Center on Domestic and Sexual Violence
National Coalition Against Domestic Violence
National Coalition of Anti-Violence Programs
National Coalition for Immigrant Women's Rights
National Council of Jewish Women
National Council of Women's Organizations
National Dating Abuse Helpline
National Domestic Violence Hotline
National Domestic Workers Alliance
National Employment Law Project
National Family Planning & Reproductive Health Association
National Gay and Lesbian Task Force Action Fund
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Korean American Service and Education Consortium
National Latina Institute for Reproductive Health
National Network to End Domestic Violence
National Organization for Women
National Queer Asian Pacific Islander Alliance
National Resource Center on Domestic Violence
National Women's Health Network
National Women's Law Center
PFLAG National
Planned Parenthood Federation of America
Project Inform
Raising Women's Voices for the Health Care We Need
Religious Coalition for Reproductive Choice
Reproductive Health Access Project
Reproductive Health Technologies Project
Sexuality Information and Education Council of the U.S. (SIECUS)
Southeast Asia Resource Action Center (SEARAC)
Unid@s
The Center for APA Women
The United Methodist Church, General Board of Church and Society
Unitarian Universalist Association

Unitarian Universalist Women's Federation
 United Church of Christ, Justice and Witness Ministries
 We Belong Together
 Women's Grassroots Congress
 Women of Reform Judaism
 Women's Refugee Commission
 YWCA USA

Regional Organizations

Alliance for a Just Society
 I AM CHOICE
 Lutheran Social Services of New England
 Mil Mujeres
 Southeast Immigrant Rights Network

Alabama

Somos Tuscaloosa-Tuscaloosa, AL
 Pleasant Grove United Methodist Women-Hanceville, AL

Arizona

Coalicion de Derechos Humanos-Tucson, AZ
 Mujeres por un Mundo Mejor-Florence, AZ
 Mujeres por un Mundo Mejor-Tucson, AZ

California

9to5 California
 Asian Pacific American Legal Center-Los Angeles, CA
 California Immigrant Policy Center
 California Latinas for Reproductive Justice-Los Angeles, CA
 California Primary Care Association
 Causa Justa : Just Cause-S.F. Bay Area, CA
 Centro Laboral de Graton-Graton, CA
 Centro Legal de la Raza-Oakland, CA
 Clergy and Laity United for Economic Justice-Santa Barbara, CA
 East Bay Saturday Dialogues-Richmond, CA
 Forward Together-Oakland, CA
 Fuerza Mundial/International Tribunal of Conscience (Pueblos en Movimiento)-
 Santa Maria, CA
 Immigration Center for Women and Children-San Diego, CA
 Immigration Center for Women/Children-San Francisco, CA
 Law Office of Peggy Bristol Wright-Oakland, CA
 Maitri-San Francisco Bay Area, California
 Mujeres Unidas y Activas-San Francisco, CA
 National Council of Jewish Women California
 National Council of Jewish Women-Sacramento, CA
 Public Counsel Law Center-Los Angeles, CA

San Diego Day Laborers and Household Workers Association-San Diego, CA
Services, Immigrant Rights and Education Network-San Jose, CA
Sin Fronteras-Los Angeles, CA
Women For: Orange County-Irvine, CA

Colorado

9to5 Colorado
Colorado Organization For Latina Opportunity and Reproductive Rights-Denver, CO

Connecticut

Brazilian Immigrant Center-Bridgeport, CT
Connecticut Legal Services Inc.-New Britain, CT
New Haven Legal Assistance Association, Inc.-New Haven, CT

District of Columbia

Department of Anthropology, Georgetown University

Florida

Central Florida Jobs with Justice-Orlando, Florida
Florida Coastal Law School Immigrant Rights Clinic-Jacksonville, FL

Georgia

9to5 Atlanta-Atlanta, GA
Cherokee Family Violence Center-Canton, GA
Cobb Immigrant Alliance-Austell, GA
Feminist Women Health Center/ Lifting Latina Voices Initiative-Atlanta, GA
Georgia Latino Alliance for Human Rights
Georgia Rural Urban Summit-Decatur, GA
Hearts On ICE- Savannah, GA
Women Watch Afrika, Inc.-Decatur, GA

Illinois

El Hogar del Nino-Chicago, IL
HIAS Chicago
Illinois Coalition for Immigrant and Refugee Rights
Latino Union/Chicago Coalition of Household Workers-Chicago, IL

