

Immigration Reform Q&A

July 21, 2012

Q1. Do you really think it is possible for Congress to agree on legislation significant enough to fix our broken immigration system?

A1. Yes, but it won't be easy. If Congress focuses on securing the border, re-vamping the removal process, protecting American jobs, which includes leveraging the use of foreign workers solely to fill critical shortages, and engaging advanced technology to administer the new system, it is very achievable.

Q2 Is it realistic to make all these enhancements at one time?

A2. Absolutely not. This will require a multi-year plan that will need to be administered and managed very closely, with ongoing progress reported to Congress.

Q3. What parts must be done first?

A3. Before any amnesty or legalization program is implemented, we must substantially weaken, if not eliminate, the incentive that draws most unauthorized migrants to the U.S. and encourages those who enter legally to remain in violation of law; that being unlawful employment. E-Verify, secure identification, employer education, penalties, and other security and compliance-based enhancements must be undertaken first. One has only to look back at the Immigration Reform and Control Act of 1986, to see evidence of what happens when legislation does not effectively reduce the magnet for illegal immigration.

Q4. What good is mandating E-Verify and penalizing employers for hiring unlawful workers if the U.S. Government cannot or will not remove illegal aliens?

A4. If it is difficult to get a job and wander about the U.S. without secure documentation that reflects lawful presence, fewer aliens will come to and/or remain in the U.S. illegally. An immigration system that

is supported by advanced analytics technology will make it extremely difficult to assume a false identity, fraudulently obtain immigration benefits, and enter and depart the U.S. inappropriately and without being detected. A modernized removal process will instill even more integrity by enabling the Government to remove violators more efficiently and effectively. Keep in mind, however, that the proposed enhancements will significantly decrease the size of the unauthorized population (over time) as it will be much more difficult to enter, get a job, maintain an unauthorized presence financially, and obtain immigration and other benefits that require lawful presence. Also in the new immigration system, a foreign national's background and compliance history¹ will play a pivotal role in determining whether he or she will be allowed to enter, remain, and/or return to the U.S. All of these things must happen to fix our current broken immigration system.

Q5. Is it realistic to think that we can eliminate unlawful employment?

A5. Probably not; no more than stopping all licensed drivers from speeding. We must, however, have laws and policies that are enforceable and enforced in an efficient and effective manner. We should also create an employment eligibility verification system that reduces the burden on employers and increases the burden on DHS to render the correct decision regarding a person's employment eligibility.

Q6. Doesn't the Administration's recent decision to grant deferred action (stop arrests and deportations of certain children of illegal aliens) equate to an amnesty program?

A6. It is our position that any program providing forgiveness, pardons, or waivers for violating laws and awarding a benefit of some kind, is a form of amnesty. However, the granting of deferred action to this specific population was done through the exercise of prosecutorial discretion by the Secretary of Homeland Security. This action temporarily defers the initiation and continuation of removal

¹ *Biometric and biographic checks of various DHS and other agency databases assist determining whether an individual poses a threat to national security or public safety, is an impostor, a prior immigration violator, and/or is otherwise inadmissible or ineligible for the benefit being sought.*

proceedings; it does not grant amnesty per se, nor any permanent benefit. It must also be understood that neither the legacy Immigration and Naturalization Service (INS) nor Immigration and Customs Enforcement (ICE) ever targeted the arrest and deportation of foreign born children. The number of foreign born children removed from the U.S. over the years (decades/century) is extremely low, and of those removed, most merely accompanied parents who were rightfully deported. While the timing of the decision to grant deferred action may have had political motives and lacked collaboration with Congress, it is unlikely to have any major impact on national security, public safety, or the economy (labor market). It is a compassionate action that relieves the stress and temporarily suspends the vulnerability to removal on otherwise law abiding and innocent children, and adults who accompanied their undocumented parents to the U.S. when children.

Q7. Does the Government currently have the capability to collect biometrics (fingerprints, photographs, and electronic signatures) of millions of illegal aliens?

A7. Yes, the capability is there and already being engaged. The Government is currently collecting biometrics and performing selective background checks on foreign nationals entering the U.S. legally. Legislation and funding are necessary to require all non-citizens and lawful permanent residents to register with the U.S. Government, have their biometrics collected, background checks performed, and secure identification issued.

Q8. Does the technology exist to automate the entire process, to include job postings, the application and labor certification process, and visa issuance, both temporary and permanent?

A8. Absolutely, but a new, bigger, and more modernized system would need to be developed and implemented. This would also require progressive development and implementation.

Q9. Why is it so difficult for Government agencies to have efficient and effective systems developed? Over the years, we've read how FBI and OPM efforts have failed, and that 'USCIS' ongoing effort is years behind and tens of millions over budget.

A9. That is very good question, one that remains a mystery and illustrates how challenging the application of Immigration Reform will be. With that said, it must be recognized that technology is the critical vehicle for any and all Reform. Without secure, effective, and efficient information technology systems, the U.S. Government will not be able to successfully implement Reform.

Q10. Will a mandatory employment eligibility verification process eliminate unlawful employment?

A10. Not entirely, but a mandatory system will go a long way towards making it difficult for unauthorized migrants to find employment. DHS will need to make a special effort to combat identity fraud to reduce impostors. In addition, we recommend that tamper resistant DHS-issued registration documents with biometrics be issued to all foreign nationals working in the U.S. We want to reduce the burden on employers as to making the decision on whether documents are acceptable or not, but require that all employers submit employment information to DHS for all new hires.

Q11. Is immigration fraud really a serious issue?

A11. Yes. We must take immigration fraud seriously. Ignoring it not only threatens national security and public safety, it discourages compliance, creates a loss of faith in government to protect and serve, and destroys the integrity of our legal immigration system,

Q12. Won't immigration reform be terribly expensive?

A12. Reforming our immigration system will be expensive, but not doing so will ultimately cost us much more. We have given a lot of thought to how costs to taxpayers can be reduced. Employing technology along with border barricades and judicious use of military support resources

should reduce the financial impact along the southern border. Modifications to the current DHS removal system to expedite proceedings and limit formal judicial administrative proceedings (hearings) to certain classes of non-equity cases will greatly reduce the cost per proceeding and removal, and result in an effective removal program. Automated adjudication of low risk applications and petitions where information can be electronically verified will also save a considerable amount of funding. Applicants for benefits under Immigration Reform will also be charged fees that recoup the full cost of the process, including costs associated with detecting and combatting fraud. Penalty fees can also be legislated and deposited in a DHS account to be shared equally by CBP, ICE, and USCIS.

Q13. Why is the Immigration Integrity Group (IIG) lobbying for Immigration Reform?

A13. IIG is not a lobbying or political organization. We are former career immigration officers and executives who remain passionate about fixing the current antiquated system that we administered for most of our adult lives. We know the system is broken and believe that leaving it unattended in a post-911 environment is extremely dangerous to the security and welfare of this Country. We are committing our time and expertise towards this major effort.