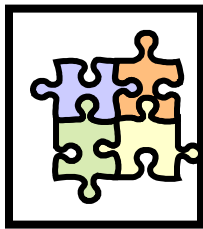




# Transforming U.S. Immigration Policy

*Changing the Conversation,  
Focusing On Solutions*



**GOAL: Realistic, Practical and  
Results-Driven Legal Immigration**

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Presented by

Tucson Hispanic Chamber of Commerce

823 W. Speedway Blvd.

Tucson, Arizona 85719

(520) 620-0005

[www.TucsonHispanicChamber.org](http://www.TucsonHispanicChamber.org)

## TUCSON HISPANIC CHAMBER OF COMMERCE 2007 POSITION PAPER ON IMMIGRATION REFORM

### Introduction

The United States was founded by the “people” on the principles of ownership, the rule of law, humanitarian rights and democratic ideals. Bringing diverse people together, solving problems and building consensus has helped catapult the U.S. into the world leader that it is today. Since the 1800’s, the U.S. has been addressing the topic of immigration, which has defined our national identity. While the U.S. and state lawmakers work to transform immigration policy, Americans and the world watches with much anticipation to see whether this world leader will solve the dilemma once again, and unite a divided public.

Over the past year, our lawmakers have been mired in political posturing, locked in the fear and emotions of post-9/11, and influenced by the frustration over the estimated 11.5 to 12 million<sup>1</sup> unauthorized migrants currently in our country. Various hearings and community discussions have been focused primarily on the negative effects of “illegal immigration,” which is a symptom of a failed policy and which fails to reflect the current reality and net benefit of immigrants. Globalization, lack of economic investment in Latin America, out-dated policies and lack of enforcement of existing policies based on the rule of law created a “bottle neck” effect and an overflow of migrants coming to the United States.

Out of frustration, states and local municipalities are passing discriminatory and unconstitutional laws that not only threaten non-profit organizations, churches and small businesses, but also will create unnecessary and costly litigation. Many hard-working people, be they unauthorized migrants, Hispanic citizens, or business owners who simply seek better opportunities and lives for their families, are feeling the burden of such hostility and discrimination. Furthermore, there are ominous signs that additional regulation and penalties may force employers and municipalities to become “federal immigration officers.”

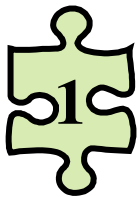
It is critical to Arizona residents and businesses that immigration be recognized as an issue of national concern, rather than one affecting only the U.S. Border States. The federal government must ensure that the revenue and expenses related to the implementation of any immigration reform programs be distributed equally among the nation’s residents and businesses with special consideration to U.S-Mexico Border States.

The Tucson Hispanic Chamber of Commerce (THCC) urges all political leaders across the country to shift their focus to legal immigration, thereby changing the conversation and agreeing on a common goal and piecing together effective solutions. The THCC looks forward to working with state and federal lawmakers to create and implement a progressive, comprehensive immigration policy that strengthens our economy, secures our country and maintains our American values of humanitarian rights and democratic ideals. **A comprehensive policy must be realistic, practical and results-driven, and must address these four key components:** 1) enhanced border and national security,

2) new guest worker program and increased visa quotas, 3) streamlined citizenship and access to education, and 4) multinational economic development partnerships. Each of these key areas interacts with and is influenced by one another, creating a dynamic economic development and national security framework that fosters and promotes prosperity. We must have the resolve and determination to be the world leader that we claim to be. An effective immigration policy is a dynamic policy that must be analyzed and updated periodically to reflect the current realities within our country, while also anticipating and considering local and global trends in order to be proactive instead of reactive. ***We call on President Bush, Federal Congressional Representatives and Arizona lawmakers to come together in pursuit of a unified goal, which is to pass an immigration policy that is realistic, practical and emblematic of the net benefit that immigrants contribute to the United States.***

## **Strengthened Border and National Security**

### ***Strengthening our national security while adhering to humanitarian principles***



THCC seeks a resolution of immigration issues through federal, state, and local avenues that ensure the safety and dignity of all residents and promote the economic success of the region and the country, while reflecting American values and remaining grounded in the reality of globalization and labor needs.

