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# President Bush Pushes for Increased Enforcement and a Temporary Worker Program

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## Policy Beat In Brief...

### President Bush Renews Commitment to Immigration Reform

President Bush once again addressed the need for comprehensive immigration reform in two speeches in Arizona and Texas, outlining his proposals for increased border and interior enforcement and for a temporary worker program. By emphasizing both enforcement and the need for workers, many observers believe Bush is trying to please both Republicans who want tougher border controls and Republicans who see immigrant labor as necessary for business.

Bush's speeches, on November 28 and 29, reiterated his commitment to addressing the growing concerns about unauthorized migration and the costs it may bring to the country's schools and hospitals, as well as concerns about smugglers and border violence and national security.

Bush emphasized measures his administration has already taken to secure the border and enforce immigration law, including increased funding for border security and interior investigations, new technology at the border, increased physical barriers to entry, the implementation of expedited removal in parts of Texas and New Mexico, and a program of interior repatriations to transport unauthorized Mexican immigrants to their home communities, rather than sending them back across the border.

He reemphasized the need to end the "catch and release" practice whereby non-Mexican unauthorized immigrants are released prior to court proceedings due to a lack of detention space and then frequently abscond into the United States. Bush proposed to increase detention bed space and work with foreign governments in order to eliminate this practice. He described plans for border-wide implementation of expedited removal for non-Mexican immigrants, which allows officials to deport unauthorized entrants in about a third of the time normally required.

Bush also called on Congress to revise U.S. immigration law. He said current law requires the government to release unauthorized entrants if their home countries do not take them back within a given period of time, a practice that sometimes requires the government to set free known murderers or other criminals. He asked

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Congress to enact legislation to address the "cycle of endless litigation" in immigration courts. He said some federal courts have seen a five-fold increase in immigration appeals, partly due to new appeals rights granted to unauthorized entrants.

After outlining proposals for enhanced enforcement, the president reviewed his proposal for a temporary worker program, which he said would relieve pressure on the border. Stating his opposition to amnesty, Bush explained that his proposal would allow workers to come for a set period of time and then require them to return to their home countries.

He said he understands the diversity of opinions on his proposal, but that the country cannot effectively enforce its immigration laws until they create a temporary worker program. Bush was accompanied in Arizona by the state's Senators Jon Kyl (R) and John McCain (R), who have introduced competing immigration reform proposals.

- To read Bush's November 28 speech on immigration reform, [click here](#).
- To view an outline of the president's proposal, [click here](#).

### **Senate Set to Consider Immigration Reform in Early 2006**

Amidst a growing flurry of immigration reform proposals, Senator Chuck Hagel (R-NE) and Senate Judiciary Committee Chairman Arlen Specter (R-PA) recently introduced two new proposals for comprehensive immigration reform.

However, Senate Majority Leader Bill Frist (R-TN) has pledged that the Senate will wait until early 2006 to discuss immigration reform, stating that the chamber would begin with enforcement measures, and only then turn to a guest worker program.

The House is currently poised to consider border security reforms as early as the beginning of December.

Hagel's series of bills calls for strengthened immigration enforcement, an employment verification system, a path for unauthorized immigrants to adjust to lawful residence, and a temporary worker program open to immigrants in the United States and abroad.

Specter drafted a "Chairman's Mark," which combines sections from several immigration bills in the Senate, including Hagel's, as well as earlier bills introduced by Senators John McCain (R-AZ) and Ted Kennedy (D-MA) and by Senators John Cornyn (R-TX) and Jon Kyl (R-AZ). Specter's draft also includes a temporary worker program, but would require that unauthorized immigrants leave the country before applying to participate.

Specter stated in a letter accompanying the draft that he does not support every measure in the mark, but that he intends for the draft to move debate forward. Specter's mark is expected to be the starting point for Senate debate early next year.

*Immigration Enforcement:* Both Hagel and Specter's proposals would strengthen immigration enforcement by increasing the number of Customs and Border Protection (CBP) officers, updating technology at the border, expanding expedited removal to all border patrol sectors along the southern border, increasing detention bed space, and increasing penalties for immigrant smuggling, document fraud, misuse of Social Security numbers, gang violence, and drug trafficking at the border. These enforcement measures closely mirror those proposed by Senators Cornyn and Kyl.

*Local and State Authorities:* Specter's bill would also authorize state and local law enforcement authorities to identify, detain, or transfer unauthorized immigrants to federal authorities if the immigrants were under investigation. Hagel's measure calls for reimbursement of state and local governments for costs associated with processing unauthorized immigrants through the criminal justice system, but stops short of granting local law enforcement authority to make arrests for immigration law violations.

**Worksite Verification:** Like the Cornyn-Kyl and Kennedy-McCain proposals, Hagel and Specter's bills would mandate employers to verify, through an electronic system, that potential employees are eligible to work in the United States, and it would double penalties for employers caught with unauthorized employees. Both new proposals would also limit documents a person could use to prove their work eligibility to Social Security cards and government-issued ID cards that are machine-readable and tamper-resistant.

