

THE BROOKINGS INSTITUTIONS

IMMIGRATION REFORM: PROSPECTS AND POSSIBILITIES

Washington, D.C.

Thursday, April 26, 2007

**Welcome:**

AUDREY SINGER, Moderator, Immigration Fellow, The Brookings Institution

DR. DEMETRIOS PAPADEMETRIOU, President, Migration Policy Institute

**Speakers:**

REP. JEFF FLAKE, U.S. Representative (R-Ariz.)

REP. LUIS V. GUTIERREZ, U.S. Representative (D-Ill.)

ANDERSON COURT REPORTING  
706 Duke Street, Suite 100  
Alexandria, VA 22314  
Phone (703) 519-7180 Fax (703) 519-7190

**Panel:**

DORIS MEISSNER, Senior Fellow, Migration Policy Institute

ELISEO MEDINA, International Executive Vice President  
Service Employees International Union

CECILIA MUNOZ, Senior Vice President, National Council of La Raza

CRAIG SILVERTOOTH, Director of Federal Affairs  
National Roofing Contractors Association

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## PROCEEDINGS

MS. SINGER: Good morning. I'm Audrey Singer, and I'm an Immigration Fellow in the Metropolitan Policy Program at The Brookings Institution. And on behalf of the Brookings Institution and our co-sponsor, The Migration Policy Institute, it's my pleasure today to welcome you to our discussion of Immigration Policy Reform.

We are at a time of great debate about the role of immigrants in our society and economy. Congress and the Bush Administration are in the process of working out the details of how to structure a new immigration system. This is a highly charged debate with no simple solutions. Immigration is not an issue that divides neatly along party or special interest lines.

The current discussion around immigration reform comes at a time when the United States has more foreign-born residents than ever before. The nearly 36 million immigrants in the United States make up 12 percent of the U.S. population. Estimates show that roughly one-third of the immigrant population resides here with legal permanent residency, one-third are naturalized U.S. citizens, and one-third are estimated to be here without legal status.

Other statistics relevant to this discussion include the fact that immigrants are one in seven workers, one in five low-wage workers. They represent half of all new entrants to the U.S. labor force, and one in five children living in the United States has at least one foreign-born parent.

At the end of last month, House Representatives Luis Gutierrez

and Jeff Flake introduced immigration reform legislation called the *Security Through Regularized Immigration and a Vibrant Economy Act*, or the STRIVE Act, which addresses the elements of comprehensive immigration reform. The bill includes provisions for border and interior enforcements, an employment verification system and new worker program, visa reforms, and an earned legalization program.

This morning's discussion will focus on the current House proposal and how to change our immigration system to function better. We are very pleased to have both Representatives Flake and Gutierrez with us this morning. Following our keynote speakers, we have a distinguished panel of national experts who will discuss the various components of what a new law should look like and the implications for change.

Migration is an important national and global public policy issue, and if you haven't had a chance to see some of the recent work by both Brookings and MPI, please stop by the resource tables outside and take a look in the lobby.

Before we turn to our keynote speakers, I'd like to introduce Demetrios Papademetriou, President of the Migration Policy Institute. In addition to leading the Migration Policy Institute, Dr. Papademetriou has held a wide range of senior policy and research positions including Chair of the Migration Committee of the Organization for Economic Cooperation and Development, Director for Immigration Policy and Research at the U.S. Department of Labor, and Chair of the Secretary of Labor's Immigration Policy Task Force, and Executive Editor of *The International Migration Review*. He's the cofounder of

the International Forum for Research and Policy on Migration in Cities, the Metropolis Project.

Dr. Papademetriou is involved in many other projects too numerous to list. Let me just say that Demetrios has a way of being in the middle of many migration issues, simultaneously, managing to persuasively and thoughtfully move decision-makers in the U.S., Mexico, Canada, Europe and beyond, toward better management of their migration systems.

Again, we're very grateful to have collaborated with MPI on this forum, and I'd also like to thank my colleagues at Brookings, who worked together to make this event happen, especially Neil Ruiz and his colleagues in the Brookings Global Economy Development Program.

Please join me in welcoming Demetrios Papademetriou, who will introduce our keynote speakers.

DR. PAPADEMETRIOU: Thanks, Audrey. And I think Audrey just said that I must be very old, and I must not have been smart enough to move on from immigration because — and I'm afraid that our next two speakers, our keynote speakers, unless they manage to pass legislation this year — they might find themselves in the same position a few years from now. So a fair warning to everyone.

Good morning. It's a pleasure to be here. Audrey and I and others worked together a few years ago at the building next door, the Carnegie Endowment for International Peace, and Neil, of course, has worked with us at MPI. So it is a pleasure to see former colleagues and, I guess, ongoing friends

and colleagues, and to be at a place that has a much larger conference room than Immigration Policy Institute's room.

You know, it's springtime and there's always one thing that is certain in Washington which is there's going to be a hay fever season. Now, for the past several springs there's another thing that's pretty much guaranteed: that there's going to be immigration fever, and with regard immigration fever, it's spring, it's April, and there is already a bill. A horse race is about to begin with all sorts of interesting things about negotiations in the other chamber, and lots of hearings in the House. And we are hopeful, all of us who care about the issue, because ultimately this isn't about Republicans and Democrats, this isn't about good guys and bad guys, this isn't about immigrants whether you like them or not; it's about the country, our country, it's about who we are, who we are becoming. It's about whether we are going to simply sit back and have circumstances dictate who we're going to be, or us taking control over the issue and basically saying we're going to manage and shape and influence it and create something actively that will be better for all of us.

And these two gentlemen have devoted far too much time perhaps; not enough yet, apparently, to trying to do exactly that. And we know that the legislation isn't perfect. We know that whatever legislation comes out of this will be terribly imperfect because that's the nature of the beast. It's a highly divisive issue, and even as we sit on the outside and don't hesitate to actually say when things are wrong that things are wrong, realize at some point that this is the nature of the beast: compromise. This isn't the bill that experts perhaps might write, but

it is a bill that is certainly a terrific starting point for a conversation that has a chance to move forward and see itself to completion.

Now, you have the bio sketches, I believe. If you do not, I will introduce both speakers at this time. This way we can save all of this getting up and standing down.

And I'll start with Mr. Flake. He's a fourth term congressman from Arizona. He has been cosponsor of the legislation the last time, and he has been actually one — as you will see, you will find out — remarkably clear voice on these issues. And it is indeed a pleasure to be here and welcome him and introduce him. He has also been a member of the Migration Policy Institute, plus the Manhattan Institute, plus the Wilson Center for International Scholars Task Force on Immigration Reform, who published a report last year on this.

He is not only remarkably thoughtful about these things, but he has been easy to work with. He has terrific staff, and I know that — you know, the staff are the unsung heroes in anything that goes on in Washington — I want to sing in their praise, if you will.

And he's engaged in an odd-couple relationship with Congressman Gutierrez, who has been — well, immigration is full of strange bedfellow stories. I mean, you know, think of Kennedy and Simpson, for example. You know, that was not any less remarkably a strange bedfellow situation than we have this time around.

Mr. Gutierrez has been a congressman for, I guess, his eighth term from Illinois. He has been active on this issue for a long time. He is the Chair of

the Democratic Caucus on Immigration Reform. He's the Chair of the Hispanic Caucus on Immigration Reform, and he is involved in most issues that have real social content, extremely active.

It is a pleasure for me to welcome both congressmen. And they have to leave sharply, a couple of minutes after 9:00, I suspect, so I will introduce and I am going to ask Mr. Flake to first come to the podium. And then as soon as you finish, sir, Mr. Gutierrez will follow you.

Thank you very much.

REPRESENTATIVE FLAKE: Luis and I are wondering who is the odd one.

No, I appreciate the invitation here and I appreciate the good work that's been done by the Migration Policy Institute and the Brookings Institution. No, I used to run the Goldwater Institute in Arizona, and I used to put out fundraising letters saying, you know, you got to give to the Goldwater Institute because of that liberal Brookings Institution out there. So I appreciate what the Brookings Institution has done for me over the years.