Maryland

GetEQUAL-Riverdale, MD
Maryland Women's Coalition for Health Care Reform-Bethesda, MD
PeterCares House-Greenbelt, MD
Sin Fronteras-Langley, MD

Massachusetts

Brazilian Immigrant Center-Boston, MA

Dominican Development Center- Network of Women in Solidarity
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute-Boston, MA
MataHari: Eye of the Day-Boston, MA

Michigan

Washtenaw Interfaith Coalition for Immigrant Rights-Washtenaw County, MI

Minnesota

Immigrant Law Center of Minnesota-St. Paul, MN

Mississippi

Mississippi Workers Center for Human Rights

Missouri

McCrummen Immigration Law Group- North Kansas City, MO
Sierra Club-St. Louis, MO

Nebraska

Sisters of Mercy West Midwest Justice Team-Omaha, NE

New Jersey

Casa Esperanza-Plainfield, NJ
Latino Action Network
National Council of Jewish Women Concordia Section- Monroe Twp., NJ
The Reformed Church of Highland Park-Highland Park, NJ

New York

African Services Committee
CODEPINK-Long Island, NY
The Black Institute- New York, NY
Immigration Court Observation Project-New York, NY
Jews for Racial and Economic Justice-New York, NY
New York Lawyers for the Public Interest-New York, NY
Northern Manhattan Coalition for Immigrant Rights- New York, NY
Sakhi for South Asian Women-New York, NY
Sauti Yetu Center for African Women-Bronx, NY
SEPA Mujer Inc.- Central Islip, NY
Violence Intervention Program-New York, NY
Worker Justice Center of NY-Rochester, NY

North Carolina

El Pueblo, Inc.-Raleigh, NC
N.C. Immigrant Rights Project-Durham, NC

Ohio

Esperanza Viva Community Center
Ohio Disability Action Coalition-Cincinnati, OH

Oregon

Voz Hispana Causa Chavista-Woodburn, OR

Pennsylvania

Women's Law Project

Tennessee

Tennessee Immigrant & Refugee Rights Coalition (TIRRC)

Texas

Catholic Charities Immigrant Legal Services-Dallas, TX
Domestic Workers in Action-San Antonio, TX
Fe y Justicia Worker Center-Houston, TX
Human Rights Initiative of North Texas-Dallas, TX
Hutto Visitation Program-Austin, TX
The Islas Muñoz Law Firm, PLLC- El Paso, Texas
Refugio del Rio Grande-San Benito, TX
Southwest Workers Union-San Antonio, TX
Texans United for Families-Austin, TX

Utah

Perretta Law Office-West Jordan, Utah

Washington

Casa Latina-Seattle, WA
Children's Alliance
OneAmerica
Washington State Coalition Against Domestic Violence

Wisconsin

9to5-Milwaukee, WI



**STATEMENT OF
NETWORK A NATIONAL CATHOLIC SOCIAL JUSTICE LOBBY
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Washington DC: NETWORK, A National Catholic Social Justice lobby, today issued the following statement about the new immigration bill:

We are pleased that the highly anticipated immigration bill has been finally introduced in Congress, and we want to publicly thank the Senate's bipartisan "Gang of Eight," who are responsible (Sens. Charles Schumer, Lindsey Graham, John McCain, Jeff Flake, Dick Durbin, Marco Rubio, Bob Menendez and Michael Bennet.) It is extremely gratifying that they were able to come together to make this happen, especially at a time of such partisan rancor. We are grateful that they were able to remain focused on the task of addressing justice for our eleven million brothers and sisters who presently live in the shadows.

Family unity and diversity remain two key issues for NETWORK, and we intend to review the bill's wording about these issues carefully. We look forward to working with Congress to ensure that the final version includes a reasonable roadmap to citizenship, reunification of families, and the added value of diversity in our nation.

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NETWORK—a Catholic leader in the global movement for justice and peace—educates, organizes and lobbies for economic and social transformation. Founded in 1971 by 47 Catholic sisters, NETWORK is supported by thousands of groups and individuals committed to working for social and economic justice. For more information, see www.networklobby.org.