Over 14,639,073 million people and 3,805,292 million trucks<sup>2</sup> cross the borders every year and we must better monitor this traffic to ensure that long-term entry is restricted only to legitimate businesses and people seeking fair and honest work in the United States. While we are a free and open society, we recognize the need to protect U.S. residents from those who wish to harm our way of life. It is important to keep in mind that none of the terrorists responsible for 9/11 were immigrants from Mexico or Latin America. There is no doubt that 9/11 and the government response slowed down legal immigration. For example, in 2003 the number of people granted legal permanent resident visas (green cards) fell by 34%. Even though an estimated 54% of undocumented immigrants come from Mexico it is important to note that 46% come from Europe, Asia, India, China, Australia and other Latin American countries.<sup>3</sup>

THCC supports efforts to strengthen border security, including the best available innovative technology with a mixed use of barriers and patrolling to make our borders smarter in order to expedite the flow of commerce across the Canadian and Mexican borders and identify people and goods coming into the United States. THCC opposes the construction of a new fence along the Mexican border as the only solution to an immigration policy that requires a comprehensive and innovative solution. We recommend that the border security priorities of federal H.R. 4437 be integrated with S2612, S1033 and H.R. 2330 in order to reach a common goal and compromise bill to achieve comprehensive immigration reform.

THCC opposes efforts by a number of citizen vigilante groups that patrol the Mexican border and other areas where large numbers of immigrants may congregate in an effort to intimidate and threaten workers. It is the role and responsibility of federal law enforcement to enforce our nation's immigration laws, not citizens who lack the requisite expertise in law enforcement, legal rights, deportation proceedings and humanitarian standards. Recent violence and murders of Mexican nationals has created cause for concern that such groups have begun to go too far. THCC urges the appropriate federal personnel and entities to protect our borders and track foreign visitors in our country in order to best ensure that the laws of our country regarding foreign travel are being met.

THCC believes that national security does not have to come at the expense of trade facilitation. To the contrary, safety, security and trade-flow efficiency can be mutually enforcing concepts if the appropriate measures are considered and implemented. Accordingly, THCC also supports innovative proposals to promote efficient and effective cross-border trade while simultaneously increasing border security, such as the CyberPort project sponsored by the Arizona Department of Transportation and conducted by The University of Arizona Office of Economic Development. Another example is the agreement between the U.S. and Canada named the Smart Border Accord and a plan generated by the agreement called NEXUS to effectively manage biometric information intelligently, letting low-risk travelers and cargo move across the northern border quickly and with minimum intervention.<sup>4</sup>

### **Net Benefit: Did You Know?**

#### **Myth: Most immigrants cross the border illegally –**

Reality: Around 75% of today's immigrants have legal permanent (immigrant) visas; of the 25% that are undocumented, 40% overstayed temporary (non-immigrant) visas.

Source: Department of Homeland Security

**Weak U.S. border enforcement has led to high undocumented immigration** - From 1986 to 1998, the Border Patrol's budget increased six-fold and the number of agents stationed on our southwest border doubled to 8,500. The Border Patrol also toughened its enforcement strategy, heavily fortifying typical urban entry points and pushing migrants into dangerous desert areas, in hopes of deterring crossings. Instead, the undocumented immigrant population doubled in that timeframe, to 8 million- despite the legalization of nearly 3 million immigrants after the enactment of the Immigration Reform and Control Act in 1986. Insufficient legal avenues for immigrants to enter the U.S., compared with the number of jobs in need of workers, have significantly contributed to this current conundrum.

Source: Immigration and Naturalization website:  
<http://www.ncjrs.org>

**The war on terrorism cannot be won simply through immigration restrictions** -No security expert since September 11th, 2001 has said that restrictive immigration measures would have prevented the terrorist attacks- instead the key is effective use of good intelligence. Most of the 9/11 hijackers were here on legal visas. Since 9/11, the myriad measures targeting immigrants in the name of national security have netted zero terrorism prosecutions. In fact, several of these measures could have the opposite effect and actually make us less safe, as targeted communities of immigrants are afraid to come forward with information.

Source: Associated Press/Dow Jones Newswires, "US Senate Subcommittee Hears Immigration Testimony", Oct. 17, 2001

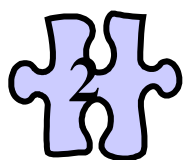
Furthermore, in order for Arizona to implement the Real ID law signed into law in 2005, the federal government needs to extend states' time to comply, provide the standards and money for implementation so that driver's license costs do not become a cost barrier for people and a burden to the states. Biometrics security issues need to be

addressed in order to reduce identity theft and enable the use of driver's licenses as tamperproof national IDs.