And I appreciate being here, too. But anyway, let me just give you a little bit of background before I get into the bill itself.

I grew up in Snowflake, Arizona. I'm a Flake from Snowflake. It's named after my great, great grandfather and somebody named Snow, who actually founded the town about 130 years ago. But I'm a fifth generation Arizonan and I grew up on a ranch and a farm. And I have 10 brothers and sisters, but it wasn't enough labor on the farm. We employed undocumented



workers back prior to 1986 and as I was growing up. And try as I might, I could never get angry about somebody who was coming across the border to provide for their family. It seemed to me to be what I would do if I were a parent, what I would do if I wanted to have more for my kids and for my family.

There was at that time a healthy circular pattern of migration. Workers would come and work. They would go home for birthdays, anniversaries, because they could. The border was not as dangerous or expensive to cross, but there was some interior enforcement. Periodically, they'd be picked up and taken back and come back. But the costs on Arizona weren't nearly as great, either, in terms of health care and education and other issues.

What we have now is a very unhealthy situation. It has become a settled pattern of migration where people come across and don't go home and tend to bring families and stay, and the costs are greater. And it tends to get people in Arizona very upset and angry, and the taxpayers there are really in a bind and in an uproar.

I can tell you, when I introduced this legislation, I made the mistake of calling my district office. I thought I'd play a little joke. I said, "What about this darn immigration reform and that darn Flake guy?" And my staff was not amused at the crank call, and they — and I said, "Well, how many calls have you gotten?" Well, a few hundred over the last couple of days. I said, "How many positive?" They said two. Both of those were my wife calling. But it rouses a lot of emotions, particularly in Arizona.

But I can tell you the vast majority of the citizenry in Arizona

recognizes that you can't solve this simply on the border, that it is simplistic to assume that we can solve this issue simply by building a wall or a fence. You've got to do more. Yes, we need more security at the border, and we've got to start with that, and that's what our legislation does. The first section, the first title is all border enforcement, and we have made moves in that regard.

I was on the border the other day with the President. Undeniably, progress has been made in that regard, but we can't stop there. We've got to go further.

Our legislation also talks about interior enforcement. Doris Meissner and Jim Zigler wrote a great piece in the *New York Times* I commend to you, if you haven't read it, that talks about how really a verifiable worker identification is the linchpin of all of this. Most of us who've studied this issue recognize that nearly half of those who are here didn't sneak across any border, they came legally; about half of those who are here, illegally. They came here on a legal visa and have simply overstayed. And so all the border enforcement that you can do isn't going to solve the problem. You've got to do more, and that really comes down to the workplace. And so you've got to have secure identification. And I'm sure Luis will talk more about this, but that is really the linchpin of this whole effort, and I think it's a big contribution made in our bill because we have very good provisions in that regard.

Next, you've got to have a mechanism to deal with those who are here illegally. Estimates go anywhere from 12 to 20 million who are here in an undocumented framework. You've got to have a mechanism to deal with them

humanely and effectively, and bring them out of the shadows. That cannot be done by simply saying we're going to deport everybody who's here, or we're going to charge a massive fine that can't be paid, an unreasonable fine, or require or assume that people will go home and register in their home country to come back for the same jobs they're already working in.

It was already pointed out that the illegal population here represents about five percent of the U.S. work force. So the notion that we're simply — we could do well by simply reporting everyone who is here working is simply wrong. It's bad economic policy, it's not a humane situation, and it simply can't go on. And so I think that our legislation contributes in that regard by providing a mechanism that is both reasonable and humane and will bring people out of the shadows.

Next, you've got to have a temporary worker program moving forward. Everybody talks about 1986 and talks about the big failing of 1986 was the amnesty that was provided. That, in my view, was a mistake to say if you're here, illegally, you've got a shortcut to a green card. I don't believe we should have done that. Having said that, that was only one mistake that was made in 1986.

The other big mistake was a failure to recognize—or the lack of political courage at that time to recognize—that we needed more workers going forward. It was assumed: Let's take care of everybody who is here illegally right now and we will be fine, and that represents the work force that we need. Well, it didn't, and that law was outdated the day it was signed into law. And so if we

wonder why it wasn't enforced, we need not wonder: It couldn't be enforced, it was unreasonable to enforce because our labor market needed more workers than the law provided for.

So I think that any kind of comprehensive reform has to have the border security, interior enforcement mechanism to deal with those who are here illegally, and a robust guest worker plan or temporary worker plan moving forward. And our legislation does that.

The White House, I have to say, whatever you think of the President in other areas, the President on immigration reform has been consistent and consistently right. He has said from Day One, when he ran the first time until today, that you've got to have comprehensive reform; that family values don't stop at the Rio Grande. I think his rhetoric has been good on it, and he has been right. I wish that our party would have listened more to him. I think as a Republican that we did exactly the wrong thing and drew the wrong conclusions in races that were run last year before the big race in November, and we have paid dearly for that.

There are some in the party who think that we ought to just keep this issue alive, that we'll do well by going into the next election using this issue against the Democrats. I don't think so. I think that when people— when you're in charge of the Congress, you're expected to do something.

I believe that Democrats recognize that perhaps better than we did. And so the Democrats realize that we should push legislation, and I think we should do what's good for America, not try to play the election game every time.

In this sense good policy, I think, makes for good politics, and if we can get a solution to this problem, we will all benefit.

Let me just tell you how great it has been to work with Luis on this. We don't consider it an odd couple. We've been working at this for awhile, and it's been a great relationship. And I can tell you Luis is committed to this and recognizes as well that you get the best legislation, best policy that can pass. And we have all made compromises in this regard and will continue to as we go through the process, but Luis, I think, deserves a lot of recognition and commendation for his work on this over a lot of year and a long time. But again, I appreciate the invitation, and I appreciate the work that's been done by all of you. It has helped immensely to have the think tank community, those outside of government, to provide a rational voice here because it's tough in the political environment. It really is. The well has been poisoned, you know, many times in this regard.

About 70 to 90 percent of all Republican ad budgets last year in the election were spent on immigration ads trying to disparage the other side, and it really poisons the atmosphere. That's why it's even more important for groups like these to actually provide a rational voice from the outside, so those of us in the arena really thank you for that.

Again, thanks for having me here, and I apologize for having to leave. Luis and I are both testifying at a hearing this morning, and I've got one event before that, so thank you so much.

REPRESENTATIVE GUTIERREZ: Well, let me start by

thanking all the talented men and women at the Brookings Institution for putting together this timely and very important event and for the invitation to say a few words this morning about comprehensive immigration reform.

I'd like to say it's good to see you again, Audrey, back from Chicago a few years ago — just a few. And Demetrios, thank you for the very wonderful and very generous introduction.

I'm going to leave my remarks, not that— I submit them for the record anywhere here — I won't do that either. But I think, however, I would just like to say that I'd like to thank Jeff Blake. He might not be here, but I think it's important to understand that because the well is so polluted, because there's been so much division, it's been so much — it's very, very difficult for people to work together on this issue.

But when the attempt for a bipartisan proposal failed in the Senate, I went to Congressman Flake and we worked as a team with McCain and Kennedy. I and Flake, and there is certainly a great degree of comfort when you have someone of the stature of Kennedy and McCain in the Senate, and when we kind of — well, we kind of split up for awhile so that we can get back together at the end. It was difficult, but I went to him and he said, "No, we're going to do this. Let's continue to do this regardless of what happens in the Senate." And so I want to thank him.

I'd like to talk a little bit about the border for just a moment, maybe use the border between Mexico and the United States as a point to describe what we attempt to do in the bill.

