

Denver Council on Foreign Relations

Homeland Security and Immigration Policy Workshops

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A series of citizen workshops on homeland security and immigration policy were held in Denver beginning in October 2005 and continuing into spring and summer of 2006. Sponsoring organizations included the Denver Council on Foreign Relations (DCFR) and the University of Denver's Institute on Globalization and Security (IGLOS). All discussions were on a not-for-attribution basis; edited rapporteur commentary and notes below merely report what was said, not who said what. A summation of major points of consensus was presented to the DCFR in April 2006 by one of the senior participants:

- We must be proactive not reactive, and must address these immigration issues with a long-term, not a short-term vision.
- We do have to be somewhat exclusionary and make some hard choices—we simply can't let everyone into the country.
- We must as a society knowingly decide how much liberty, if any, we are willing to sacrifice in the name of security.
- We must establish a more robust judicial process (and the process for immigration itself must be streamlined).
- We do concur that an agreed point system that provides some degree of amnesty to those who register is warranted.
- We must refine and be careful about whom we pursue in immigration enforcement and homeland security matters.
- We are a nation of laws - we have to decide what laws we wish to enact and follow what's on the books.
- Interagency coordination problems, if not completely resolved, need to be reduced as close to zero as possible.
- Intelligence needs to be better – its collection, analysis and dissemination.

- A wall between Mexico and the United States is useless! It does not address underlying causes and thus does not solve the problem. People can find ways around (if not over) the partitions we build.
- Although immigration policy is important and thus needs to be integrated within our overall national security strategy, it is only a part of the homeland security challenge.
- Perhaps most importantly, we need to revive civics education—these immigration issues are not merely to be left to government; the people need to know and understand what is at stake, exercising their responsibilities as American citizens.

Summary Report

Nicholas Thomas, Senior Rapporteur

One of the primary issues discussed on immigration policy and homeland security was that of illegality. The participants felt it was very important to make a clear distinction between legal and illegal immigrants. Poor media coverage often exacerbates the misperception that all immigrants are illegal even though this is clearly not the case. Considering that it is hard to keep track of people entering the country illegally and therefore without documentation, firm figures are hard to find. Nevertheless, it was estimated that between 300,000 and one million people enter the United States illegally each year. This compares with an estimated 720,000 slots available for legal immigrants annually.

When such a distinction has been made, care should be taken not to lump all illegal immigrants together under one single term, given that there are varying degrees of illegality. Some participants involved with these legal matters pointed out, for example, that there are some working positions in the US where there is no documentation process in terms of visa requirements. Would people taking such positions correctly be described as “illegals”?

Penalties for overstaying visa entitlements, though a legal offense, were seen as largely disproportionate to the actual crime. Connected to this, a further point raised was that of how routinely to describe illegal immigrants. Should they simply be called illegal immigrants or can they be described as undocumented workers? Semantics matter!

While it is difficult to say which societal issue is not connected with the immigration issue, one of the primary areas of interest in these

workshops was security. Among other issues, social welfare, education, and religion were obviously entwined with immigration, but security stood out as the main focus. The fact that at least several thousand people enter the country illegally each year is a potential security issue. One participant noted in this regard that as far back as the late 1970s former CIA director William Colby was urging people to pay attention to the fact that changing demographics in the country constituted the main security threat to the U.S.

Concern was expressed in these discussions that conflating immigration and homeland security was not necessarily a helpful approach. Such conflation has also been happening in right-of-center academic circles where some identify a “Latino threat” and warn that the American southwest may yet become another Quebec with calls for secession. Even those more in the political mainstream do not want to be seen as being soft on immigration issues. In terms of electoral politics, the incentive is to be seen as tough on the immigration issue—a further obstacle to dealing effectively with the issues at stake.

In fact, Republicans are deeply divided between those with a strong business, generally pro-immigration interest and those with a “nativist” or nationalist position strongly opposed to permissive policies that have tolerated illegal immigration. For their part, Democrats are also divided between those with human rights concerns and those, particularly in organized labor, who are more prone to stem the tide of illegal immigrants who are forced to accept substandard working conditions and tend also to drive down wage levels at the expense of American workers.