THCC opposes any proposals that would require Arizona to bear an unequal share of the costs and expenses of immigration reform due to its proximity to the U.S.-Mexico border. The effect would be a disproportionate burden upon Arizonans and anyone seeking to do business in Arizona. The federal government should be responsible for the costs of immigration, border security, and their ancillary costs, including associated enforcement, health care, education, criminal justice, environmental, and other costs. Neither Arizona residents nor entities conducting business in Arizona should bear a disproportionate share of the costs and expenses related to immigration and border security.

## **Guest Worker Program & Visa Quotas**

### ***Strengthening our economy and advancing our nation's small businesses***



THCC urges lawmakers to consider how globalization and an aging U.S. workforce are impacting the country and promoting migration. It is imperative that lawmakers engage the business community in dialogue about the nature of labor needs in order to promote sound policy making. Since discussions to date have focused upon low-skilled workers, our country has neglected to understand the needs of high-skilled labor sectors such as engineers, researchers and management personnel.

#### **Net Benefit: Did You Know?**

**Immigrants come to work and reunite with family members** - Immigrant labor force participation is consistently higher than native-born, and immigrant workers make up a larger share of the U.S. labor force (12.4%) than they do the U.S. population (11.5%). Moreover, the ratio between immigrant use of public benefits and the amount of taxes they pay is consistently favorable to the U.S. In one estimate, immigrants earn about \$240 billion year, pay about \$90 billion a year in taxes, and use about \$5 billion in public benefits. In another cut of the data, immigrant tax payments total \$20 to \$30 billion more than the amount of government services they use.

Source: "Questioning Immigration Policy - Can We Afford to Open Our Arms?", Friends Committee on National Legislation Document #G-606-DOM. January 25, 1996

Increasing visa quotas to match labor needs is critical in order to meet the demand in bio and high tech industries. An H-1B visa is a U.S. work permit that allows foreigners to work in "specialty occupations" for U.S. employers. This means that employment in the United States cannot be for any type of work. The work performed must involve a high level of skill such as in a professional occupation. Most applicants under the H-1B category are highly educated, holding at least a university degree.

Current H-1B quotas are at 65,000, plus 20,000 for foreign workers with masters or doctorate degrees from U.S. universities, for a total of 85,000. This quota must be increased to 200,000, based on the clear desires of private sector businesses and the fact that we are in a tight labor market. H-1B holders should be allowed to extend their six-year limits and under legitimate circumstances be allowed mobility to change jobs, as opposed to waiting for approval. Until the U.S. does more to improve its educational system there will be a continued need for H-1B programs.

Similarly, the H-2B visa quotas (currently at 66,000) are too low and must be increased to 200,000 with adjustable cap based on private sector input. H-2B visas are work permits available to skilled and unskilled applicants who are coming to the United States for temporary employment that is nonagricultural. The most burdensome aspect of qualifying for an H-2B visa is the “Labor Certification” requirement (to qualify for an H-2B visa, a business must satisfy the U.S. government that there are no qualified Americans willing or able to hold the position offered by the U.S. employer). Only after filing applications with the Department of Labor (DOL) and INS, advertising the position to American workers, and failing to find a qualified U.S. worker, may an employer use the services of an H-2B visa worker. THCC urges lawmakers to streamline the visa and application process so that any industry can hire the foreign workers it needs once it is clear that U.S. citizens cannot fill the relevant positions. Businesses want and need these reforms, which are critical to the future of a healthy economy.

THCC supports a fair, feasible, and effective guest worker program that strategically links our immigration policies to our region’s and national economic and labor needs. Last year, Senators John McCain of Arizona and Edward Kennedy of Massachusetts introduced S. 1033, the “Secure America and Orderly Immigration Act,” with the House companion legislation, H.R. 2330, introduced by Congressman Jim Kolbe of Arizona and Congressman Luis Gutierrez of Illinois. This bipartisan package of immigration reforms would create a legal guest worker program for needed workers to gain citizenship and to become productive members of the U.S. society.