**STATEMENT OF
Christine Owens, Executive Director
National Employment Law Project
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Washington, DC—The National Employment Law Project welcomes the Senate’s introduction of bipartisan legislation to reform our nation’s immigration laws. In the coming days, NELP will analyze the details of this complex and far-reaching proposal and its impact on workers’ rights and low-wage labor markets.

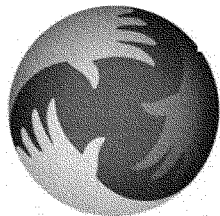
The centerpiece of the Senate bill is a pathway to citizenship for most of the 11 million undocumented immigrants currently living in the United States. A pathway to citizenship that enables undocumented immigrants to live and work out of the shadows will enable millions of workers and their families to overcome one of the greatest barriers to their own economic security and prosperity. First-class citizenship will allow these workers to contribute fully to their communities and to our nation’s economic recovery.

Worker protections in the bill must be as strong as possible. Essential worker protections include whistleblower safeguards that protect workers who challenge labor abuses from retaliation, and equal workplace rights and remedies for all workers, regardless of immigration status. Future immigrant workers must have the right to change jobs and employers, and the right to apply for a green card. Such protections will help ensure that our country’s immigration policy supports a robust recovery built on living-wage jobs.

NELP has concerns with other aspects of the Senate proposal, including the mandatory electronic employment verification system, which may encourage employers to further push workers into abusive “off the books” work in the future. We also question the impact of point-based “merit” visa system on low-wage immigrant workers and their families, and will examine closely the new W visa program. Moreover, employment and income requirements for undocumented workers must not provide unrealistic and insurmountable barriers to legal status.

While these and other concerns pose serious questions, the Senate immigration bill is an important and necessary first step to reaching a just and humane immigration policy. Together with our allies, NELP will work to ensure that the final plan protects workers, strengthens our economy, and helps our nation reach its fullest potential.

The National Employment Law Project is a non-partisan, not-for-profit organization that conducts research, education and advocacy on issues affecting low-wage and unemployed workers. For more about NELP, visit www.nelp.org.



OFFICE OF
 IMMIGRATION ISSUES
 PRESBYTERIAN CHURCH (U.S.A.)

Addressing immigration reform

A STATEMENT FROM GRADYE PARSONS, STATED CLERK OF THE
 GENERAL ASSEMBLY
 APRIL 18, 2013

**STATEMENT OF
 OFFICE OF IMMIGRATION ISSUES PRESBYTERIAN CHURCH (U.S.A)
 HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
 SENATE COMMITTEE ON THE JUDICIARY
 UNITED STATES SENATE**

April 18, 2013

While the press conference for the release of the Gang of 8—a bipartisan group of eight Senators who were appointed to craft a proposal for comprehensive immigration reform—to officially introduce their proposed legislation* to the American public has been postponed due to the tragedy in Boston on Monday, an outline of the “Border Security, Economic Opportunity, and Immigration Modernization Act of 2013” has been released.

The Gang of 8 has negotiated and compromised to come to agreement on this proposed legislation. Their cooperation and hard work to fix our broken immigration system is commendable. We applaud their efforts and join them in the call that this is the time for reform. This is the year for justice and a commonsense immigration plan.

The 17-page memo that was released leaves many questions unanswered, and of those provisions that are explained, many are not perfect. However, it is a start toward the modernization of our immigration laws. The General Assembly of the Presbyterian Church (U.S.A.) has set forth elements that should be incorporated into a comprehensive and fair reform. Those elements include a pathway to citizenship for the 11 million people now living and working in the U.S. without authorization, eliminating the backlogs in family and employment-based immigration, maintaining family unity as the foundation of our immigration policy, creating a commonsense workable approach to future flow, and maintenance of our nation’s borders in a way that respects due process and human dignity. These are just a few of the elements endorsed by the General Assembly, others can be viewed at our [website](#).

Some of these goals are shared in the Senators’ memo but the status of others is unclear. In the coming weeks the staff of the office of Immigration Issues will work with our interfaith partners to analyze the legislation. Because staff will be sharing details as they come to light, I invite you to monitor our [website](#).

Now we begin the hard work of mobilizing our communities and working to have our voice heard in Congress. Many Presbyterians will be directly impacted by this legislation and it is up to us to ensure that we improve the bill and that amendments that will undermine the bill's success are not added. You can help by educating yourself and your community about the need for reform and the plight of our sisters and brothers who suffer most directly the effects of an unjust immigration system.