According to the U.S. Border Patrol, there are three principal reasons that people cross that border: They cross that border looking for jobs in the United States, economic opportunity. They cross because there is a husband seeking to be reunited with his wife, children seeking to be reunited with their parents, grandparents seeking to be reunited with their nuclear family. So, in other words, family reunification is another key. The third one is that we have a criminal element. We read about it every day. I always thought that among Latinos that Puerto Ricans were the most nationalistic; that is, that we were the ones that rooted and, you know, the loudest and the proudest for boxers, especially when they were boxing Mexican boxers. Or for our baseball, you know, our baseball teams and, you know, and that our flag — you know, everybody knows about the Puerto Rican Day Parade in New York. Nobody could outdo us with the Puerto Rican flags.

But then I came to realize that, yes, Mexicans are probably a little more nationalistic than even we are. And so it gets difficult as you explain this issue because when you talk about crime on the border and the need to secure, you have a knee-jerk response: You're blaming me again. You're blaming my people again.

But the fact and the reality is that if we do not secure the border against those — so 90 percent of those who come from the other side of the border come here to get a job, come here to be reunited with their family — but we have 10 percent of folks that are coming to do harm, that do not have good intentions.

So I'd like to just say that not every foreigner is an immigrant. Immigrants, in my estimation, come here to work hard, to sweat, to toil, to contribute, to better this nation, to better themselves as they better the nation. Some foreigners come here to do harm, and so our border security measures are there to stop those that come here to do harm. And I'd like to respond that those that have come here to work, if you're really going to stop, you need to provide the 400,000 visas — we didn't just pick that number of 400,000 visas, that is what the U.S. Department of Labor says we create in terms of low-wage, low-skill jobs every year in this country. And they also tell us that our work force is becoming better educated, more sophisticated, better trained, and are looking for other kinds of economic opportunities.

So we have only 5,000 visas. That's all our government issues a year for low-skill, low-wage workers, but we have this huge demand which increasingly our work force is not ill-equipped but just too-equipped. It's almost we're too trained, we're too educated. It's like the job where you have too much qualification for that.

So who do we respond to that? We need to create those opportunities in a legal, rational way so the people can come to fill those jobs. That's the way you stop coyotes from exploiting people on the border, giving people a real meaningful way to come here to get those jobs in a legal manner and in a safe and humane manner to come here.

Secondly, we increased — the other reason I suggested was family reunification. Look, there are three and a half — there are approximately three-



and-a half million people in line. That is American citizens and/or permanent residents most of whom will become Americans. We see the rise in those that are petitioning to become American citizens, or will become American citizens. Those are the people that our government said they can petition: their moms, their dads, their brothers, their sisters, their spouses, their children, the three-and-a-half million.

Well, let's end that reason for the illegality, the undocumentedness of these people, by saying we're going to increase the number of family visas for the explicit purpose of family reunification. So there is no reason to come here, you're going to get here anyway, and we've done it in the past and we should do it today. So we stop the second reason.

Now the border patrol can deal with the reason that we all want them to deal with. There won't be a lot of press conferences from people crying about just how it is we're enforcing our border against those who come here to do harm, foreigners that come here to do harm I don't care where they come from.

And as my friend, Jeff Flake, we understand and we approach it in a holistic manner because we know that between 40 to 50 percent of those that are undocumented in this country came here through an airport with a visa, tourist visa. They came here with a student visa. They came here with an H1B visa. They came here with all kind of visas and simply decided that this is the greatest nation in the world with the greatest opportunity for them to thrive, and they stayed.

So I try to describe the border to say what it is we do — to end at

the border — the deaths, the coyotes, the exploitation of workers to come here and at the same time to say why it is that we need to secure that border, because we need to engage the rest of America in this debate. If it were simply Luis Gutierrez drafting the bill, and like-minded people — it would be a very different bill, and I'm not quite sure it would be a better bill or a holistic approach, and it might have its flaws. But working with Congressman Flake and others, I think we're doing that.

Look, we've learned everybody feels pretty secure about a twenty-dollar bill. Are there counterfeit twenty-dollar bills? Yes, there are, obviously. But for the most part people feel when you go to a store and you hand them a \$20, it's a good twenty-dollar bill, and people have learned and everybody has their way of putting it up in the light. I'm not quite sure the — but — and there are different scanning devices.

My point is, shouldn't the Social Security card be as secure as a twenty-dollar bill, given the importance of that Social Security card in terms of knowing and having the reliability of knowing that that person is qualified to work by the government and saying to the rest of America. "We're going to do that?"

So we really need to look at some kind — and our bill proposes a biometric system so that that Social Security — and many people say, well, and I say to the immigrant community — someone asked me as I was going — I went to San Jose this past weekend — someone asked me, *No, pero estas tarjetas, es una nueva identidad nacional – eso es algo terrible* (No, these cards are a new

national identity card – it's a terrible thing.) How do you respond to that kind of a terrible thing?

I say that I want that woman, that man getting caught up in these ugly, ruthless, destructive raids at workplaces to be able to say to an ICE agent, "I have my I.D., and you know this is a good I.D. because you issued this I.D." And it's a secure I.D. I want to give that kind of security to a population that has been under attack for decades here in this country. I want that person to be able to say, "Leave my children alone, leave my family alone. We're legally here in this country, and I have a document that you know I can prove it with."

So it goes both ways from my point of view in terms of its good for America to know which workers are here and who can legally — and we're going to enforce it against.

I'd like to say that remittances, \$60 million — \$60 billion goes to Latin America. In Mexico remittances have become the second pillar of the Mexican economy. Think about that a moment. And who is sending that money? According to studies done, one-third of all the remittances are sent by people who our federal government say live in poverty; that is, a family of four earning less than \$18,000 a year. Think about that. That's an incredible — I want people who live, who our government says are poor, who don't have enough to provide for themselves and their own family, I want that person as my neighbor that then sends billions of dollars to their family members so that they can do well.

And another point, you know, I mean within the context, we send more money — 10 times more money — in remittances from this working

community, this loving community, this immigrant community, than our federal government sends in terms of foreign assistance. So, you know, how is it that we — we must think of that.

Look, we do not have the political will, nor will we commit the requisite resources. Sensenbrenner proved that. They passed Sensenbrenner. Fine. They had their chance. Are there fewer undocumented workers in America? No. They may have to hide more, they may have to suffer more, they may be in a more exploitative condition, but there are not fewer of them.

So if we don't have the political will, and we will not commit the requisite resources even from those who wish to have only the kinds of proposals that Sensenbrenner, which are very punitive and only enforcement only, then I say we have a responsibility as Americans to not reap the fruits of their work as they pick our fruit and pick our vegetables, and pluck our chickens, and clean our room, and in many cases raise our children.

That woman that leaves early in the morning to go and care for and bathe and heal the children, our children of American citizens, should at the end of the day have a guarantee that she can go back and tend to her own children and care for them and not be caught.

So yesterday when we spoke to the President, the Hispanic Congressional Caucus, three of us, Xavier Beccera I and Ed Pastor asked the President, "Stop. Stop. These enforcements that you're doing at workplaces and these deportations and division, if the system is broken," — and the President has said, and we agree with him that it's a broken system — "if you wish them to

come out of the shadows of darkness," as the President has said, "if you wish to give them an avenue, and you know that that's our debate, then we should stop this. Just stop for a moment." And it seems very, very clear to us that as we stop that we're being honest. We're being honest with ourselves, and we're being fair.

So I'd like to say that, can you imagine if we were to actually deport the 12 million people and this \$60 billion were to evaporate what our border would look like? What the chaos would look like in our hemisphere? I like to look at this issue as, as I was growing up we always said, "Who are the Americans? *¿Quienes son los Americanos? Los Americanos son los ciudadanos de los Estados Unidos.*" (Who are the Americans? The Americans are the U.S. citizens.)

No! You know, the Americanos — are everyone that live in the Americas, can you imagine that the English were the only Europeans? Or the Chinese were the only Asians? We're not the only Americans, and we need to understand that we live in a hemisphere, and that much of our future — and, you know, NAFTA, I voted against NAFTA because it said that they were going to be ...the second richest person in the world behind Bill Gates is a Mexican. And he became because of NAFTA and because of deregulation, the second.