While similar to the President’s plan in matching willing immigrant workers with willing employers, the original language of the McCain-Kennedy-Kolbe-Gutierrez legislation differs with the President’s proposal by allowing, after six years of legal work, law-abiding immigrants who pay a monetary charge and undergo a background check to be eligible for permanent residency and eventual citizenship. Such an approach would help enable unauthorized migrants to emerge from obscurity into legal status and earn an opportunity toward citizenship where they can continue to contribute to the prosperity of the country, freeing up border agents to focus their energy on terrorists, drug smugglers and other criminals.

THCC does not condone immigrants entering the U.S. illegally; however, THCC opposes any mandates (including certain mandates imposed by Illegal Immigration Reform and Responsibility Act of 1996) that require guest workers to return to home countries before they may become eligible to apply for legal status as permanent residents or citizens. THCC supports the continuation of the current seasonal agricultural worker program, and also the expansion (in numbers and in size) of ports of entry, in order to expedite ingress and egress between Mexico and Arizona.

THCC believes that the primary burden of enforcing our nation’s immigration laws should lie with the federal government, not with businesses, and that any verification program must be fully funded, well staffed, wisely implemented, and universally available. THCC does not condone employers hiring undocumented workers and believes such employers must be punished and held accountable under current federal law; however, any future laws and penalties should be directly related to the effectiveness of verification tools. If reliable verification tools to identify undocumented

workers are not available, employers cannot be fairly punished for violating the law. No new state or federal penalties should be authorized against employers until verification tools are sufficiently advanced to ensure a just and equitable application of any new state or federal enforcement mechanisms.

## **Citizenship and Education**

### ***Ensuring citizenship and higher education opportunities***



Under current Federal immigration law, States are prohibited from determining which students qualify as residents for purposes of providing in-state tuition or other state education benefits. This restriction affects approximately 65,000 high school students<sup>5</sup> who have been in the United States for more than five years and face limited prospects for completing their education or working legally in the United States because of their parent's lack of legal immigration status. These students should not be held responsible for their parents' decision, and should not be barred from eligibility for reduced, in-state tuition rates in their states of residence or financial assistance that is vital for many low-income families.

THCC supports a bipartisan federal policy such as the DREAM Act (S. 2075) that provides a mechanism for long-term resident immigrant students with good moral character to apply for legal residency once they graduate from high school in this country. These students are honor roll, star athletes, talented artist, homecoming queens, and aspiring teachers, lawyers, and U.S. soldiers. This legislation would have a life-changing impact on students who qualify, encouraging them to pursue the highest educational achievement, a goal critical to advancing the U.S. economy especially with an aging "baby boomer" population who will leave a workforce void. This legislation would help to double the rate of Latino college graduates over the next five years and reduce dropout rates for Latino students, which is estimated at 60 percent.

#### **Net Benefit: Did You Know?**

##### **Myth: Immigrants don't want to learn English or become Americans**

**Reality:** Within ten years of arrival, more than 75% of immigrants speak English well; moreover, demand for English classes at the adult level far exceeds supply. More than 33% of immigrants are naturalized citizens; given increased immigration in the 1990s, this figure will rise as more legal permanent residents become eligible for naturalization in the coming years. The number of immigrants naturalizing spiked sharply after two events: enactment of immigration and welfare reform laws in 1996, and the terrorist attacks in 2001.

Source: American Immigration Lawyers Association, "Myths & Facts in the Immigration Debate", 8/14/03

##### **Myth: Today's immigrants are different than those of 100 years ago**

**Reality:** The percentage of the U.S. population that is foreign-born now stands at 11.5%; in the early 20th century it was approximately 15%. Similar to accusations about today's immigrants, those of 100 years ago initially often settled in mono-ethnic neighborhoods, spoke their native languages, and built up newspapers and businesses that catered to their fellow émigrés. They also experienced the same types of discrimination that today's immigrants face, and integrated within American culture at a similar rate. If we view history objectively, we remember that every new wave of immigrants has been met with suspicion and doubt and yet, ultimately, every past wave of immigrants has been vindicated and saluted.

Source: <http://www.census.gov>


THCC rejects the recent, seemingly unconstitutional, referendum passed by Arizona voters, which denies in-state tuition to students of undocumented parents. THCC opposes any legislation that inhibits the ability of long-term immigrant students to participate or compete scholastically based upon their parents' immigration status.