Join me in the prayer for a reform that recognizes the contributions of the many aspiring citizens who are Americans in every way but on paper. Then join the work to ensure that our prayer is heard by Congress. Our church and country have been built by new immigrants who have worked in partnership with those already here. We want to continue this legacy so that others may be blessed as we have.

The Need for a Just Immigration System:**Testimony Submitted to U.S. Senate Committee on the Judiciary****Hearing on Comprehensive Immigration Reform Legislation**

Friday April 19th, 2013

Statement of Lorella Praeli, Director of Advocacy and Policy, United We Dream

United We Dream is the largest national network of youth-led immigrant organizations in the country, with 52 affiliates in 25 states. We aim to address the inequities and obstacles faced by immigrant youth and to develop a sustainable, grassroots movement, led by undocumented immigrant youth—Dreamers—and their allies.

United We Dream (UWD) applauds the Senate Judiciary Committee for holding this important hearing to encourage our Senators to move this Act forward and to build support for this important legislation. We believe that our country is on the brink of a historic moment, not only for our community, but for the country as a whole. As immigrant youth, we urge the members of this Committee to seriously consider the urgent need to pass an improved version of this legislation in order to ensure an end to senseless deportations and abuses in the immigration system, the reunification of families, and a broad, inclusive pathway to citizenship for 11 million undocumented Americans who are part of the fabric of our society.

UWD is deeply disappointed by the excessive waste of resources that this bill allocates to the border. The Act allocates up to \$6.5 billion dollars to militarize a border that is already secure. As immigrant youth, we know that these resources are needed to improve our community's ability to thrive, prosper and contribute to the success of this country. We believe that these resources would be better spent on health care and the other benefits that immigrant communities would be cut out of in this legislation, and on the numerous other social programs that make America strong.

UWD strongly opposes any measure that would make accessing RPI or LPR status contingent upon implementing further border security measures. Our families' fates must not be determined by DHS's ability to meet exacting standards, or by a border Commission's findings.

Furthermore, UWD objects to the increased criminalization of immigration that the passage of this Act would lead to. We believe that our parents, who migrated to this country to create a better life for our families, are the original DREAMers. Their sacrifices and contributions to this country should be welcomed, not criminalized, and our communities should not be pushed further into the shadows. Therefore, we strongly object to Section 1104, which provides for

increases in criminal prosecutions of migrants crossing the border in the Tucson region, and to Section 1108, which would provide federal reimbursements for state and local governments' costs associated with the prosecution and pre-trial detention of Federally initiated criminal cases. Furthermore, we strongly object to the increased penalties applicable to those who are removed or who illegally enter or reenter the country included in Sections 3704 through 3706. Migration is a natural response to a range of economic and social forces and should not be criminalized as though it were the sole responsibility of a single individual.

Moreover, UWD is disheartened to see that the Act does not sufficiently protect all families. As an organization that was built by and for many LGBTQ undocumented youth, UWD stands behind the equal treatment of same-sex permanent partners in the immigration system. We are disappointed by the obvious absence of the Uniting American Families Act in this legislation. Furthermore, we strongly oppose the steps taken to prevent siblings and older children of U.S. citizens from reuniting with their families in the future.

However, UWD is very pleased to see that the Border Security, Economic Opportunity and Immigration Modernization Act will provide a fast and inclusive pathway to citizenship for people who entered the country as children. We are pleased to see that the DREAM provision provides an expedited path to citizenship for DREAMers, with a streamlined application process for youth who have received deferred action through the Deferred Action for Childhood Arrivals (DACA) program, and that DREAMers will not be obliged to pay a monetary penalty in addition to the processing fee in order to obtain RPI status or adjust to LPR status. Furthermore, UWD is pleased to see that the Senate's immigration reform bill would repeal 8 U.S.C. §1623, which makes it more difficult for states to offer undocumented youth in-state tuition, and would include a generous hardship exception for DREAMers who do not meet the higher education or military service requirements.