How is it that we engage in these kinds of economic — and don't allow for people to prosper and for there to be some kind of distribution of the wealth, and that people — that's why people are crossing the border. They're crossing the border because even as you look at growing wealth — you know, they said in NAFTA there would be winners and losers — well, there have been a

lot of losers and many of those losers have attempted to come across that border as we continue to sell products and goods.

Stakeholders. I'm going to say this: Look at the end.

Congressman Flake and I, we'll have to go to stakeholders. We have to go to labor unions that represent immigrant workers and workers in general in this country. We need to go to our religious community. We need to go to our civil rights organization, and advocacy organization such as National Council of La Raza and LULAC and others in the Polish and Irish — and we have to understand that in the end whatever Congress does, if the stakeholders think it's bad, it's not going to be a success.

And it isn't going to be something that the Congress of the United States— so we can negotiate, but we have to understand the framework in which we negotiate because at the end of the day, as I have suggested to people, and the Spanish Congressional Caucus can play a key and pivotal role. And one of the reasons is our districts are very different. My district is a district that's 75 percent Latino, but almost half of those are foreign born with a huge sensitivity to this issue, an historic sensitivity to this issue.

It's harder for me. It's harder for Ruben Hinojosa. It's harder for Nydia Velasquez in this immigration debate, but at the same time I'm going to continue to go out, because you think the right is extreme on this issue? You should hear from the left on this issue. Anybody would think I was the son of Sensenbrenner as I go out there to explain this proposal. They see the cup always as half full, as half empty.

And I show them, and I said, "Look, there's enough water in here. There's enough for every undocumented worker to gain a pathway to permanent residency and to citizenship and security." That's how much water there is to quench the thirst of those who wish that. There's enough here to reunite every family in six years, to end coyotes and to deaths on our border by providing 400,000 visas year to bring in those new workers as we look.

Look, there's a lot. We include the Dream Act in our proposal. A million agricultural workers can gain their permanent residency not in six years but in three years by working 150 days in three consecutive years. Permanent residency to those in pesticide-ridden fields that are so crucial to our economy and to what we shop for every day at the grocery store.

So I just want to say, lastly, look, this is going to end one way or another. I want to end it now. I have made a commitment to getting this done. It was a lot easier for me and those of my — like me when, you know, we had to beat up Doris Meissner, right? Yow, she's terrible. She's not doing her job. You know, she's being unfair.

I want to thank —I want to thank Doris Meissner. She's been so incredibly valuable in this debate for using what she learned in the federal government to add to this debate. So I want to thank her for that, because I know I gave her a bad time a lot of times.

But I want to end with this: Look, there is the community of people that we represent, the stakeholders that we wish to represent. And we have to say to them it's not going to be perfect. You're not going to have an open

border. We're not going to renegotiate the relationship between the United States and how it is that California and Arizona and New Mexico became part of the United States. We're not going to do that. That's impossible in this debate.

And you laugh? I get those questions when I go. We're not going to be able to sanction those that have been involved in criminal enterprise, in criminal activity. We have always said we want hard-working, we want people of good moral character to be integrated, and we have to stick to that. And there are going to be some immigrant losers which I call "foreigners," who didn't come here, who didn't follow the rules that it's not going to be a perfect situation that everybody — but, we're going to do the damndest job possible.

And I want to say with people like Congressman Flake, we can achieve it because he and others like him in the end are grounded in the value that we're all human beings and that there's a value to being a human being, that there's something sacrosanct about being a human being, regardless of where you come from; that there's something very, very valuable in that and something very important and unquestionably uncompromising in that aspect.

So that's what we're going to do. So I thank you for your debate, for your discussion, for lending your voice because I think we could do it. If not, hey, there's 80 billion — 80 million baby boomers, the youngest 43, the oldest is 61 right now. They're aging. There's 144 million people in our work force today, 80 million of them, I just told you, are between 40 and 60. Wait till 20 years; we're going to be begging people to come here to this country.

Thank you so much.



(Recess)

MS. SINGER: Well, I want to thank everybody for staying with us. And we have heard from the House leaders and on what they think, and we've got a good conversation going. They've got a good conversation going in Congress and communities and among experts like the panel we have here.

I will introduce all of our panelists next at once because you have their full bios, and I won't say much about them. You can read about them. You probably already know a lot about them.

Our first speaker will be Doris Meissner. She's currently a Senior Fellow at the Migration Policy Institute where she directs the U.S. Immigration Policy Program. And, as you heard, she was the INS Commissioner between 1993 and 2000.

She's also the Director of MPI's Independent Task Force on Immigration and America's Future. This is a bipartisan group of experts and elected officials. They released their final report last fall with detailed recommendations for reforms to the U.S. immigration system.

Following Doris, we're going to hear from Cecilia Munoz, who is the Senior Vice President for the Office of Research, Advocacy and Legislation at the National Council of La Raza. Her area of expertise is immigration policy, and she supervises all legislative and advocacy activities conducted by the staff at NCLR on the issues of civil rights, employment, poverty, farm workers, education and housing.

And then we will hear from Eliseo Medina. He's International

Executive Vice President of the Service Employees International Union. SEIU is the nation's largest union of health care workers and the union with the largest membership of immigrant workers. And I think he's been an organizer since Day One, and he has done a tremendous amount to mobilize people in L.A. and all parts beyond in this country.

And last we will hear from Craig Silvertooth to my left here. He's the Director of Federal Affairs for the Chicago-based National Roofing Contractors Association, one of the oldest U.S. trade associations. He also co-Chairs the Essential Worker Immigration Coalition, the coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both skilled and lesser skilled labor.

So I'd like to — I have asked each of the panelists to keep their comments to as close to five minutes as they can, and then we'll have time to go to questions and answers. And I am going to turn now to Doris Meissner.

MS. MEISSNER: Okay, thank you, Audrey. Good morning. I'm beginning — my topic this morning in my five minutes is enforcement. And so let me try to say a few things about enforcement, but let me say first that for those of you that haven't seen it, this is the bill we're talking about. This bill is — both sides of the page are Xeroxed — is more than 600 pages. So we are talking about a very, very big piece of legislation. I have not read it all. I certainly have not fully absorbed it.

But what I can tell you on the enforcement side of the bill is that the bill has seven titles. The seventh title is called *Miscellaneous*, so for all

practical purposes it's six titles. And three of those titles are enforcement titles. So enforcement is very central in this bill. The first three deal with enforcement, and, of course, the very name of the bill was constructed, obviously, to try to create an enforcement focus. It's the security through regularization, et cetera.

And so the effort here is clearly to make enforcement be a central feature of this new discussion in the House that the cosponsors have summarized this morning.

That having been said, most of the provisions are very familiar. Most of the enforcement provisions are things that we've all seen before over the years, and many of them are things that simply put into statute program and activities in the executive branch and in the immigration agencies that have been going on for a very long time: authorization language for additional resources and so forth, a lot of talk about the border patrol, a lot of talk about technology on the border, obviously mandatory employer verification which we have seen before.

So there is not a lot in all of this enforcement language despite the heft, that is all that new, but there are a couple of new features. So let me focus on what I think that probably the two most significant of the new features in the enforcement area are.

The first is one that's already been alluded to by both of the cosponsors and that is the requirement of mandating secure documents and, particularly, mandating that the government develop a secure Social Security card, and it has every possible descriptor of language of what that card ought to look like: biometric, tamper-proof, noncounterfeitable — I mean the whole range

of modifiers in terms of making it absolutely clear that the issue of documents and documentation must be part of the equation.

So that what this really does, I think, is kind of bring us up to date on what the lessons of enforcement have been recently, particularly the lesson of the Swift case last December when it became quite clear that people could be — employers could be compliant and participating in the basis pilot which is, of course, the precursor of mandatory verification that has been talked about in earlier bills. People — employers could be complying and still have a very large number of unauthorized workers in their work force because of the issues of secure documents. So that is addressed in this STRIVE Act, and that is new. That just has not been in earlier bills.