Family reunification has long been the foundation of the nation's immigration policy. Unfortunately, the current immigration system and citizenship process has resulted in severe backlogs in family immigration that have kept families separated, creating unnecessary suffering and great instability. These backlogs, often taking decades, directly result from an outdated visa allocation system, last revised by Congress in 1990, that established inflexible statutory ceilings for family-sponsored immigrant visas. THCC endorses efforts to reunite families and supports the elimination of family backlogs. We propose that it is fair and just for undocumented migrants in the U.S. to be processed for legalization after employee and family visa backlogs are completed. THCC will work to ensure that residents of Mexico and other Latin American countries are not denied the legal opportunity to conduct business and visit family members in Arizona.

Arizona benefits from over 1 billion in annual sales by Mexican shoppers. Expanding and streamlining legal channels for immigrant visas and citizenship as well as enhancing temporary visas for people who are coming to the United States for a limited period of time will reconnect families and continue to promote tourism and trade. It will reduce the "bottle neck" effect and convey legal status to more immigrants, which will strengthen our national security.

## **Multinational Economic Development Partnerships**

### ***Multinational Approach to Immigration, through Positive Economic Incentives***

 THCC believes that any practical and comprehensive immigration reform policy should not be acted on without it being tied to the larger factor of trade and economic development between, and within, the U.S., Mexico, and other Latin American countries. Any comprehensive immigration reform plan must consider the root causes prompting the migration of workers from their country of origin. Immigration proposals that rely solely upon border security and legal processes, while overlooking the economic factors at play, are not likely to succeed evidenced by historical data.

#### **Net Benefit: Did You Know?**

**Myth: Immigrants send all their money back to their home countries**

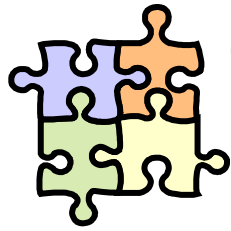
**Reality:** In addition to the consumer spending of immigrant households, immigrants and their businesses contribute \$162 billion in tax revenue to U.S. federal, state, and local governments. While it is true that immigrants remit billions of dollars a year to their home countries, this is one of the most targeted and effective forms of direct foreign investment.

Source: <http://www.cato.org/research/articles/griswold-020218.html>

THCC believes that a productive and enduring immigration reform policy should include the promotion of economic development in Mexico and other Latin American countries. Economic development within these countries, many of whom are strong trade partners of the U.S., can only benefit Arizonans and companies doing business in Arizona and

other states. Besides creating more robust environments for foreign student exchange programs, trade and business investment, economic development in our neighboring countries would create incentives to prompt workers to remain in their home countries, rather than migrating to the U.S. Similarly, financial incentives should be implemented in order to encourage temporary visa holders to return to their home countries after completing work or visiting in the U.S. Workers in the U.S. send an estimated \$45 billion back to their families in Latin America and the Caribbean each year, one of the largest private economic initiatives in the world.<sup>6</sup>

Immigration reform without economic development partnerships with Mexico and other countries of origin will not stop “illegal immigration” based on our past history. There is no better time than now to move forward with a real partnership with Mexico as its newly elected President Felipe Calderón vows to secure the southern border, to crack down on migrants coming from Central America, and to focus on creating jobs and strengthening infrastructure so more Mexicans choose to stay in their home country or return from the U.S. after the expiration of their temporary visas. The U.S. must take full advantage of this opportunity to partner with Mexico and support one of our largest trade partners.



**The time for passage of realistic, practical and results-driven immigration reform is now!**  
**NOTES**

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<sup>1</sup> Pew Research Center, America's Immigration Quandary: No Consensus on Immigration Problem or Proposed Fixes, Released: March 30, 2006

<sup>2</sup> U.S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, Border Crossing/Entry Data; based on data from U.S. Department of Homeland Security, Customs and Border Protection, OMR database.

<sup>3</sup> Steven A. Camarota, "[5 Million Illegal Immigrants: An Analysis of New INS Numbers](#)," *Immigration Review #28* (Center for Immigration Studies, Spring 1997)

<sup>4</sup> U.S. Customs Today: <http://www.cbp.gov/xp/CustomsToday/2002/October/nexus.xml>

<sup>5</sup> DREAM Act reintroduced in Senate, JOSH BERNSTEIN, National Immigration Law Center director of federal policy, November 21, 2005

<sup>6</sup> Remarks by President George W. Bush on Western Hemisphere Policy at the United States Hispanic Chamber of Commerce Legislative Conference, Ronald Reagan Building and International Trade Center, Washington D.C., March 5, 2007