In addition, UWD welcomes the inclusion of a number of much-needed reforms that would make the immigration enforcement system more fair. For example, UWD strongly supports the clarification provided by Section 3502 that the Attorney General may appoint or provide counsel to immigrants in removal proceedings, and requiring the appointment of counsel for unaccompanied children, those with mental disabilities or others who are particularly vulnerable. We are also encouraged to see an expansion of the Legal Orientation Program. Furthermore, UWD also believes that the expansions in judicial discretion that would permit Immigration Judges to terminate proceedings when a person's deportation would be against the public interest or would result in hardship to the person's family is critically necessary to ensuring that the immigration enforcement system is sensitive to family needs and individual circumstances. Finally, we applaud the Senate negotiators for lifting the one-year filing deadline for asylum applicants and permitting those granted withholding of removal to reopen their cases in some cases.

UWD approves of the inclusion of waivers that will allow some family members separated by deportation to reunite with their loved ones, specifically some of those who would qualify for the DREAM Act and the parents of U.S. citizens and lawful permanent residents. However, UWD strongly believes that these waivers should extend to the parents of DREAMers who have been deported. The Act acknowledges that DREAMers are just as American as their peers by establishing for them a shorter and clearer path to citizenship. DREAMers' families, just as the families of their peers, deserve to be together. Furthermore, rather than providing a waiver in order to allow people to apply, deported DREAMers, parents of U.S. citizens and lawful permanent residents, and parents of DREAMers, should all be eligible for the regular application procedures for registered provisional immigrant status.

While UWD was glad to see that DACA recipients may be grandfathered into RPI status, UWD believes that this should not be left to the discretion of the Secretary. Rather, Congress should mandate that DACA recipients automatically be granted RPI status. Such a mandate will increase the efficiency of the adjudication and legalization process, improving the timeliness for all, and will prevent a needless additional bureaucratic step in order to reprove what the Act already acknowledges: that DACA recipients have already made the required showings to be eligible for RPI status.

While UWD is glad to see a pathway to citizenship for all 11 million members of our community, UWD firmly believes that the pathway must be shorter than a decade and must be achievable for all families. Congress should reduce the amount of time that a person must spend in RPI status before adjusting to lawful permanent residence. Furthermore, while not as punitive as some previous versions of comprehensive reform, the work requirements to renew RPI status and to adjust to LPR status will still keep many people from becoming lawful permanent residents. The criminal bars to RPI status will also exclude too many: the bars related to aggravated felonies -- a term which encompasses over 30 different infractions, some as minor as filing a false tax return -- especially must be revised so that they are not an insurmountable bar to citizenship. Congress must provide a waiver for all criminal bars, because these determinations should be made on a case-by-case basis. Additionally, the cost of \$2,000 in penalties per adult person to achieve lawful permanent residence is simply too much for some working families. Congress must reduce these penalties, or at the very least provide a family cap on penalties that must be paid.

The pathway as it is written in the Act will eventually take 11 million people out of the shadows. Unfortunately, it keeps most of those people in a second-class status for a decade, leaving them without the safety nets that protect all other American families. UWD believes that those with RPI status should not be excluded from health care and other crucial federal public benefits that keep many other American working class families afloat.

UWD is also pleased to see the inclusion of portions of the HELP Separated Families Act, including the provisions that prevent state agencies from terminating parental rights solely on the

basis of a parent's involvement in immigration proceedings and that allow other relatives to become the guardians of children separated from their parents by immigration proceedings, regardless of those relatives' immigration status. In fact, the whole of Section 2107 of the Act is an important step in the right direction. However, UWD will continue to push for greater protections for detained parents. In particular, Congress should require DHS and DOJ to consider family unity when making detention and removal decisions. Detained parents should be located near their families and should be allowed regular visits and communication with their loved ones.

UWD applauds the provisions providing for the oversight of detention facilities as an important first step; however, in order to truly protect immigrants in detention, Congress must provide them with a means of vindicating their rights. The Act requires the Secretary to implement standards and to fine those centers that fail to apply them; it must also provide immigrants with a course of action to challenge and seek a remedy for inhumane treatment and substandard conditions.

UWD also praises Section 3717 of the Act as a necessary intervention that will go a long way toward preventing the needless and harmful detention of many immigrants. However, UWD believes that Congress must repeal all forms of mandatory detention and must take further steps to substantially and meaningfully reduce the use of immigration detention overall.

UWD approves of the Act's restoration of judicial and administrative discretion in many instances, but is saddened to see that the Act fails to repeal the punitive and counterproductive 3 and 10 year bars for unlawful presence. These bars, which trap people in the United States and punish many who remain solely to be with their families, are bad policy and should be eliminated.