The other thing on the enforcement front that I think is new in this bill is that it does put into the bill triggers. This idea of triggers is one that was talked about in the debate last year, but it hasn't been in the major pieces of legislation. And, by "triggers," what I mean or what they do in the bill is they require the executive branch to certify progress on various key enforcement initiatives as a condition for moving forward with other parts of the bill — in this particular case the movement of large numbers of new workers into the immigration into the country and also legal status.

Now, the triggers are focused on three different things: One of them is the continuing technology infusions of the border that are become part of the what's called the SBI initiative, Secure Border Initiative.

The second trigger has to do with employer — electronic employer

verification and progress toward moving verification through various employer industry tiers.

And the third has to do with the documents in the way that are talked about where the Social Security card is concerned. So those are the — you know, those are kind of the breakthrough points, I think, that are significant.

In terms of policy overall, I think the meaning or the implications of these changes from the bills last year, or the bill last year, are really two things again. First of all, this enforcement constellation of provisions in STRIVE does really acknowledge that both, from the point of view of public opinion and from the point of view of the political dynamics on the Hill, enforcement simply has to be the foundation of any kind of a viable immigration deal.

This really does acknowledge that not only does the public want rules that are fair, it wants rules that it sees are being enforced, but probably more acutely, where immigration reform and immigration reform legislation is concerned, it acknowledges that if there is going to be any possibility of getting to yes, the enforcement demands that were made last year in the enforcement first bill in the House simply have to be acknowledged.

And what this bill does is essentially co-opt them, and I mean it basically says we give you all the enforcement you possibly want; you cannot have a complaint about enforcement. Now let's move on to the other discussion. So that is an important shift, and I think that's very clearly signaled in this bill.

The second thing that is clearly signaled with the enforcement

provisions in this bill is the centrality of employer accountability to any kind of a comprehensive enforcement regime. And it does everything that has ever been discussed about making employer accountability actually be possible. I mean it puts all the tools into the legislation and, therefore, presumably takes these enforcement issues off of the table as the dividing line between the various parties, and says, okay, they're all on the table, they're here in the bill, now let's move on to the critical issues which are workers' legal status for the unauthorized, and that's where the debate ought to be.

Thank you.

MS. SINGER: Thank you, Doris. Cecilia?

MS. MUNOZ: Thanks. This is a perfect segue from the framing of the enforcement question, right? If the enforcement is framed in the STRIVE Act, as (inaudible) held, every part of the conversation that we need to have on enforcement we also need to have the rest of the conversation. I think Exhibit A in the rest of the conversation is this presence of 12 million undocumented immigrants in the United States.

It is the most visible manifestation of the fact that we have a broken immigration system, and I think one of the ways in which the debate has progressed in the last certainly year or two is this notion that we won't have been successful in dealing with immigration reform unless we take — unless we deal with that population.

And there are sort of the two threads to the way this debate is taking place, the way they've taken shape. One is the House of Representatives

last year attempted to frame the debate. This is a debate about, you know, who is going to be tough and who is going to be generous. And so, under that framework, you have enforcement in a kind of enforcement first approach, and then you frame the question of what happens to undocumented immigrants as they, you know, are people asking for generosity? Are they asking for amnesty? Is this about can we be nice to immigrants versus being tough to immigrants?

And I'd suggest that there is a different framework, and I think that's the framework that Congressman Gutierrez and Flake have been advancing, and that is this isn't a debate about being tough versus being generous, this is a debate about what can work. And I think one of the advances that has happened in the debate over — certainly over the last year — certainly, I would say as a result of and in response to the extraordinary mobilizations that were taking place on our streets a year ago, is that I think the public, the broader public which is uncomfortable with our broken immigration system is also increasingly comfortable with the notion that we're not going to fix this problem unless we deal with the 12 million undocumented people, and that the options are either to round people up and deport them, which I think people accept as unrealistic and unlikely, or provide some kind of meaningful way for people to come out of the shadows and ultimately earn their way to citizenship over time. So that's a policy formulation which has been out there for a long time.

I think you heard Congressman Flake draw a very clear distinction between this kind of proposal and the, you know — to use a word that's used entirely too much in this debate — the "amnesty" approach of 1986 where if you

could prove you were in the country before a particular cutoff date and prove a variety of other things, you were eligible to legalize and get on a path to citizenship.

I think they are quite clearly drawing a distinction in saying it makes sense to bring the undocumented out of the shadows. We're not going to be rounding them all up and deporting them, and if that's the case, then what is the pathway? And the pathway that gets defined in the legislation requires people to earn it. It requires a number of years of work; it requires people to demonstrate that they've been paying taxes. And there was a recent report, you know, this being tax season, that record numbers of people are getting the appropriate documentation, the appropriate I.D. number from the IRS so that they can file their taxes, presumably in anticipation of being able to go through a process such as this.

There are requirements having to do with the ability of these immigrants, ultimately, to integrate successfully into American life, and that includes a requirement of being able to pass an English test or demonstrate that they're on their way to learning English.

So this is not an amnesty framework. This is saying you have to earn it, it takes time, you have to pay taxes, and you have to learn English. It's about your ability to work here and make a contribution as associated with your ability to come out of the shadows and earn permanent status and ultimately get on a path to citizenship.

And I think among the big changes we've seen in the debate is that



while there is clear opposition to amnesty style approach, there is also very clear public support. There was one poll released yesterday. *USA Today* released another poll last week. If you go back, consistently when the public is asked about this notion of the undocumented coming out of the shadows and getting on an earned path to citizenship, you get overwhelming support. And I think that that's really a recognition, and I think that again the mobilizations last year really helped the public sort of see a couple of things: 1) that this is a population which is interested in becoming Americans, eager to become Americans — that's what those "We Are Americans" signs are about. This is about ultimately integrating into American life by a population that sees themselves already as part of American life, and that the alternatives are really not likely and not desirable. So you see widespread public acceptance of this narration that I think is reflected in the debate, it's reflected in this bipartisan set of proposals.

There are enormous issues, however, around what the process is going to look like, whether or not, for example, as proposed in the STRIVE Act in order to qualify for legalization people will have to go back to their home countries and sort of, you know, touch base and then come back in. There is this sort of debate about discomfort with the notion of illegality of people. If people are here illegally, there is this sense that, well, if we can make them leave the country and re-enter, they will have cleansed themselves of illegal entry, and then it's okay.

It's not clear, really, what policy purpose is being served by this touch-back notion. It's really serving the rhetorical —

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It's not clear to me that that ultimately serves the debate terribly well. It creates an obstacle which could reduce the size of the population which ultimately qualifies.

There are also issues around — we faced a debate on this in the Senate last year, we're expecting it again — whether or not people will ultimately get credit for their own earnings in the Social Security system. That is actually a debate of enormous implications; it's not at the center of legalization discussions, but the implications of it are huge.

There are tens of billions of dollars in the Social Security system which have been paid in by undocumented immigrants in the labor force, and there is a serious proposal to deny them credit for those wages and they can start over, which is tantamount to saying, "Thank you very much for paying in. We'll take your money now, and you go ahead and start over, and if you haven't made your 40 quarters by the time you retire, gosh, we're really very sorry." That is really quite a statement to make to people who are on the verge of becoming citizens, and it sets up a very — the potential for essentially two systems: one, you know, one set of eligibility for citizens who have legalized, who have paid into the system but don't get credit for their earnings, and another for the rest of us.

So there are enormous questions still pending, which we expect to have some fights about as legislation progresses, and their implications are pretty enormous for our work force going into the future.

A second major piece connected to that which is kind of been operating under the radar, "undocumented" is kind of a visible, visible piece of this debate. Less visible but also critically an important piece of the debate has to do with the family visa system. We have enormous backlogs in our system.