**Unauthorized Immigrants/Temporary Work:** Hagel and Specter's proposals diverge in their treatment of unauthorized immigrants present in the United States. Hagel's temporary worker program is similar to the Kennedy-McCain proposal in allowing unauthorized immigrants to join without returning to their countries of origin. Up to 250,000 workers could participate annually, and they could work in the country for up to two two-year periods. They could apply for permanent status after three years of participation, earlier with employer sponsorship. Another 100,000 could apply for short-term temporary work visas good for up to nine months, under a revision of the existing H-2B visa program.

Hagel would also allow unauthorized immigrants who have been present in the country since 2000 and worked for three years during that time to apply to adjust to legal status if they work for an additional six years and pay a fine of \$2,000. Those who could not meet the requirements of this program would be required to return to their country of residence, though they could remain in the United States and work for an additional three years. Such immigrants would be allowed to apply to reenter through legal channels after returning to their previous country of residence.

Specter's markup more closely resembles the Cornyn-Kyl proposal on this issue, requiring unauthorized immigrants to return home before applying to become temporary workers. Unauthorized immigrants would be required to apply for deferred mandatory departure, which would oblige them to leave the country within five years. After departing, they could return through a new temporary worker program, or through existing temporary and permanent channels. Specter's temporary worker program would allow workers to enter for up to two three-year periods and to adjust to permanent status with employer sponsorship. Drawing on the Kennedy-McCain proposal, Specter's mark sets an initial cap of 400,000 for these visas, and proposes a system of quarterly market-based adjustments to the limit.

On November 17, the House Homeland Security Committee approved a bill sponsored by Committee Chairman Peter King (R-NY) that would increase border patrol staffing by 2,000 a year (as called for under the existing Intelligence Reform and Terrorism Prevention Act of 2004), expand detention bed space, incorporate new technology at the border, and address communication problems between U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

Judiciary Committee Chairman James Sensenbrenner (R-WI) has said he will introduce immigration legislation soon, and House Majority Whip Roy Blunt (R-MO) has indicated the full chamber would vote on both bills the first week in December.

### **DHS Inspector General Calls for Merger of ICE and CBP**

A report by the Department of Homeland Security (DHS) Inspector General has concluded that Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) should be merged to form a consolidated border security agency with a single chain of command.

The report found that CBP and ICE are not successfully coordinating intelligence-gathering efforts on unauthorized or potentially dangerous immigrants, or on apprehensions, detentions, or removals.

While the Border and Transportation Security Directorate (BTS) has responsibility for overseeing the two agencies and coordinating efforts, the Inspector General's report states that BTS has insufficient funding and staffing to effectively synchronize CBP and ICE's operations.

Investigations leading to the report found that many DHS employees are frustrated about unclear missions and dependency on remote bureaucracies for services and cooperation. They also do not trust DHS leadership.

Before the creation of DHS in 2003, most immigration enforcement and border control responsibilities were united under the Immigration and Naturalization Service (INS), with customs responsibility falling under U.S. Customs Service within the Department of the Treasury.

Now, CBP and ICE have divided immigration enforcement duties, and both agencies rely heavily on each other. For instance, ICE depends on referrals from CBP inspectors, and CBP relies on ICE detention and removal resources to deport aliens apprehended at the border.

The House Homeland Security Subcommittee on Management, Integration, and Oversight held a hearing on the recommended merger on November 15. None of the subcommittee members in attendance voiced opposition to the proposed merger.

DHS Secretary Michael Chertoff announced substantial reorganization of the department in July, at the end of his Second Stage Review, but did not call for an ICE-CBP merger at that time (see the **August 2005 Policy Beat** for details.)

- To read the Inspector General's report, [click here](#).

### **Budget Reconciliation Bills Affect Immigration Caps, Food Stamps for Immigrants**

Both the House and Senate have included provisions affecting U.S. immigration in their versions of the Budget Reconciliation Bill, which is aimed at balancing tax receipts and government spending.

The Senate version of the bill includes measures, introduced by the Judiciary Committee, that would "recapture" 90,000 unused employment-based green cards and impose an additional \$500 visa application fee. It would also recapture 30,000 H-1B visas for temporary high-skilled workers and charge an additional \$500 fee on these recaptured visas.

The Senate bill calls for removing family members from the cap on employment-based immigration visas, which could increase legal immigration by an estimated 150,000 to 240,000 people a year. The full Senate approved the budget reconciliation bill in a 52-47 vote on November 3.

The House version of the bill would not increase legal immigration levels or adjust the H-1B temporary worker program, but it contains provisions affecting immigrants already resident in the United States. The House bill, approved in a 217-215 vote on November 18, would require legal immigrants to live in the United States for seven years, rather than the current five years, before becoming eligible to receive food stamps.

The Congressional Budget Office (CBO) estimates that 70,000 legal immigrants would be cut from the food stamp program. The House bill would affect other government assistance programs such as Medicaid, child care assistance, and enforcement for child support payment enforcement.