In short, UWD applauds the members of this Committee for your efforts to move forward with this historic piece of legislation and eagerly awaits the opportunity to work with your offices on much-needed improvements to this bill.

Sincerely,

Lorella Praeli
Director of Advocacy and Policy
United We Dream



Reform Movement Welcomes Introduction of Senate Immigration Bill

Laser: "A path to citizenship for the 11 million undocumented immigrants here today, a renewed commitment to clearing systemic backlogs, a plan for processing future flow of immigrants, and a reasonable approach to enforcement are all cornerstones of the Reform Movement's immigration priorities, and we are pleased to see such policies reflected in today's legislation."

**STATEMENT OF
RELIGIOUS ACTION CENTER
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

Washington, D.C., April 17, 2013 - In response to the introduction of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, Rachel Laser, Deputy Director of the Religious Action Center of Reform Judaism, issued the following statement:

"As an historic supporter of comprehensive immigration policies, the Reform Movement enthusiastically welcomes this momentous step toward the long-overdue passage of reform legislation. We applaud the 'Gang of 8' for their tireless work on this crucial issue, and commend their bipartisanship on a topic that so intimately touches the lives of Americans of all ages, races, nationalities, and political parties.

We are encouraged by many of the key provisions in the Senate bill released this morning. A path to citizenship for the 11 million undocumented immigrants here today, a renewed commitment to clearing systemic backlogs, a plan for processing future flow of immigrants, and a reasonable approach to enforcement are all cornerstones of the Reform Movement's immigration priorities, and we are pleased to see such policies reflected in today's legislation.

We understand the nature of compromise and balance, and as such celebrate this bipartisan bill. At the same time, we know we can do better, and call upon our elected representatives to continue to strengthen this bill and to work to ensure justice for our nation's immigrants. That includes justice for all family members, including brothers, sisters, and spouses, of all genders; justice for those who must wait too long to become citizens; and justice for contributing members of our economy and society who are denied basic rights and benefits.

Jewish tradition teaches, 'in a place where there is no humanity, strive to be human' (Pirkei Avot 2:6). Today's bill is an important start toward restoring humanity in our immigration system and throughout our nation. We welcome this legislation, and look forward to continuing to work with Congress on its development in the weeks and months to come."

THE
Episcopal
CHURCH

**TESTIMONY ON BEHALF OF THE MOST REVEREND KATHARINE JEFFERTS
SCHORI, PRESIDING BISHOP AND PRIMATE OF THE EPISCOPAL CHURCH**

**SENATE JUDICIARY COMMITTEE
“HEARING ON COMPREHENSIVE IMMIGRATION REFORM LEGISLATION”
APRIL 19, 2013**

We affirm that human beings are made in the image of God, created with dignity and intrinsic value. Dignified and productive work is one way in which people give expression to that divine creativity, and people often migrate in search of it. This Church seeks to uphold the rights of people to seek dignified possibility in life – what this nation calls “the inalienable right to life, liberty, and the pursuit of happiness.” That includes the ability to seek work which will support and nurture individuals and their families, and the opportunity to contribute to building a just society – what the Church calls a reflection of the kingdom of God. Immigration reform is a proximate, this-worldly, way of moving toward that vision of a just society.

The Episcopal Church has long advocated for immigration reform, and we are encouraged by many of the changes proposed in the bipartisan Border Security, Economic Opportunity, and Immigration Modernization Act of 2013. We thank Senators Charles Schumer (D-NY), Lindsey Graham (R-SC), John McCain (R-AZ), Jeff Flake (R-AZ), Dick Durbin (D-IL), Marco Rubio (R-FL), Bob Menendez (D-NJ) and Michael Bennet (D-CO) for their tireless work to reach consensus and compromise on this issue.

We are pleased to see a pathway to citizenship for those already living in the United States but caution against a pathway that involves unjust or overly onerous burdens. Unquantifiable expectations for border security are not likely to constitute a fair component of this process.

Family reunification long has been at the heart of our nation’s immigration system, and we are pleased to see that the Senate bill contains significant streamlining and expediting of the reunification process for citizens and green-card holders. We do not support further restrictions on the ability of residents to bring family members to join them. We are gravely disappointed, however, that even as many families will experience the joy of reunification, some families and family members have been excluded from the Senate bill. As the process moves forward, we will strongly urge the inclusion of same-sex partners and spouses in the legislation. Every family deserves to live in unity.

