

Statement of
The Honorable Orrin Hatch.

United States Senator
Utah
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Before the United States Senate Committee on the Judiciary

Subcommittee on Immigration, Border Security and Citizenship

Hearing on

"Evaluating A Temporary Guest Worker Proposal"

I want to thank Chairman Chambliss of the Immigration, Border Security and Citizenship Subcommittee for holding this important hearing. How we handle the issue of migrant workers and illegal immigration is a very difficult and complex question. Advocates on all sides of this issue are equally passionate about their respective points of view, and legitimate concerns have been raised. It is my hope that during the course of this hearing and subsequent hearings, we can obtain information that will help guide the committee's action on this topic.

Undoubtedly, the level of interest, and concern, over the migrant workers' issue has risen dramatically since President Bush announced his immigration agenda on January 7th of this year. As I understand it, President Bush is asking Congress to develop and pass an immigration package that incorporates the following principles: First, Congress would create a temporary workers' visa that allows migrant workers to fill positions but only when no qualified American is available. Second, although the plan may provide the workers relief from the consequences of their previous illegal presence in the United States, it will not give illegal aliens an advantage over the law abiding immigrants who have waited for their visas in their home countries. Third, in order for the program to function as intended, there must be sufficient enforcement mechanism and resources so that any law we pass can be implemented and any employer who still chooses to hire illegal workers will be severely punished. Finally, although the program only offers a temporary work visa, the President did say that we should look at possibly opening up more opportunities for permanent residence in the United States for qualified applicants.

We should all commend the President for his courage in dealing with this important, but highly sensitive issue. It would have been easy for him to sidestep this topic or completely ignore it this year, but he recognizes that we cannot ignore the presence of eight million or more persons who are living within our borders, nor can we afford to disregard the positive or negative impact these undocumented aliens have on our society.

Notwithstanding my support for the President's new initiative, the President does not legislate immigration laws, Congress does. It is certainly possible for a carefully and responsibly crafted bill to create a win-win situation for both the foreign workers and the American economy. However, we first need to answer several questions before developing or passing a guest worker bill. These questions include: What enforcement mechanisms are needed to make sure that employers will not continue to use illegal workers? How do we strengthen our border protection and streamline our deportation process so that we do not see a rise in illegal immigration? How will we determine which sectors have a legitimate need for foreign workers so that Americans who want to and are qualified to do the same work do not become displaced? Finally, although I am very encouraged by the effort that Director Aguirre and Ombudsman Prakash Khatri have made to reduce the backlog that US Citizenship and Immigration Services inherited from its predecessor, the INS, I am concerned about how the agency will handle a sudden and dramatic increase in the volume of cases it will have to handle.

The President's proposal has received criticism from those on both sides of the issue. Those who believe that we need to get tough on illegal immigration view his proposal as condoning illegal behavior. Conversely, the President's political opponents seized this opportunity to criticize him for not extending enough benefits. If we are to develop a guest worker bill, the bill must reflect our nation's ability to dispense justice and mercy at the same time. I believe that we not only can, but must, balance justice and mercy in our immigration policy, but mercy and compassion be kept within the bounds of sound policy and national security.

As a matter of principle, our immigration policy should be based upon the premise that we welcome those who will contribute positively to our country, and we reject those whose presence will cause us detriment. Those who abused our hospitality by committing crimes, those who do not contribute positively to our society, and those who add to the burden of hardworking American taxpayers, especially if they are without the right to be here in the first place, absolutely must leave. I share the frustration of many with our past inability to enforce our immigration laws. In addition to inadequacies in patrolling the border and expelling illegal aliens, we also have loopholes and inefficiencies in our deportation process so that even those who are caught cannot be expeditiously removed. I intend to have the Judiciary Committee review these issues and take action that will restore integrity and efficiency to our immigration system.

The President said that he is against blanket amnesty. I, too, oppose it. At the same time, we must not let our zeal in expelling illegal aliens get in the way of our common sense and our best national interests. In most circumstances, allowing essential foreign workers to remain on a temporary visa may be sufficient. However, we must not preclude the possibility of ever extending greater compassion to persons in extraordinary circumstances and who possess the qualities we desire in all Americans.

I am confident that we, in whom the American people have placed their trust to enact good laws, are capable of reaching an agreement on what makes the best sense and what best serves our national interest. I look forward to working with my colleagues on this Committee, the Administration, and representatives from the business and labor sectors in fashioning the most sensible and practical immigration legislation.

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