It might be more helpful, therefore, to distinguish properly between those illegal immigrants who may pose a criminal threat from those posing a potential homeland-security threat. Indeed, knowing who is in which category is essential both for law-enforcement and homeland-security purposes. Many participants pointed out that potential terrorists historically have not been illegal immigrants. Most immigrants, including those who are illegal, offer no such threat and, more often than not, add a lot to society in terms of working and paying taxes on their earnings. They are also consumers and add revenue in this way. It was estimated by workshop participants that immigrants—legal and illegal—now total approximately 10% of the entire US workforce.

It was important, therefore, not to adopt a “Fortress America” approach. Indeed, evidence was presented that further problems have sometimes arisen in areas where border security has actually been increased, the correlation sometimes being that increased numbers of border guards have led to greater numbers of immigrant deaths. In a similar vein, tougher

re-entry penalties arguably provide greater incentive to escape the system. Workshop members noted that immigration law, already among the toughest in the world, has become even stricter since 9/11.

One way to target potential threats more effectively would be to improve coordination among law-enforcement agencies. Information sharing should be improved such as better coordination in accessing databases. There could also be room for improved international coordination. Should some of the current laws be examined because they contain flaws? Even if the law is not a problem, is enforcement applied equally?

Law enforcement officers should also be made more aware of legality issues when dealing with immigrants. For example, it would be important to stress to such officers that it is unlawful to view people's documents without legitimate cause for doing so. All immigrants should be treated equally, regardless of their origin and status. Perhaps a special independent court system solely designed to process immigrant registration could be designed. The emphasis, however, should be put on identifying illegal immigrants correctly, differentiating between those engaged (or likely to engage) in criminal activity and those few, if any, who pose a homeland-security threat.

Another key issue discussed was the need to address both "pull" and "push" factors surrounding immigration. "Push" factors refer to the reasons why immigrants are leaving their home countries in the first place while "pull" factors refer to the reasons why immigrants choose the U.S. as their point of destination. Workshop participants argued that Mexicans are more motivated by the "pull" factor of economic advancement offered by businesses in the United States. Although this pull factor has been an important factor in earlier waves of immigration, the "push" factor was more prominent historically in that many came to the United States to escape conflict in their home countries.

CONCLUDING OBSERVATIONS

1. Approaches to immigration policy and homeland security should be divided between short-term remedies and steps taken toward longer-term resolution of the problem. In the short-term, border control needs to be improved. This would include better screening at airports; people without the requisite documents should be deported without delay. Because they are harder to screen, there is a more obvious problem with immigrants entering over land borders.. Erecting walls that partition Mexico and the United States is problematic. A longer-term approach would include a guest worker program, particularly for

- skilled jobs. On the other hand, an exclusive program would also be problematic; the US cannot only accept skilled workers. In any event, expanded quotas for immigrants can help reduce resort to illegal entry.
2. Participants discussed the need for *comparative analysis* by looking at the experience other countries have had with immigration. The immigration issue is certainly not unique to the U.S. and it might therefore be helpful to examine what has happened in other societies. We should examine the European experience in general—countries like Germany, France, and Ireland in particular. In France, immigrants can become citizens, although many of them remain excluded socially from mainstream French society. Of course, this integration problem is not unique to France. Some legal immigrants, for example, have not necessarily assimilated perfectly into mainstream US society even though they are generally well settled in American life. For example, there are also many Chinatowns in U.S. cities that function well, but many residents are not necessarily well integrated with the larger society outside of their ethnic communities. Finally, comparative analysis not only broadens American understandings of the immigration problem, but also can lead to developing useful cooperative links with immigration law-enforcement officials abroad.
 3. To address the “push” factor described above, it might be helpful for the US to encourage the Mexican government to address more extensively the reasons why Mexicans would want to leave their country in the first place. To date there is little evidence that the Mexican government has pursued policies to address this matter. Workshop participants discussed the related situation in Ireland which, with help from the European Union, had become one of the fastest-growing economies in Europe, improving the social situation domestically as well. On the other hand, it could be that stakeholders in the Mexican government, as well as stakeholders in US business, are happy with the status quo. Does the US also provide some kind of safety valve for Mexico, allowing citizens’ frustrations to work themselves out by giving an economic outlet for immigrants? That said, by allowing such immigration is the US actually hurting the Mexican economy because of the subsequent loss of manpower and a potential “brain drain?” Should there be a kind of Marshall plan for Mexico? Can education be improved in Mexico to help reduce the flow of immigrants? Is greater economic integration with Mexico part of the solution?

