

Testimony of  
**Charles Cervantes**

February 12, 2004

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Before the  
Subcommittee on Immigration, Border Security and Citizenship  
Senate Judiciary Committee

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Mr. Chairman and members of the Committee,

I thank you for the opportunity to be here today to discuss the U.S. Immigration reform proposed by President George Bush on January 7, 2004. This initiative will offer both legal temporary worker status to undocumented men and women now employed in the U.S., and to those in foreign countries who have been offered employment here. The reform seeks to open up opportunities for foreign workers to come and work as guest workers in the U.S., when no Americans can be found to fill the jobs.

The United States-Mexico Chamber of Commerce (USMCOC) was established in 1973 as a 501 (c) (6) non-profit business association by a group of distinguished Mexican and U.S. businessmen. The coalition of businessmen created a bilateral organization to promote trade, investment and joint ventures on both sides of the border. Our goal has been help businesses bridge differences in legal, regulatory and economic systems, as well as language and culture between these two countries.

We believed immigration has been key in the growth and success achieved by this great nation throughout its history. Individuals from almost every country in the world have come to America and through their efforts in a search for a better future; they have provided with their work the bricks that built the foundation of this country

For decades, we have perceived the need for legislation that can regulate the movement of workers into the United States and legalize millions of undocumented immigrants living already in our territory. Due to the nature of the organization that I represent, it is in our own interest to oversee for both the well-being of the Mexican immigrants who already live and work in this country, and the mechanisms that both Mexico and the U.S. should develop to stop illegal immigration crossing to the U.S. by creating more and better job opportunities for Mexican workers in Mexico.

Today, statistics show Hispanics as the largest group of immigrants living in the U.S. Within this major group, the Mexican community has shown its ability to enhance and strengthen the labor force of the U.S., specially reflected in industries such as construction or agribusiness, where the job demand has not been met by American workers. This situation is also reflected for legal

white-collar Mexican employees that have gained their place in corporate America. Meanwhile, we have perceived how the business community of America has begun to fight on behalf of the 11 million undocumented workers it secretly employs. With the expiration of Section 245(i) of the Immigration and Naturalization Act and the imposition of 3 and 10 year bars to reentry for those who over stay their visas or enter illegally there is no incentive for these millions of workers to attempt to legalize their status.

There is concern among some in the Hispanic community that the proposed immigration reform does not go far enough. They are demanding another round of "legalization" for these undocumented aliens. . We presume that this reform has not been created to undermine immigration control or national security. The reform is intended to provide protection and insure the rights of foreign workers in this country while making certain that American jobs are not lost to Americans able and willing to fill them.

Undocumented workers now in the US would be able to obtain social security benefits and petition for the redress of grievances against predatory US employers. They would also be able to pursue permanent resident status through the current immigration system. This is consistent with professed American values concerning individual rights and liberties.

Instead of waiting for 3, 4, 5 years or more while the labor certification process is pursued, these workers could come and immediately fill the jobs for which they are qualified and for which American workers are unavailable. This is better than nothing but it does not solve the underlying problem of underfunded and understaffed federal and state agencies involved in the immigration process.

The Chamber applauds the efforts of the President to give some type of relief to the millions of undocumented workers already here as well as to US employers who are unable to find able and willing workers in this country and yet who cannot afford to wait years for a qualified alien worker to obtain permanent resident status. Business works at an infinitely faster pace than the cumbersome US immigration apparatus.

To further immigration control, this reform should encourage the use of mechanisms that help the U.S. authorities to control the flow of new immigrant guest workers from guest countries, such as the Mexican "Matrícula Consular" (ID Cards) issued by the Mexican government to have some control on the amount of illegal Mexican aliens in the U.S., while providing them with an ID tool to facilitate their access to certain basic services such as a driver's license or admittance for opening a bank account.

While we are currently most concerned with legal and regulatory developments in the US, immigration shouldn't be perceived as a terrorist issue, since anti-terrorism should be an issue of effective intelligence and pertinent legal and military actions. This reform will provide better control for illegal aliens already in the country, which will lead to facilitation in the search for those who may want to harm the U.S. Thus, we also urge the Mexican government to work closely with the U.S., especially with the Department of Homeland Security to secure our common borders by screening the people entering the US from Mexico. By both countries coordinating efforts, they can develop a more highly sophisticated and technologically advanced Matricula, with the use of biometrics and joint databases.

The Chamber would also like to foster foreign investment in this country through a more aggressive use of the EB-5 Investor "green card" preference category. The EB-5 immigrant investor category grants conditional green cards to immigrants who invest in and manage U.S. companies that benefit the U.S. economy and create or save at least 10 full-time jobs for U.S.

workers. The amount required to invest is normally \$1 million, although that amount is reduced to \$500,000 if the investment is made in a high unemployment area or rural region. Up to 10,000 foreign investors a year can qualify under the EB-5 program. If fully used, that would result in 100,000 new jobs a year, and an infusion of \$5-10 billion annually into our economy. For a variety of reasons, including USCIS bureaucratic intransigence, the EB-5 program has been underutilized. New immigration reform can help us by boosting this program.

For all these reasons, we are convinced that the immigration reform proposed by the White House will help improve the community, the economy and the security of our country.

Furthermore, it will not only benefit the U.S. but also the Mexican labor markets thereby strengthening our respective economies. The reform then will improve the quality of lives of those who have been working illegally in the U.S. and the ones who will be invited to work in the American labor market, at the time that will benefit the amount and quality of workers demanded by U.S. corporations.