The bulk of immigrants who come legally to the United States come because they have U.S. citizen close family members who petition for them. The waiting periods are very long in a number of categories, and as a result there are people in those lines who are also here illegally despite the fact that they're in line for a legal visa as the spouse of a U.S. citizen or legal resident, or as their child, either a minor child or adult child, parent, or sibling.

Elimination of those backlogs is one of the cornerstones of this debate because it's a contributor to undocumented immigration, and because in order for the system to function and in order to have a rational immigration system and to really deal with all of what is broken in our immigration system, what happens in the family system needs to be part of that.

The STRIVE Act contemplates eliminating those backlogs over a period of six years, and there's an entirely separate conversation happening between senators on both sides of the aisle and the White House and the Senate, where — and the White House has offered a proposal which would actually clear backlogs but while at the same time eliminating entire family categories.

That has enormous implications for the ability of American citizens to reunite with their closest family members. Family reunification is really a centerpiece of our immigration law and our immigration policy. It's

connected with our national values; it's something that we've done very well, that's done very well by the country for being a centerpiece of our system.

It's a very serious matter to be talking about, undermining the family immigration system, and so you need to look for that as an element of the debate to a place where there's going to be a struggle. And the struggle is going to be, ultimately, about whether or not people have the ability to integrate and reunite with their families, as you heard the congressman say, and also whether or not we're producing a system which is going to be workable and isn't going to produce other pockets of undocumented populations because we haven't created proper pathways for people going forward.

MS. SINGER: Thank you very much, Cecilia. And Eliseo Medina will be next.

MR. MEDINA: Thank you, Audrey. As you have heard, the SEIU is the largest union of immigrant workers in the country. A number of them are undocumented, but let me hasten to add this: They're not just Latinos. In our membership are Eastern Europeans, Irish, Polish, Indians, Chinese, the whole world is represented among the undocumented and also in our membership.

We also represent American-born workers, legal residents. And as long as there is a section of workers that have no rights, it undermines the standards for all workers. So both because we represent undocumented workers and immigrants, and because we represent native-born American workers, we are extremely supportive of comprehensive immigration reform. We believe that solving this problem is key to ensuring that American workers once again have an

opportunity at the American Dream.

We also believe that we have a window of opportunity now to fix this broken immigration system, but as we struggle with this question, we have to get it right. And that's one of the reasons why SEIU congratulates Congressmen Gutierrez and Flake for having introduced the STRIVE Act. We believe that it is the right architecture for comprehensive immigration reform. It allows the current undocumented workers an opportunity to legalize their status.

And let me say here that when we're talking about undocumented workers, we are talking about workers living in blended families. Many of them have married American citizens or legal permanent residents and have U.S.-born children. So while we may talk about 12 million, we actually, once we add family members this debate probably impacts more like 20 million people, among them many American citizens.

This bill would also give the students the opportunity to attend college by including the Dream Act. It provides the system for agricultural workers to legalize and an opportunity for future immigrants to come to the U.S. through legal channels rather than coming through the desert and risking their lives. I believe that it is a tragedy that we have a situation where over 400 people die every year in the desert trying to come here to pick our food, clean our office buildings, work in the meat packing plants, and in some cases raise children.

And I also think that this bill has an important component, which is that it's a bipartisan bill. We wish that it was even more bipartisan, but nevertheless it does have Republican support which we think is important if we

are to get this done.

Let me also say that, having said all of this, SEIU has not officially endorsed the STRIVE Act because it is 600 pages, and we want to make sure that we read it and understand all of the implications, because we are concerned about areas such as making sure that the disqualifiers are not so stringent that they take many people, or deprive many people of the opportunity to legalize.

We want to make sure that the law enforcement provisions do not transform our local law enforcement into immigration agents which changes their role in a way that I think would be extremely detrimental to their ability to enforce local laws. Not many immigrants are going to go to report crimes, be witnesses, if they feel that they may be arrested and deported.

Some of these things that we're concerned about are not, in our view, fatal flaws of the bill. Quite the contrary, but we do believe, as Cecilia said in many of the other areas, that they need to be addressed and discussed through the debate and come up with a bill that will get it right.

But let me also say that SEIU is extremely concerned that the congressional debate may have moved on from the STRIVE Act to a proposal that's been presented by the White House negotiations with the U.S. Senate that, in my view, takes us backwards, not forwards, in the search for a solution to these problems. This proposal, it would legalize current undocumented workers. It would basically take us back on future flows, future immigrants, and back to the bad old days of the Bracero Program where workers come to this country without any rights, where they come in working for one employer who can hold it over

their heads if they complain about their wages, their working conditions, or about being exploited.

They have no portability of employment so that if they are mistreated, they would not be able to go and search another job like any of us have the opportunity to do, and they would have no independent way of enforcing their rights. If we want people to come and help us build America, we ought to treat them fairly. We ought to give them the same rights we given American workers, and this proposal, in my view, would not do that.

We have tried the Bracero program. It failed. It was a system of exploitation. We do not need to go back to that system once again. We need a worker's program that would really solve the problems we are facing.

Now, we are calling on the Congress to resist the siren call of simple political expedient solutions because we cannot afford to get this wrong. If we do, and we create a system that would just encourage undocumented workers to not come forward and just burrow deeper into the shadows, as Luis has said, I assure you that in 20 years a different group of people may be in this same room having the same conversation. And that would be a tragedy.

MS. SINGER: Thank you very much. We will now hear from Craig Silvertooth from NRCA.

MR. SILVERTOOTH: I'm wearing two hats today. First I represent the roofing industry and, more broadly, construction industry. And, secondly, I'm a co-chair of the Essential Worker Immigration Coalition which represents a broad swath of American industry.

The business community really comes to this debate from the perspective of work force needs. I know when my organization over the past decade we probably expended over a million dollars trying to recruit new applicants into our industry, trying to fill empty positions. And then we've met with very limited success I have to say.

Fortunately, there is a large pool of foreign-born labor that's willing to come and work in our industry, and they've found it to be fairly rewarding. Construction tends to be one of the quickest paths to entrepreneurship in the American economy, and so it's been a win/win situation for us.

But how long we can continue that trend under the current circumstances and given the status quo, we've got a broken immigration system, it's uncertain. But, more importantly — and Congressman Gutierrez spoke about this a little bit — we've got a looming issue in this country, and it's, frankly, not unique to the United States; it's unique to the industrialized world. And that is that our demographics are out of whack.

In the United States right now our birth rate is 2.05 children per female. So we're replacing ourselves. We've got a little bit of extra to keep us going for a few years, but by 2015 the United Nations anticipates that we're going to be at 1.91 children per family. At the same time you've got people that are cycling out of the work force because they're aging. The baby boomer segment is the fastest growing segment of the population.

We have taken — our economy is now going in a direction, essentially, that it's a service-oriented economy, so you're seeing massive job



creation at some of the lower rungs of the occupational ladder. Another thing that we're seeing is that at the macroeconomic level we are making decisions as a country that does not encourage — and this is a particular concern to my industry — we do not encourage young people to go into the trades, whether they are construction or other types of trades.

Just to give you a little statistic on this. In 1960 half of all American males dropped out of high school and went into the building trades or a similar trade like that. Today that's less than 10 percent. If you're a guidance counselor, you don't get great reviews because you sent somebody into the roofing industry. If you send them to a four-year institution of higher learning, you're going to get positive reviews from your school system.

At the budgetary level for our government, we make student loans very affordable. That's a good thing. I think that the future of this country is probably in the knowledge economy; it has been for the past decade, and we should probably continue to do that. But what we're saying and what we're doing with our money is we're encouraging people to move away from these industries.

So what are we going to do about the work force needs that we have? The answer is fairly obvious. We're seeing it; the construction industry in particular is seeing it. There was a study that came out from the PEW Hispanic Center in March of this year, and they found that in 2006 alone there were 559,000 new jobs created, and out of those jobs, those new jobs created, 372,000 of those new jobs were filled by Latinos or Hispanics.