4. The legal and social avenues open to immigrants should also be improved generally. It is a very long process at present to apply for US citizenship, sometimes taking up to 25 years. Current enforcement processes have the unintended effect of driving illegal immigrants into the shadows. With greater access to a legitimate avenue for entry, immigrant populations are more likely to comply with the law. In the current situation, illegal immigration helps foster the lucrative business of people smuggling that occurs across borders between not only the U.S. and Mexico but also the U.S. and Canada, not to mention aboard ships entering U.S. ports from around the world. If the legal process were more open and registration as aliens renewable more readily, such illegal-entry practices likely would be curbed. Although there are civil-liberty concerns that would have to be taken into account, using national identity cards is one approach to (1) differentiating immigrants from citizens, (2) facilitating the registration process, and (3) reducing the use of fake social security cards. There would be legal consequences for not possessing such a card and although it may not be possible to offer citizenship, an immigrant's status would at least be legalized more quickly. Improved registration also would improve prospects for both law enforcement and homeland security.
5. There should also be other incentives to emigrate to the United States legally. For example, if there were better access to education from registering legally, this could help dissuade immigrants from going down the illegal route. Of course, if immigrants refuse to get their children educated in the U.S., they should be sent back to their home countries. Immigrants should be encouraged to learn English, not least to prevent the widespread, if untrue, notion that current immigrants refuse to learn the language. On a related note, US citizens should realize how hard it can be to learn and how long it can take to master English as a second language, particularly by older members of immigrant populations. Some participants noted that because most US citizens do not speak a second language themselves, they may not be very understanding about how difficult it is to learn and speak a new language effectively.
6. As immigration is a two-way street – it involves the reaction of non-immigrants to the issue as well as the immigrants themselves, the interest of US citizens should be taken into account. Efforts should be taken therefore to establish a consensus among U.S. citizens. How much are such citizens willing to pay for social services for such

immigrants? How much law enforcement can they afford to include in state-and-local budgets? What amount of freedom are they willing to give up to ensure greater security? If the answers can be found to these questions, maybe a consensus can be established and further solutions can be found. Currently, the prevailing approach to immigration is largely schizophrenic. On the one hand, there is an acceptance of immigration at times of high demand for cheap labor while, on the other, there is a pervasive dislike of immigrants even though it should be stressed that views on this vary across the country. Meanwhile, certain myths, lies, and propaganda prevail such as the idea that immigrants are “taking our jobs,” that they don’t want to learn English, or that they can be a drain on social services. In fact, many illegal immigrants do not use traditional social services for cultural reasons – they prefer to rely on their own family networks for support. Also, many immigrants would not use such services for fear of revealing their illegal status. This is also the case when immigrants fail to cooperate with law enforcement officers for fear of revealing their status, which clearly does not help with the fight against crime.

APPENDIX

Immigration Policy Workshop Reports & Notes

We provide in this appendix rapporteur reports and notes on the immigration policy and homeland security workshops.

A. Dana Morris, Rapporteur

In his presentation on “Immigration: Myths, Lies and Propaganda,” Dana Morris develops an outline that summarizes from his perspective many of the issues discussed in panel workshops on immigration policy and homeland security:

1. Background to Immigration in the United States: Framing the Debate

- Schizophrenic view of immigration
- On one hand, there is an acceptance of immigration especially in the upturn of the economic business cycle
- On the other hand, there is a pervasive dislike of immigrants

- But immigration issues and concern are nothing new
- Immigration is a global problem
- There is a general resistance to change- this can be both positive and negative
- The immigration issue raises questions of who are we?

2. Myths, Lies and Propaganda

Many myths and lies—for example:

- “The immigrants are taking away our jobs!”
- “They don’t want to learn English!”
- “Protect our communities from illegals!”
- “They’re using *our* social services!”
- “They are line jumpers. Why don’t they just go through the legal process?”

