

Statement of

The Honorable Edward Kennedy

United States Senator
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Statement of Edward M. Kennedy
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"Comprehensive Immigration Reform II"
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Congress needs to deal as soon as possible with the problems and challenges of our broken immigration system, and we need to tackle these problems as a whole. Especially in these troubling times, our national security and economic vitality are too important to pass half-way repairs that look and sound tough, but offer no real solutions or protections.

Yet that is exactly what we will end up with if Congress deals with border security and interior enforcement alone, and fails to reform other huge problems in our immigration laws. As Secretary Chao and Secretary Chertoff both correctly state in their testimony, "the effectiveness of border security and interior enforcement is tied to creating legal avenues for workers our economy needs."

We need sensible solutions, not feel-good empty gestures. Effective reforms must address these three issues together. If we're serious about repairing what's broken, we need to combine increased enforcement and increased legality. Better border control and better treatment of immigrants are consistent with each other, and both are necessary for success.

We've tried enforcement alone in the past and it's failed. In the past 10 years, the government has spent more than \$20 billion, tripled the number of border patrol agents, built fences, and adopted other border enforcement laws. Yet, none of our efforts have ever been adequate to halt illegal immigration, for the simple reason that vast numbers of American firms have made a practice of hiring illegal workers to reduce costs and bolster profits. That culture of illegality has become so deeply embedded in our society that to uproot it now would do irreparable damage to our economy.

In fact, as a recent report by Professor Douglas Massey of Princeton finds, our border enforcement strategies have backfired. In 2002, we spent \$1700 to make each arrest, compared to \$300 in 1992. The probability of being caught fell from 20 percent or higher in the mid-1990s to 5 percent in 2002. We're catching fewer people, and it's costing more. Even more perverse, these policies have helped to increase the illegal population. Workers who once came here temporarily and periodically went home are now staying and sending for their families. So those already here are not leaving, and new illegal immigrants keep coming in.

We need to mend our broken system once and for all. We need realistic solutions to the huge problem we face. The American people don't want open borders - but they don't want closed borders either. They want fair and effective immigration laws that can actually be enforced, that protect our security, respect our ideals, and honor our heritage as a nation of immigrants.

A poll of Republican voters released yesterday emphasizes this point. Eighty-four percent of them believe that it is impossible to deport the 11 million illegal workers who care for our children and our elderly, harvest our crops, and build and clean our homes and office buildings. These voters soundly reject the "enforcement-only" approach. Seventy-eight percent support an "enforcement-plus" package combining stricter border security, higher penalties on employers, registration for temporary workers, and a path to eventual citizenship for today's illegal workers.

The only realistic way for us to know who is here and who is coming here is to combine strict enforcement with realistic reforms in admissions. The best way to help all workers is to eliminate the culture of illegality that undermines wages and working conditions for all workers. We can be both a nation of immigrants and a nation of laws.

In February, Senator Craig and I introduced the AgJOBS bill. In May, Senator McCain and I introduced the Secure America Act. Both of these bills are offering practical solutions to the difficult problems we face. We combine tough, targeted enforcement with adequate legal channels and proper screening for workers and family members crossing the border.

Our goals are consistent with the President Bush's proposal - to bring immigrants out of the shadows, shut down the black markets, and restore the rule of law at our borders, in our workplaces, and in our communities.

Our bills offer a genuine alternative -- not an amnesty, not a free pass, not an automatic pardon. We offer sensible plans to encourage unauthorized workers to come forward to receive work permits and earn legal status. They will pay a substantial fine and go through rigorous security and criminal background checks. Those who want permanent legal status must pay all their back taxes, learn English, maintain a strong work record, stay out of trouble, and wait their turn.

A bipartisan effort is essential to achieve comprehensive immigration reform now. I look forward to working with the Administration, this committee, and my other colleagues to enact responsible and long overdue reforms to solve these difficult problems.