I'm going to run through a couple of statistics here, because I know

we're short on time, but I think that it's really staggering.

Today in the construction industry 25 percent of the 11.8 million are of Latino origin. Of that increase that I mentioned, last year 60 percent were foreign born, so 335,000 of the 559,000 new workers were foreign born. Most were recent arrivals: 255,000 of that number were recent arrivals, and nearly one-third of every Latino or Hispanic in the construction industry today, or who worked in construction in 2006, is Hispanic.

So that's what we're grappling with is that, you know, we're seeing that our work force is moving in that direction, and then you look at current law, there's essentially 5,000 green cards a year that are given to all of the essential worker categories. And we're in competition with Marriott, MacDonald's, Burger King, the health care industry, you name it. So that's really the dilemma we face.

With respect to the STRIVE Act which is what we're here to talk about today, the business community is deeply gratified that Congressmen Gutierrez and Flack introduced this bill. We think it's a terrific starting point. It's certainly much better than any legislation that we saw in the last Congress. What I would say, though, is that we also see things in the bill that are of concern on the employer sanctions and the penalties front. It's the dynamic that the business community faces is this, we have a question: Is the benefit of a new guest worker program a path that would provide for a future (inaudible) as well as a pathway to legalization for those that are currently here? Any real work force benefits that we derive from that, does that outweigh any, what we would view as onerous provisions in Titles 3 and 4, Titles 3 being the electronic employment verification

system, Title 4 being the new H2C temporary worker program?

If you get down into the nitty-gritty, into the details, there are some surprising things in there. It's not horrific across the board, and in fact there are some very good things, and I would be happy to talk about that at a later point. But I would say that there are some specific objections that are of great concern to the construction industry and, more broadly, to the American business community.

With respect to employment eligibility verification, the things that jumps immediately to mind is that there's a standard known as the knowing standard. But if you go out and you hire somebody and it turns out they're illegal, you could be prosecuted because you knew that they were undocumented.

Well, there's a lot of case law behind that. It's a standard that would have to be proven by the authorities. The bill proposes to change that to a reckless disregard standard. That's essentially a constructive knowledge situation where you could back into a liability situation where the authorities are saying, well, you could have known, you should have known, so we're going to proceed with an enforcement action against you, whereas they didn't actually have specific proof. They could construct a case that would indicate that maybe you knew.

A second issue that we face is that the Secretary can require an employer to certify compliance or that they've instituted a program that they are instituting compliance with the program. But the problem is that reverification is prohibited, so if we're not going to have reverification, but at the same time you have to go and — you have to certify that you're complying, the question is, how

are you going to do it? We would suggest that maybe you just need to get rid of that.

There are also drastic increases in fees. S-2511, which was the Senate bill last year, we think got it right. They did a much better job on that, and there's also an expansion of DOLs investigatory powers.

I know I'm running a little bit short on time.

One of the other issues that's of particular concern to not just the construction but all contractors, there's a provision in this bill that would allow for debarment of federal contractors of a five-year period if they are found to be in violation of any of the provision of the immigration law. We would suggest — and I'll tell you, this got in there because there was a presumption laying out there that contractors were getting federal contracts, they weren't paying their taxes, they were hiring illegals, they were doing whatever, and they shouldn't be receiving federal money. That's a legitimate point, and that's a debate that we're certainly willing to have.

There's an existing mechanism within the United States Code. It's called the Federal Acquisition Regulations, and it deals with this. Whether or not it's enforced adequately, that's probably a legitimate discussion as well, and we'd be happy to have that as well. But it's a time-tested body of law, and we think that debarment should probably be handled within that content.

Another area that we're concerned about is the expansion of classes of litigants in terms of antidiscrimination provisions. And that's something that I think we need to take a very close look at. There is a provision in there that

would strike the notion of intent with respect to some of these antidiscrimination cases. The current law is that you have to show intent on the part of the employer to discriminate. That's stricken, and we think it's a little broad, overly expansive.

I know I'm running short on time, so I'll wrap up now and I guess we'll take questions.

MS. SINGER: Okay, great. Thank you very much.

Well, I think in this brief time that we've all seen how complex migration is, how complex policy is, how deep the discussions have been, and we anticipate this debate to continue over the next couple of months at least.

I want to turn to some questions now from the audience. We have a few minutes left, and if you have a question, since we are short on time, please keep it brief, and when you get the microphone, tell us your name and where you're from.

MR. DIAZ: I'm Jose Diaz with the *Reforma* (inaudible) paper from Mexico. I would love if you can talk about how the White House proposal or the power point presentation has changed the debate and how it has affected the chances of the STRIVE Act to be successful.

MS. SINGER: Who wants to start?

MS. MEISSNER: I guess I'll start. The honest answer is that it's still unclear. At the moment the White House, by virtue of introducing its proposal and by engaging Senate Republicans in that debate and in that process are, what they've essentially done is they're forcing a negotiation, and if that negotiation takes hold and produces something which is still very, very unclear,

that could be an alternative to the STRIVE Act.

But that, you know, if the starting point is the White House proposal, it is really very, very far from where the bipartisan consensus, at least as it expressed itself last year in the McCain-Kennedy bill. It exists, it's very, very different from what the White House is proposing. So it is — there is a conversation happening. We read in the press that there are negotiations taking place, and it remains to be seen whether that can produce a vehicle.

One of the things they are putting on the table is the, you know, the possibility of trading off legalization for eliminating family categories. That's a little like saying, okay, you can deal with this proportion of your population as long as you're willing to choose between your adult children and your married children, and your unmarried children. That's a big of a selfish choice, and that's the kind of dynamic that's taking shape in these negotiations.

It's not yet clear whether they will produce something or whether some other bipartisan approach will develop.

MS. SINGER: Anybody else on the panel want to say anything?

MR. SILVERTOOTH: I would say from the business community that we're pretty much in lockstep with that assessment that Cecilia gave. We hear some troubling things from the employer sanction side, and we were expecting—and we're still going through it, this just came out yesterday, we're taking a close look at it, but —and it's a polluted dialogue. It could change.

MS. SINGER: Okay, next question.

MS. ORCHOWSKI: Peggy Orchowski. I'm with the *Hispanic*

*Outlook for Higher Education* magazine. Luis Gutierrez said last week, and I also know it from covering Hispanics, the vast majority of Latinos who are here working illegally do not want to become citizens. They're not coming here to be citizens. They want to work; they want to be able to — legalization they want to cross over the borders.

So what I don't understand and a lot of this legislative exercise is the almost obsession with the pathway to citizenship. It seems to me that is a poison pill, and it poisons Feinstein's really great Ag Worker bill last year. So why is this obsession with pathway to citizenship? Why don't you just go for legalization first and then lead to pathway for citizenship for those who may want it or may qualify?

But I don't get this all or nothing.

MR. MEDINA: Well, I don't think that from our perspective that this is an all or nothing. See here's the problem. The current system, the way it's set up is, I believe Luis or Congressman Flake said is that the border has been so fortified that it is extremely difficult for people to come and go the way they used to when my father came.

And what we need is a system that would lead to the circularity reinstatement, but also provides an opportunity for those that do want to stay in this country to be able to have an opportunity to have a pathway to residency because I think, you know, that a lot of people do want to come and be in the United States for any number of reasons, whether there's a war, there was an earthquake, or they just want to look for more opportunity.

They ought to have an opportunity to do that. And if we create a system that basically says we only want your labor, then we don't want your families, we just want you. We want you to work for awhile then get out and go back. I think that it creates an extremely harmful situation, and I don't think — I'm not — business can speak for itself — but I don't think we want to create a system for built-in institutional turnover where people are coming in, staying for a little bit then gone. That is not creating an investment of people that will help us in this country.

MR. SILVERTOOTH: If business can speak for itself, I agree with that, plus we get tagged all the time as needing — that we're just interested in cheap labor, which is ludicrous, frankly, if you look at the demographics. We simply need labor.