3. Economics of Immigration

- labor shortage domestically (especially low-wage labor)
- economic underdevelopment in the home country of immigrants
- Search for jobs and better pay in the US

4. Causes of Immigration: human dignity, opportunities and economics

- war
- poverty
- social reasons for people to leave foreign countries: opportunities (for example, jobs for women pay better in USA)
- Family relations
- Famine
- Employment
- Refugees

5. Social Services: Immigrants as Contributors or a Drain on the System?

- misperceptions exist on both sides

- impact on the health services
- educational issues – what cost to educate immigrants? How do you integrate immigrants through the educational system?
- many immigrants don't access traditional avenues for social services; provision of these services from personal savings or community and family support networks

6. Immigrants as Contributors or a Drain on the System?

- contribution of the immigrant population in the form of taxes and social security
- they're actually paying for our pensions
- many don't pay income taxes (especially those in the cash-based society)
- Are they taking more than they give?
- Remittances: taxing that money to pay for their services; taxing can have adverse effects

7. Illegal Immigrants: Who are they?

- Are they criminals?
- Illegal Immigrants are those entering outside the formal legal process
- Illegal Immigrants are of different types
- This group includes people who come as visitors and violate their visa status, those who enter through a porous border, etc.
- Scams focused at immigrants; these immigrants are also the targets of predators and other criminals

8. Illegal Immigration: What do we do about the population already here?

- There are limits to becoming legal immigrants
- what do we do with the children of the immigrants?

9. The Immigration-Security Nexus

- New forms of Transnational Crime linked to Smuggling of Illegal Immigrants

- Development of sweatshops and the exploitation of immigrants
- Immigration issue not exclusively a Mexico issue since there are several other avenues for entering the US illegally

10. Law and Enforcement

- Problems associated with scapegoating and racial profiling
- How much safety is required and at what cost?
- The development of the underground: it is becoming harder to document who is actually here
- Loss of partners in crime fighting: illegal immigrants less incorporated in crime fighting and intelligence gathering
- Who should enforce and how far should they be allowed to go?
- As with everyone else, do and should immigrants have rights?

B. Luke Ammerding, Rapporteur

Luke Ammerding summarizes discussions by one panel on immigration policy and homeland security:

Panelists asked, what are the push-pull factors for immigrants and the U.S.? Motivators are both economic and political. Most Mexican immigrants served by nonprofits in Denver migrated for economic reasons. In the 1980s, many immigrants fled to America to escape the Contras.

Panelists asked, what is the context in which we discuss immigration? The security context is now commonly understood, but this has not always been so. When William Colby, former Director of the CIA, was interviewed in 1977-78, he said the chief U.S. internal security concern was the changing demographics – not the East-West conflict.

One panelist argued that there is a major ethnic or racial element to this issue. In 1986, a man named Richard Savage shot and killed a man he thought was Hispanic for reasons of race or ethnicity. That incident received scant media coverage compared to a killing by a Mexican in the same time period. This disparity is a concern.

Another panelist voiced the importance of maintaining America's image as a land of opportunity. The U.S. economy needs immigrant workers to fill the need for low-cost labor. We do not want to make America's borders inaccessible. There are a number of

issues pertinent to this discussion including: labor, drug trafficking, free trade, and security.

The illegality of immigrants is also a key issue. Employers go to great lengths to hire legal immigrants. In terms of business, there is a global demand for foreign labor with specific skill sets.

Most legal immigrants in business come to the U.S. through resident family members rather than through an employer as it is very difficult to enter through the latter. Immigration law is highly restrictive toward those who want to enter the U.S. for employment purposes. Only highly skilled workers are being admitted. The number of seasonal, intermittent workers that are allowed entry is not meeting company employment needs.

Quotas for permanent residents:

- Employer sponsored immigrants: 140,000 per year. This number includes highly skilled laborers and unskilled. At present there is only provision for 10,000 unskilled laborers per year. Applications for this last category are backlogged.
- Family sponsored: 480,000 per year.
- Lottery system: 50,000 per year.

There is as a result a large market for forged immigration documents. Employers are not legally allowed to question the validity of documents presented to them. If they prove to be illegal subsequently, there is nothing an employer can do to recoup losses.

The penalties for overstaying a visa are disproportionate: 3-10 year re-entry bars.

We need to:

1. Understand the driving forces—the reasons immigrants come.
2. Assess the national interest—what is good for the U.S.?
3. Address the legal context—do immigration policies fit within the existing legal framework?

One panelist argued that the public debate cannot be motivated by hate groups. A number of prominent scholars are authoring pieces that stir up dissension. Samuel Huntington has identified a “Latino Threat.”. For his part, historian David Kennedy has argued that the southwest U.S. is a potential Quebec – a separatist threat due to the large number of Latinos living in the region. By 2030-2040, Latinos will be the majority of people living in Texas and southwestern states.

