
U.S. COMMISSION ON IMMIGRATION REFORM

**Testimony of Barbara Jordan,
Chair, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
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Mr. Chairman, members of the Subcommittee, let me express my gratitude to you for the opportunity to report to you on the progress of the work of the bipartisan Commission on Immigration Reform.

In our First Interim Report to Congress, U.S. Immigration Policy: Restoring Credibility, presented to Congress September 30, 1994, this Commission undertook to recommend a comprehensive strategy for controlling illegal immigration. The comprehensive approach we outlined has eight parts.

First, we set forth principles. We are a nation of immigrants committed to the rule of law. The Commission believes that legal immigration has strengthened the country and that it continues to do so. We as a Commission denounce the hostility that seems to be developing toward all immigrants.

To make sense about the national interest in immigration, it is necessary to make distinctions between those who obey the law, and those who violate it. Therefore, we disagree, also, with those who label our efforts to control illegal immigration as somehow inherently anti-immigrant. Unlawful immigration is unacceptable.

The second part of our strategy is worksite enforcement. You will hear testimony today about visa overstayers. You will hear that roughly one-half of the nation's illegal alien problem results from visitors who entered legally but who do not leave when their time is up. Let me tell you in three simple words why that is: they get jobs.

We believe that employer sanctions can work, but only with a reliable system for verifying authorization to work. Employers want to obey the law, but they are caught now between a rock and a hard place. The current system is based on documents. An employer must either accept those documents, knowing that they might be forged, and thus live with the vulnerability to employer sanctions for hiring someone presenting false identification. Or, an employer may choose to ask particular workers for more documentation, which is discrimination.

The Commission has recommended a test of what we regard as the most promising option: electronic validation using a computerized registry based on the social security number. This is the only approach to deterring illegal immigration that does not ignore

the half of the problem, the visa overstayer problem you are investigating today. We are pleased with the prompt, bipartisan support that this highly visible recommendation has received, and we look forward to real results from pilot projects before our final report in 1997.

Third in our recommendations for a comprehensive strategy is making eligibility for public benefits consistent with our immigration policy. Decisions about eligibility should support our immigration objectives. Accordingly, the Commission recommended against eligibility for illegal aliens except in most unusual circumstances.

For legal immigrants, we recommended making abuse of the public charge provision grounds for deportation. The affidavit of support that sponsors sign should be a legally-binding contract. Moral obligations work well enough in church, but the law requires a contract.

But the Commission also recommended that legal permanent residents should continue to be eligible for means-tested programs and against any broad, categorical denial of eligibility for public benefits based on alienage for those who obey our laws. It is important to see a lack of citizenship as something more than "the funding mechanism" for welfare reform. It gets to a fundamental issue for defining the national interest in legal immigration-the relationship between the decision to come here as an immigrant and the decision to naturalize to become a citizen.

Citizenship and naturalization should be more central to the process of immigration. There are many barriers to naturalizing in law and practice, and they should be removed. But it is a debasement of the concept of citizenship to make it the route to welfare.

We on the Commission believe strongly that it is in the national interest for immigrants to become citizens for the right reasons, not the wrong ones. We want immigrants to be motivated to naturalize in order to vote, to be fully participating members of our polity-to become Americans. We don't want to motivate lawabiding aliens to naturalize just so that they can get food stamps, health care, job training, or their homes tested for lead.

Fourth, deportation is crucial. Credibility in immigration policy can be summed up in one sentence: those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave. The top priorities for detention and removal, of course, are criminal aliens. But for the system to be credible, people actually have to be deported at the end of the process. The Commission will have additional recommendations on this crucial matter later this year.

Fifth, emergency management. Migration emergencies such as we have seen recently with Haiti and Cuba do recur, and we must be prepared for them. Again, we will have detailed recommendations on migration emergencies.

Sixth, reliable data. The current debate over the economic impact of immigration is marked by shaky statistics, flawed assumptions, and an amazing range of contradictory

conclusions from what ought to be commonly-accepted methods. Rather than attempt to choose sides in this discussion, the Commission has contracted with the National Academy of Sciences to analyze the methods used for evaluating immigration data, to cut through this fog. We will share their interim results with you as we receive them.

Seventh, much as we support enhanced enforcement by this country, we must face the fact that unilateral action on the part of the United States will never be enough to curb illegal immigration. Immigrants come here illegally from source countries where conditions prevail that encourage or even compel them to leave. Attacking the root causes of illegal migration is essential and will require international cooperation.

As a case in point, this Commission is the lead agency for the U.S. government in developing the U.S-Mexico Binational Study to analyze the causes of migration across our border with Mexico. Perhaps we can even come to some agreement, not only on the analysis, but also on the policy prescriptions necessary.

Finally, the Commission recommends better border management. Far more can and should be done to meet the twin goals of border management: deterring illegal crossings while facilitating legal ones. But we have to recognize both goals.

The Commission on Immigration Reform endorsed a border crossing fee in principle as a user fee. It should not go into the general treasury. It should be used to avoid the kind of counterproductive backups which happen all the time in border towns. Many people who are authorized to cross the border legally simply tire of waiting in line and cross illegally to save time. This is a waste of resources for the Border Patrol, which frequently apprehends such people. We applaud the efforts of innovative Border Patrol leaders, such as Silvestre Reyes with Operation Hold the Line in El Paso, and we must do our part, as well.

A border crossing fee, properly applied, would benefit the border towns immensely. It would be a kind of NAFTA fund, used along both borders, to ensure that legal crossings are convenient and secure. It is to fund the future prosperity of border towns like El Paso, Laredo, Nogales, and San Diego that depend so much on crossborder trade.

So that is our eight-point strategy for dealing with illegal immigration in a comprehensive, systematic way. The Commission made all of these recommendations unanimously, by consensus. We are nine Commissioners, Republicans and Democrats, a diverse group. We might have been expected to simply throw up our hands at the difficulty of the task Congress mandated for us. But we put aside rhetoric. We determined that we would look for answers-and not excuses. And our work is not done.

I must leave here shortly, Mr. Chairman, to return to my colleagues just around the corner here, who are engaged in the second day of consultations on legal immigration reform. The Commission is well along in its consideration of the national interest in legal immigration, of the qualities that we seek in immigrants, of the limits. Our first report

represented a hard-won, bipartisan consensus on emotionally-tough, intellectually-complex issues.

We ask that you give us the chance to try to reach such a bipartisan consensus on legal immigration reform. Bipartisanship ought to be more common. There is a time and a place for partisan battles, to be sure. But immigration, like foreign policy, ought to be a place where the national interest comes first, last, and always.

Immigration is far too important to who we are as a nation to become a wedge issue in Presidential politics. We have seen that kind of thing happen before, and it is not productive. I, for one, wish that we would do away with all the hyphenation and just be Americans, together.

I will be glad to answer any questions you may have.



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