We are delighted at the proposals to expedite the regularizing of the status of children unknowingly brought to this country, and realizing the hopes initially raised in the DREAM Act. The bipartisan bill’s additional protections for vulnerable migrant children, asylum seekers and refugees, and – for the first time under U.S. law – the stateless, also will come as welcome news to Episcopal communities, many of whom work daily to help these populations rebuild their lives peacefully in the United States

THE
Episcopal
CHURCH

Efforts to expand the creativity and productivity of United States society through a variety of guest worker visas that include access to a pathway to citizenship certainly accord with priorities of The Episcopal Church, particularly when they answer the hopes and dreams of those in other parts of the world seeking work. We applaud provisions within the bill to protect foreign workers brought to the U.S. through abuse and trafficking and will continue to advocate that all visas are provided in ways that are not exploitative.

As lawmakers prepare to debate this historic step toward comprehensive immigration reform, Episcopalians stand ready to advocate for policies that build a just and welcoming society for all God's people.

**STATEMENT OF
SISTERS OF MERCY
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

April 18, 2013 – While Sisters of Mercy applaud the bi-partisan effort to resolve the broken immigration system with practical solutions, the newly introduced senate immigration bill includes a pathway to citizenship that is dependent on border enforcement triggers and is troubling in that it could continually delay a pathway altogether. Though supportive of many aspects of the bill, the Sisters of Mercy urge elected officials to recognize and affirm that the U.S. border is more secure than ever. The U.S. government has met or surpassed every single border security benchmark within the proposed 2007 Comprehensive Immigration Reform Act. And the Sisters of Mercy remain strong in their stance that Congress should reevaluate continued militarization of the border.

A 180-year history of ministering to and with immigrants in schools, hospitals, parishes and social service centers provides the Sisters of Mercy with an understanding of just how important yesterday's bill is. Just and humane immigration reform is a Critical Concern of Mercy, based on their commitment to serve those who are poor, sick and uneducated. Their response is based on witnessing first-hand the suffering and hardships faced by immigrants, especially undocumented immigrants.

With a presence throughout Latin America and the Philippines, the Sisters of Mercy are keenly aware of the factors that push women, men and children to leave their countries. "We call on the President and Congress to examine the root causes of immigration, says Sister Anne Curtis of the Mercy Institute Leadership Team (ILT) "particularly policies that contribute to poverty and violence and force families to flee their homes in search of economic and physical security," she explained. "We will continue to support positive aspects of the bipartisan immigration bill, while encouraging a more expedited welcome of our immigrant sisters and brothers and sustaining advocacy against further militarization of the border."

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The Sisters of Mercy – an international community of Roman Catholic women – dedicate their lives to God through vows of poverty, chastity, obedience and service. For more than 180 years,

motivated by the Gospel of Jesus and inspired by the spirit of their founder Catherine McAuley, the Sisters of Mercy have responded to the continually changing needs of the times.

Through prayer and service, the sisters address the causes and effects of violence, racism, degradation of the Earth and injustice to women and immigrants. The sisters sponsor and serve in more than 200 organizations that work with those in need in the U.S., Central and South America, Jamaica, Guam and the Philippines.

**STATEMENT OF
U.S. JESUIT CONFERENCE
HEARING ON: COMPREHENSIVE IMMIGRATION REFORM LEGISLATION
SENATE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

April 19, 2013

**U.S. JESUIT CONFERENCE GREETES BI-PARTISAN IMMIGRATION BILL WITH
OPTIMISM AND CAUTION**

Washington—The U.S. Jesuit Conference welcomes today's introduction of a bi-partisan Senate immigration bill. Immigration reform has been a difficult issue to address, and this bill provides hope that an immigration agreement can be reached that respects the human dignity of our undocumented brothers and sisters.

We are especially pleased to see that members of the bi-partisan group of Senators included a pathway to citizenship for those without legal status and special provisions for DREAMers. We join the U.S. Conference of Catholic Bishops in thanking Senators Schumer, McCain, Durbin, Graham, Menendez, Rubio, Bennet, and Flake for their dedicated leadership and courage in introducing this bill. The Jesuit Conference will work with members of Congress to ensure that a final bill includes proper protections and legal relief for all undocumented immigrants.