Immigration and Security: there is the real prospect of terrorists entering the U.S. through the southern border. For U.S. politicians, this is an issue of extremes and a “lose-lose” issue in some ways. If they don’t take a strong stand in favor of border security, they run the risk of being labeled soft.

Current penalties for illegal immigration:

- McCain-Kennedy Bill: resorts to fines while maintaining three to ten year re-entry bars. There was agreement amongst the workshop participants that there should be some disincentive for illegal immigration, but no agreement on what it should be.
- Fines alone are a possibility since employers and family members have the means to pay them.
- Currently there is a disincentive for illegals to register because of the restrictions.

Recently, increased security in old, high volume crossing areas has forced crossings in more dangerous areas and has resulted in a higher number of deaths.

What are the factors pushing immigrants to leave Mexico? Economics. There was agreement that the Mexican government is doing little to change this. Most growth in Mexico is from foreign investment. A more widespread public education plan may be worth pursuing.

In the Denver area, a large percentage of the labor force is undocumented. Panelists asked whether there is a demand for labor that is not being filled legally? If not, illegals will continue to be employed. Employers need a legal route to fill their labor needs.

A panelist noted that in the past U.S. foreign policy has contributed to the immigration problem by recognizing corrupt Latin leaders that are supportive of U.S. policies.

Immigration, Security and Drug Trafficking: The Department of Homeland Security is currently driving legislation in the area of immigration. Some of 9/11 hijackers were allowed entry into the U.S., despite their being on a watch list. Drug traffickers are viewed as possible facilitators for terrorist entry.

Immigration and Trade: Immigration has a large impact on the economies of border states, such as Arizona and New Mexico.

There was consensus among the panelists that no border security system is foolproof and that this whole issue must be approached realistically.

The percentage of foreign students entering the U.S. has decreased significantly. It is in the interest of U.S. security that we remove unnecessary obstacles to their entry because of the positive relationships produced that will continue to be beneficial for decades to come.

One panelist suggested that in the future the U.S. probably will resort to an internal registration identification or internal control—a monitoring system where all residents would carry a national ID card. Opposition to such an approach would be its adverse impact on civil liberties—even though the intent would be to facilitate immigration control, government would have greater capacity to monitor citizens as well.

One panelist noted their concern that no immigrants were invited to the workshop. The panelist argued that immigrants must be included so that their perspectives are taken into account in this discussion.

Panelists agreed on the importance of comparative analysis; observing how other countries deal with immigration issues. It is important to maintain a global view, rather than a U.S.-centered one.

A panelist noted the importance of recognizing the lens through which we view these issues. Who is our audience? As an example, this panelist mentioned the National Intelligence Council and its role of making long-term projections of intelligence risks to the U.S. The NIC's products reflect their purpose. This panelist asked, what is our lens—our perspective?

B. Kris Bauman, Rapporteur

Kris Bauman summarizes the discussions of two panels on immigration policy and homeland security:

Panel One

The panel identified the need to address both “Push” and “Pull” factors in immigration matters:

- Push: What factors are causing people to want to leave their homes?
- Pull: What factors are causing people to want to come to the U.S.?

For many Mexicans, both factors are economic; however, for many others from El Salvador, Guatemala, Honduras, and Nicaragua, the primary push factors were conflict (especially in the 1980s)

The IRCA of 1986 contains two features: Amnesty & Sanctions; nothing novel has entered the immigration debate since then.

The panel expressed concern about conflating immigration and security. The view was that most of immigration is not a security threat and there is a danger of mislabeling or misrepresenting it.

Another panel member suggested that “Fortress America” is not the correct solution.

A typology of immigration-related issues was suggested:

- Labor
- Drug Trafficking
- Free Trade
- Security

A panel member suggested organizing immigration issues by level:

- The highest level issues (for example) would probably be Economic and Political
- Lower level issues would increase in specificity; e.g., health care of illegal immigrants.

A panel member thought one of the major problems was the “illegality” issue. In other words, many of the problems stem from the fact that “supply” of immigrants far outpaces the number of legal slots that are available each year. Since there is a large demand from the U.S. economy for immigrant labor, the illegality of their status is unnecessary and causes major problems related to accountability, taxation, medical care, education, etc. If the capacity of the legal approach could be increased, many of these issues would be greatly reduced in intensity.