The construction wage right now is over \$21 an hour, and I think that this is an issue that we need to think very carefully about. This is probably the defining social and civil rights issue of our generation in creating a system that can potentially promote a second-class citizenry. I think it's extremely dangerous, and I'll tell you from the employer community, we don't want to be tagged with that as well, that we're just interested in labor and we don't really care about their families and their civil rights.

MS. MUNOZ: I would just add, I don't agree with the assertion that the vast majority don't want to become citizens. I don't think that's demonstrated by peoples' advocacy activity and this debate at the community level. It's not demonstrated by the history as a legalization program after IRCA.



Those people did become citizens. Three million came forward, became permanent residents, and the connection to the United States and the advancement to citizenship has been very strong from that population as well.

So I do think there's a segment of the population which would go back and forth, and right now is precluded from doing that because it's so dangerous to cross. But I also think that there is a strong sense that this is a community that's already participating and at some level, by virtue of being here, working hard, raising children here, and being part of the community, see themselves as becoming Americans and want to make that official and legal. And that the notion of denying such a pathway is a pretty extraordinary departure for a nation of immigrants to create sort of a permanent class of folks who are here and participating but can never become full partners in this — in the American experiment is a very big departure from who we are and what kind of country we have been.

MS. SINGER: I think we're going to take two questions now at a time, just so we can get a few more in, and then some responses.

MR. SILVERMAN: My name's Andy Silverman. I'm on the faculty of the University of Arizona. I teach immigration law, and what we hear is that if the comprehensive bill is not enacted by the August recess in Congress that we may not have one until after the 2008 election. And in light of the fact that what probably is going to be introduced in the Senate is going to be a lot different — at least what they're saying, the approach is going to be different than the STRIVE Act.

I'd be interested in your predictions. Are we going to have comprehensive immigration reform this year, or is it going to wait until after 2008?

MS. SINGER: One more question, if somebody's brave enough, although that's a good one to end on. But there's Rey.

MR. KOSLOWSKI: Rey Koslowski from the University at Albany and MPI. It seems as if, from what I've heard, that a hardened Social Security card with a biometric seems to be a linchpin with the triggering of a lot of the other provisions dependent on that, and also the employment eligibility verification system.

I'm just wondering in terms of hearing about the importance of stakeholders what kind of buy-in is there in the labor union movement, among employers, and among the civil liberties community for this kind of hardening of the Social Security program.

MR. MEDINA: So on the first, from my perspective on the first question, I think the window is still open. It could close, but I'm hoping that we will get it done this year. But at the end of the day we're in it for the long run, and if it's — we got to keep fighting through next year and the year after, we're going to do it. I think it's not a question of whether we're going to have immigration reform. Now we're just into a question of when.

And to the question of the Social Security card, you know, this is a question that it depends a lot on how this bill comes out because if it comes out in a way that “disincentivizes” people to come forward, then creating a situation

where people will continue to be criminalized and make it ever more difficult, I think it'll make the situation worse.

So I guess the answer is that it depends.

MS. SINGER: Maybe each of you could answer the questions, but in reverse order so we end on the maybe optimistic note. Doris?

MS. MEISSNER: Well, on the — so you want us to do the timing as the last?

MS. SINGER: Yes.

MS. MEISSNER: I think on the Social Security card that, you know, we'll see how the debate unfolds on that. But I just think that steadily things since 9/11 have changed, and people just recognize, whether they like it or not, that we're in a different era where documents are concerned, and we are in a totally different place with the technology, and we're all accustomed to using cards of one sort or another, and people are more and more seeing cards as a way to avoid hassle as compared to being a burden. And the avoiding of hassle is much more the, I think, desire of most people so they don't just swallow hard.

And on the timing, I do think that we have never seen a time, not just in this policy realm, on almost any kind of policy, major policy issue that you can imagine, you know, one could recount where so many key players want something to happen, where so many key points on the political spectrum are making efforts to get to some kind of an agreement.

That said, the issues themselves are incredibly difficult, and just in listening to a couple of the examples that came up here this morning — Social

Security system, different definitions of discrimination, et cetera — the issues are tough. So even if with all of the desire to get to a deal, even if they don't, as far as I'm concerned it is continuing to improve the debate and the dialogue.

Many, many more people are getting educated and, most importantly, legislators themselves. I mean there has just been a huge learning curve for lawmakers on this, and that is additive. So that will, even if it doesn't happen, it'll lead to I hope a better solution over the longer term.

MR. SILVERTOOTH: Regarding the tamper-proof cards, the business community will go for that and will be fully supportive, but we have a couple — or several — caveats. First of all, it's got to recognize that there are large employers and there are small employers in this economy. Small employers, frequently their H.R. Department is their kitchen table.

In the construction industry, we do a lot of our H.R. work out of the back of a pickup truck, so just logging on checking this, that's not necessarily an option. There has to be a telephonic option as well. We would prefer that — this is an expensive problem,. We have a lot of people that are here in an undocumented capacity. Where or not that should fall directly on the business community should be open to debate. I think that there shouldn't be a fee system associated with it, and if there is, it needs to be reasonable and recognize that there are different sizes of employers.

And the other thing that I would say is, you know, there's got to be a lot of common sense associated with this. You know, can you do this at the post office? Can you do it at other government offices? Those are the types of things

that the government needs to be thinking through logistically to make sure that there's buy-into business community, and that they can do this.

Regarding the prospects, if there's an ace up the sleeve for getting this done prior to the elections, it's this: It was a bruising issue the last time around. Although it's not really an issue that people probably decided that what they were going to vote on; this is an issue that tends to have a lot of light and a lot of rhetorical intensity, but the heat intensity associated with that light is not very strong, actually. There are a lot of other outstanding issues in American society of what we're doing in foreign policy-wise that are really dominating people.

But the ace in the sleeve is that both parties want to dispatch this and get it off of the table. It depends on the day that you ask me this question. Today I'm feeling a little less optimistic than I was yesterday, but I probably will feel a lot different next week.

So I think there's a good chance, it's a good sign that Senator Reid has set aside floor time. The President's fully invested in this. I know his political shop is trying to make this happen, and you've got people that are coming to the table that really weren't interested in doing that last time around.

MS. SINGER: Cecilia, the last word.

MS. MUNOZ: On the Social Security card issue, and Doris is absolutely right, it's —that's a very big deal. It's an incredibly difficult issue. You mention that the civil liberties community — I don't think I'm qualified to speak for them, but I am part of the civil rights community, and there is real

discomfort with this notion, in part because there are a lot of us who believe that without important protections, and it's not clear how strong the protections will be associated with this, this will become a card that only some of us are asked to produce, you know, at the workplace, and when we're pulled over and, you know, in other kinds of circumstances.

And so there are important civil rights and civil liberties concerns that I think we're going to hear about in this debate. But having said that, you also heard Luis Gutierrez give a passionate defense of a card, and I think that is evidence of just how much that piece of the conversation has really developed and progressed over time.

With respect to timing, I don't believe that August of this year is sort of a magic date beyond which we can't progress. It's clearly harder the closer you get to an election. But having said that, everybody told us that there couldn't be a Senate bill in 2006 and there was. So I do think that the desire to get something done is very strong. The obstacles are also considerable, but I'm within (inaudible), you know, if not this year, this problem isn't going anywhere. It's the best bipartisan opportunity this Congress and this administration have on any issue, you know, domestic or otherwise.

Both sides have something to lose by failing to address this issue, and so I think those incentives are very strong, and I am hopeful that we can accomplish a bill this year. But certainly, if we don't, you can expect the debate to continue.

MS. SINGER: Thank you very much. I want to thank our

panelists for their thoughtful discussion, the audience for their attention and their questions, and the congressmen and Demetrios, who have already left I will thank, too.

Stay tuned I guess. Keep your ears and your eyes open in the coming months.

Thank you.

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