The Society of Jesus' work with migrants on both sides of the U.S.-Mexico border provides us with an important perspective on border security provisions within the bill. Therefore, while we are encouraged by many elements of this bill, we want to ensure proper oversight of immigration enforcement authorities, respect for the due process rights of immigrants, and safe and humane deportation regulations. Additionally, any pathway to citizenship must be realistic and reasonable in light of the social and economic realities faced by immigrants.

Fr. Thomas P. Greene, Secretary for Social and International Ministries at the U.S. Jesuit Conference greeted the Senate bill with approval while cautioning that it will take time to study the bill and clarify its enforcement and eligibility provisions: "We are encouraged by the bill and this first step towards comprehensive immigration reform. However, we need time to assess its provisions and ensure that the pathway to citizenship is indeed accessible to the millions of undocumented immigrants living and working in our midst."



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Executive Director
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Written Testimony

By

**Arturo Vargas, Executive Director
National Association of Latino Elected and
Appointed Officials (NALEO) Educational Fund**

Before

The United States Senate Committee on the Judiciary

At a Hearing Entitled

"Hearing on Comprehensive Immigration Reform Legislation"

**Washington, D.C.
April 19, 2013**

www.naleo.org

National Office	Houston	New York	Orlando	Washington, DC
1122 W. Washington Blvd., Third Floor Los Angeles, CA 90015 Tel: (213) 747-7066 Fax: (213) 747-7664	1314 Texas Avenue, Suite 418 Houston, TX 77002 Tel: (713) 228-4400 Fax: (713) 228-0666	110 Wall Street, 16 th Floor New York, NY 10005 Tel: (212) 480-1918 Fax: (212) 480-1697	5950 Lakchart Drive, Suite 109 Orlando, FL 32819 Tel: (321) 795-3757	600 Pennsylvania Ave., SE Suite 250 Washington, DC 20003 Tel: (202) 546-2536 Fax: (202) 546-4121

Chairman Leahy, Ranking Member Grassley, and members of the Committee: thank you for the opportunity to submit this testimony on the importance of comprehensive immigration reform to the Latino community and the nation.

The NALEO Educational Fund is the leading non-profit organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency encompasses the more than 6,000 Latino elected and appointed officials nationwide, and includes Republicans, Democrats, and Independents. We fulfill our mission through programs that promote the civic integration of Latino immigrants into American society, provide technical assistance and skills development to the nation's Latino elected and appointed officials, and broaden knowledge of and commitment to Latino political engagement and impact.

The NALEO Educational Fund applauds the work of Senators Bennet, Durbin, Flake, Graham, McCain, Menendez, Rubio, and Schumer, together known as the Gang of Eight, who took an important step in moving immigration reform forward by introducing bipartisan legislation. Our nation has struggled as a result of our broken system for far too long. It is time that we finally have a solution in place that strengthens American families and brings the 11 million undocumented immigrants living in the country today out of the shadows.

We praise the U.S. Senators for acting and introducing S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, which acknowledges the significant contributions that immigrants and their families make by including a pathway to citizenship. Eight out of ten undocumented immigrants come to this country for opportunity and a better life for themselves and loved ones. This provision will help unite families and provide immigrants with the chance to pursue their piece of the American dream. The road to citizenship outlined in this plan remains a work in progress, but we know immigrants stand ready and willing to do their part to ensure the country continues to thrive for years to come.

We commend the U.S. Senators for recognizing that immigration reform should reduce barriers to naturalization and improve the opportunities for all immigrants to become full participants in our society. The Office of Citizenship and New Americans will facilitate this critical process by providing the support local, state and federal entities need to help immigrants fully integrate into our civic and economic life. Additional measures, including the establishment of a public-private partnership through the U.S. Citizenship Foundation, will ensure immigrants are able to attain the knowledge and language skills necessary to effectively fulfill their responsibilities as community members and workers.

While this bill marks significant progress on this issue, we remain concerned by the length of time immigrants must wait to pursue citizenship, limitations on health care access and substantial changes that would alter our nation's family visa structure. We look forward to examining this legislative proposal in greater detail and working with this Committee and other members of the U.S. Senate to address these concerns and build upon this legislation in the coming weeks. We remain hopeful that together we can achieve meaningful immigration reform that is worthy of the American people and the contributions that immigrants and families play in the future growth and success of the nation.

We thank you for your attention and commitment to this issue and its profound implications for our future economic prospects and national unity.