This member noted that there are stiff penalties for illegal entry in the form of 3-year and 10-year reentry bars (depending on the length of time the person was here illegally). These reentry bars exacerbate, rather than solve, the problems by increasing incentives to “hide from the system.”

There has been a recent trend toward *finer* for punishment, but the bars are still in place.

Panel Two: Notes on Issues Raised

What are the immigration implications for homeland security?

- Crossing with intention to harm
- Lack of numbers leads to less screening
- Inability to keep track of immigrants
- Other areas of criminality (drug smuggling, human smuggling)
- Human rights violation include lack of pay in agricultural sector – virtual slavery
- Tougher we get on immigrants the harder it is on international keeping obligations and maintaining good relations
- Harsh approach to immigrants drives them further into the shadows
- Emotional nature of issue makes it impossible to discuss intellectually in certain groups
- It's very difficult to obtain accurate information about numbers and other details; e.g., claim that immigrant labor drives wages down; some studies show this is not true. We need accurate information on which to make decisions.
- Role of media in this issue: very difficult to find good reporting
- Numbers that do exist are out of date
- Changing demographics – non-assimilation of immigrants in larger society
- Assimilation: many choose not to assimilate and segregate themselves; however, there is conflicting evidence on this point – how widespread is this problem?
- Model of assimilation in Israel – all considered citizens and valued as fellow Israelis
- In France, rhetoric is that you're a citizen, but those in families of non-European origin tend not to be treated equally
- Semantics matter; e.g., connotation more negative when we call them “illegal immigrants” than when we refer to them merely as “undocumented workers”
- Deportation issues: immigrant criminals kept in US prisons for years; upon release, they are sent back to their home countries.
- Issue of rule of law: Is breaking the law to enter the United States followed by other criminal behavior?
- Mexican control more of their southern border than they do of their northern border with the United States
- Do harsher measures lead to less return? It used to be more common to go back and forth, now once they enter they tend to stay
- “There are no lines” to get in for some folks in certain categories – unskilled workers.

- There is an immigration system; it's just inadequate in the face of the level of demand
- Many people were let in in the early years because of industrialization's need for workers
- Polish people were not let in during 1980s until martial law was declared; then they were reclassified as refugees and let in.
- 1938 St Louis affair – Jews refused to be let in even when they were being persecuted and killed in Nazi Germany
- 1986 – amnesty law put onus on employers to check documents; created black market in documents
- Mexican view of rule of law vs. American notion – encouraging illegality?
- What distinguishes us from Europe? 3rd world country to south of US (no problems with Canada) Is economic integration with Mexico part of the solution?
- Education the key? “Marshall Plan for Mexico”? Is industrial base in Mexico any better after the money that has been invested there? Doesn't appear so.
- We must complement development with support for education; the two go together.
- US allowing Mexican immigrants is hurting Mexican economy because of manpower and brain drain.
- US provides safety valve for Mexico. If they didn't leave, would there be another Mexican revolution?
- Stakeholders: Government of Mexico and American business sector; issue is whether or not these two sectors are satisfied enough to keep the status quo.
- problem in shifting focus to security threat. Majority (60%) are legal immigrants with visas, not terrorists.

D. Florence Yang, Rapporteur

Florence Yang summarizes the work of two immigration panels:

Related to the “Immigration Policy Workshop” last year, the purpose of this workshop is to discuss how immigration affects national security and try to reach consensus. As we can see, immigration is a topic related to almost every dimension, including society, religion, social welfare, education. It should not be ignored. Our discussion can be divided to two parts: First, we identify what is the immigration “problem” and secondly, we try to find approaches to dealing with this problem in relation to national security.

What is the Immigration Problem?

Before we start to discuss the immigration issue, we must differentiate between legal and illegal immigrants. We need a clear process to identify illegal immigrants. It can be very complicated because in practice it is often difficult to draw this distinction, given difficulty in processing so large a number of immigrants compounded by different organizational understandings or definitions of what is at stake.

1. Legal immigrants

(A) Assimilation into society

One participant observed that some immigrants choose not to assimilate with US society, much as Amish people who are natural-born citizens choose to live as separately from the rest of society as possible. On the other hand, even though the first generation may not be fully integrated within American society, the second and subsequent generations likely will be assimilated. The assimilation problem is not unique to the United States. In France and Israel, for example, immigrants receive citizenship but this legal status does not assure they will be fully integrated within the society they are joining. Assimilation takes time. Constructive efforts by policy makers are essential.