The two bills will now move into a House-Senate Conference Committee where differences between them will be worked out.

- To read the Senate Deficit Reduction Omnibus Reconciliation Act of 2005 (S. 1932), [click here](#).
- To read the House Deficit Reduction Act of 2005 (H.R. 4241), [click here](#).

### **U.S. Labor Market Able to Absorb New Workers – CBO Report**

The U.S. Congressional Budget Office (CBO) has found that the effects of immigrant workers on native's wages remain unclear, but generally the U.S. labor market is very flexible in absorbing new workers.

The CBO analyzed Census data to describe some of the characteristics of foreign-born workers, who made up about 14 percent of the U.S. labor force in 2004. The CBO found that foreign-born workers have relatively less education than the native born, particularly those from Mexico and Central America, though there are also large numbers of highly educated immigrants.

Immigrants from Mexico and Central America earn substantially less, on average, than native workers, with men from those regions earning only half as much as native men, and women earning about three-fifths the amount earned by native women.

The report noted that geographically based studies have found that the evidence is inconclusive on the effects new immigrant workers have on labor markets, except that immigrants from earlier waves do seem to experience reduced wages as a result of competition from newer immigrants.

Other studies with a national focus have found that immigrant workers slightly depress the wages of native workers, especially native workers who have not completed high school, but the CBO report argues these effects are likely short term, lasting only until the labor market has time to adjust to new entrants.

Overall, the report concludes that effects are difficult to estimate, but that earnings of native workers whose education and skills most closely match those of new immigrants may be adversely affected by immigrant workers. However, longer-term effects are even more difficult to quantify since even low-skilled workers may be motivated by falling wages to increase their skill levels.

CBO Director Douglas Holtz-Eakin testified before the House Committee on Education and the Workforce on November 16 to explain his office's findings. The Committee is preparing to report to Congress on the possible labor effects of pending immigration legislation.

- To read the CBO report, "The Role of Immigrants in the U.S. Labor Market," [click here](#).

#### Policy Beat in Brief:

**2006 Refugee Numbers.** President Bush authorized the admission of 70,000 refugees to the United States in fiscal year (FY) 2006, maintaining the same ceiling set for FY 2005. Bush authorized the admission of 20,000 refugees from Africa, 15,000 from East Asia, 15,000 from Europe and Central Asia, 5,000 from Latin America and the Caribbean, and 5,000 from the Near East or South Asia; the remaining 10,000 are unallocated. The actual number of refugees admitted in 2005 was 53,813 because of budget constraints.

**DREAM Act.** The Development, Relief, and Education for Alien Minors (DREAM) Act of 2005, which would provide unauthorized immigrant youth a path to legal status, was reintroduced in the Senate on November 19 by a bipartisan group of senators. The DREAM Act would allow immigrant youth who have been raised in the United States to apply for six years of conditional legal status, which would be made permanent if they attend college or serve in the military. The bill has been introduced in previous sessions of Congress, but has not come to a vote. The main sponsors of the DREAM Act of 2005 are Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN).

**Child Deportations.** A report by the Mexican United Nations Children's Fund (UNICEF) and Mexico's National System for Integral Family Development (DIF) found that unauthorized immigrant children from Mexico are often mixed with adult detainees and exposed to human and contraband trafficking, exploitation, and labor abuses before they are deported from the United States. The number of unaccompanied deported minors increased from 5,457 in 2003 to 10,000 in 2004, according to Mexico's National Migration Institute (INM) and the Inter-institutional Program for Attention to Border Minors. UNICEF praised U.S. and Mexican efforts to

ensure the safety of deported minors, but stated that more emphasis is needed on family reunification. The Unaccompanied Alien Child Protection Act, sponsored by U.S. Senator Dianne Feinstein (D-CA) and Representative Zoe Lofgren (D-CA), would provide assistance for all unaccompanied child immigrants, including those held in detention for deportation proceedings.

***U.S.-Vietnam Immigration Program*** The United States and Vietnam signed an agreement on November 15 to allow Vietnamese citizens to immigrate to the United States if they were eligible for a humanitarian program that ended on September 30, 1994, but were unable or failed to apply. The Orderly Departure Program (ODP) was created for Vietnamese persons who spent at least three years in Vietnam's reeducation camps or who worked for the U.S. government before the end of the Vietnam War. Nearly 500,000 Vietnamese refugees and immigrants have resettled in the United States under the program.

- To view the Presidential Memorandum to the Secretary of State on FY 2006 Refugee Admissions Numbers, [click here](#).
- To read the text of the DREAM Act (S. 2075), [click here](#).
- To read the UNICEF/DIF report (in Spanish) on unauthorized immigrant children, [click here](#).
- To read the text of the Unaccompanied Alien Child Protection Act (H.R. 1172 or S. 119), [click here](#).
- To read the State Department announcement on the United States-Vietnam agreement on the humanitarian resettlement program, [click here](#).

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