(B) The rights of immigrants

Something is wrong with law enforcement when immigrant rights are violated. Post- 9/11 policy changes have affected immigrants' lives adversely. Although immigrant legal status and civil rights may be less than those enjoyed by citizens, they still have human rights that warrant respect.

2. Illegal Immigrants

(A) Crime

There are some crimes related to immigrants; e.g., illegal border crossings, drug and human smuggling, and falsification and use of fake Social Security cards. Committing such crimes shows little respect for rule of law. At the same time, the kinds of crime associated with immigrants have little if anything to do with homeland security, much less terrorism.

(B) Border issue (how illegal immigrants enter the U.S.)

Many immigrants take long, hard journeys to get into the United States. The problem is daunting. Many who enter illegally from Mexico face arrest and deportation, but soon try to reenter the United States. Mexico's southern border is not as large an issue as its northern one not just because the southern border is shorter in length, but also because the Mexican government treats illegal immigrants differently than the U.S. does. Border issues quickly become human rights issues as in the illegal transport of immigrants freighted in containers.

(C) How to govern or study the problem

It is hard to keep track of illegal immigrants. Thus, it is difficult to get accurate, current information. We need in-depth documentary research and analysis if we are to know more about illegal immigration. Law enforcement has the unintended effect of pushing illegal immigrants into the shadows. It is hard to apply for US citizenship. There are relatively few openings under existing quotas. Even a legal immigrant's family has to wait for six (in some cases as many as 25) years to get the citizenship. Given these practical difficulties, it is not surprising that so many immigrants try to come into the US illegally.

3. Illegal immigrants are not threat

The jails are full of illegal immigrants, but they are not terrorists posing threats to homeland security. The typical illegal immigrant's desire is to become legal and thus have a right to stay and work in the United States. Illegal immigrants and refugees are not the populations from which terrorists are drawn.

Although some immigrants resort to illegal activities, this usually is because they cannot get legal employment, perhaps due to the lack of a valid social security number and the long time the immigration process takes. In exchange for an amnesty granted in 1986, employers must ask for identification to include social security numbers from potential employees. This requirement has resulted in illegal immigrants buying fake Social Security cards in the black market.

Undocumented workers add a lot to society. If they are gone, who will take their jobs? Illegal immigrants now are 10% to 12% of the labor force? Do they receive a fair day's pay for a fair day of work or are they exploited? Beyond their contribution to American economic production, immigrants (legal or illegal) are all consumers who spend a large part of their earnings in the American economy.

Approaches to the Immigration Problem and National Security

Before we develop approaches to the immigration problem and national security, we need to explore the bases for consensus.

How much law or enforcement do we want? What is the will of people, what do they want to do, how far are they willing to go? How many people favor providing for the welfare of illegal immigrants? How much freedom do people want to give up to increase national security? Will people be treated equally regardless race or ethnicity? As a practical matter, some police departments have a record of treating immigrants differently; abuse of illegal labor is not unusual. After we think about these and related

questions, we might find an approach or approaches to the problem acceptable to the public.

1. Who is a Threat?

First, we should figure out who is a security threat? Who are terrorists and who are criminals? The problem is how to find out which is which? Terrorists can be domestic, not just among people from Middle East, much less from Mexico. Identifying terrorists and those engaged in other criminal activities is an important intelligence and police task. To find and differentiate between any terrorists or other criminals among immigrant populations, we need to design appropriate control mechanisms. We need to know who is here, who is coming, and who is leaving so we can go after the “right” people.

2. Who is the Proper Authority?

Second, we need to establish who is the proper authority. Someone needs to be in charge. Identifying the lines that separate the roles and missions of different agencies is problematic. We need to hold these law-enforcement agencies and departments accountable for facilitating coordination and information sharing at all levels. Access to data bases should be readily available.

3. Judiciary dimension

(A) Enforcement

All immigrants should be treated equally under the law, regardless of origin. In a review of the existing legal structure, we need to identify the laws we want and decide how we enforce them? Do the laws need to be changed or do we need to change the way we apply existing law?

(B) Court system

We should have courts specifically designed for processing immigrant registration. This special court system should have final authority and be independent of Immigration and Customs Enforcement officers (known as ICE). An independent judiciary is essential if we are to assure fairness in the treatment of immigration populations.

4. Policy approaches

Short Term: Border Control

Terrorists responsible for the 9/11 attacks should have been denied entry to the United States, but because there was no detailed investigation with coordination among law-enforcement agencies, they were allowed to come into the country with complete freedom of movement. the US. Given this experience, border control whether entry is by air land, or sea is very important. We should strengthen the screening system at airports and deport people who do not have required documents. Screening of immigrants is

necessarily more difficult when they enter by land or sea, particularly since illegal entry is easier in these modes than by air.

Long Term: Control Mechanism for Illegal Immigrants

(A) Visa

We should have a guest worker program, particularly for skilled jobs. In addition, greater visa security is critical. Loopholes exploited by terrorists, black-market operators, and other criminals pose a substantial threat to homeland security.

(B) Exclusionary Policies

Although we should raise quotas for immigrants, exclusionary policies are part of the project as entry cannot be open to everyone. Illegal immigrants should be deported. The problem is whom to exclude and how to exclude them?

Who should be excluded is a very crucial point. There is not effective regulation of what kind of people we want and those we do not want to enter. Should we only accept university-level immigrants? Or will it become that we accept virtually all immigrants, educate them (language and job training) and understand that they are free at will to return to their own countries? Whether and what kind of exclusionary rules we set matter. If instead of liberal entry, we push down the number of immigrants allowed in and many, as in the present situation, likely will enter illegally. We enhance homeland security when we know who enters the country; restrictive policies tend to produce more illegals and thus complicate the security problem.

Proactive policy formulation takes account of implications decades into the future to include national economic needs. We certainly need skilled labor to do even the most technical of tasks. On the other hand, the European experience is instructive. High immigration quotas allow a diverse population to enter, which likely will face negative domestic reactions.

(C) Registration system

If we cannot offer all illegal immigrants citizenship, at least we can legalize their status. By legalizing their status, their rights of employment are protected. They and their children can accept language training and in time become accepted within their communities and integrated within society.

A working registration system is an essential part of the security system. With this system, we can be aware of who is already here and get more information about illegal immigrants. If we allow all the illegal immigrants to register, those who do not register

are more likely to be identified by law-enforcement authorities. As a way of gaining control of the situation, we may decide to register illegal immigrants who are already here, differentiating them from those still seeking entry.

About the mechanism to register illegal immigrants, we should strengthen ICE's authority and responsibility. Moreover, we should provide some benefit to attract illegal immigrants to register. For example, they can gain trust and aid from the community such as English-language and job training and other kinds of education. After a specified trial time period—say ten years—these registered “illegals” would have to re-register. If they are clean (e.g., no criminal or other infractions), they will have earned a right to stay.

(D) National ID cards

Although there are civil liberties concerns with this option—fear of undue government control of the citizenry, another approach is to issue ID cards for both citizens and immigrants. Such ID cards can be issued at registration, replacing current forms of alien documentation. By issuing ID card, we can differentiate between legal and illegal immigration, but this approach also includes (rather than excludes illegal immigrants) from the society. Although their status would be known by immigration authorities, there would not be any derogatory mark on illegal immigrant ID cards. Such a process will allow us to control the numbers and maintain records of illegal immigrants we have identified. Any one without an ID card would face legal consequences. Again, the purpose of the National ID card system would be to facilitate the immigrant registration process and thus enhance homeland security. If a common ID card for both citizens and immigrants were a non-starter for civil liberties or other reasons, such cards could be issued only to immigrants.

5. International dimensions

As a global citizen, if our neighbor countries are drowning in poverty, our lives will be adversely affected. Economic development that produces jobs in immigrant homelands reduces pressures to emigrate. Moreover, liberal immigration policies that open U.S. borders also drain skilled labor from (and thus undermine economic development in) countries like Mexico. That said, neither the U.S. nor Mexico seems to have economic motivation to change status quo.

Some Concluding Observations

1. Border control to control future immigration is important, but we have to deal with realities by legalizing the status of those already here.

2. Approaches to dealing with immigration include establishing a guest worker program, reforming immigration laws, and finding effective ways to integrate immigrants in their local communities and society as a whole.

3. We need to work toward national consensus on these extraordinarily difficult immigration issues—one that provides a foundation law makers can build upon. A consensus in the workshop is that it is in the U.S. interest to let immigrants enter the country in a fair, legal process—providing immigrants and their children with English-language training, civics education, and other training and educational opportunities that facilitate their integration within U.S. society.

