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BREAKING THE IMMIGRATION STALEMATE

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## P R O C E E D I N G S

MR. GALSTON: Well, this is such an orderly crowd that bringing it to order seems almost superfluous. Would the debate over immigration policy were this tidy. At any rate, let me welcome you to this event which is the release of the report of the immigration policy roundtable, which is a joint undertaking of the Brookings Institution and the Kenan Institute for Ethics at Duke University, with very important support, as well, from the Manhattan Institute.

Before going any further, let me introduce myself. I'm Bill Galston, a Senior Fellow in Governance Studies at Brookings and one of the co-conveners of this roundtable, along with Noah Pickus of Duke and Peter Skerry of Boston College, whom I'll introduce in just a minute and yield the podium to.

Let me make two introductory points very briefly before we move on to the main event. The first is time-honored and even hackneyed, but still worth recalling as part of the context for our discussions. We could, in fact, tell much of America's story through the prism of successive waves of immigration over the past two centuries and the social and political controversies that they have sparked, when, indeed, these controversies have gone a long way towards defining who we are as a people and as a nation. In short, the stakes are very high. And in this context, we may be dismayed, but I think we should not be

overly surprised at the high ratio of heat to light in the debates of recent years, which brings me to my second point.

Our report represents a determined and at least in one respect unique effort to improve the heat to light ratio, and, if possible, to help break the current stalemate over immigration policy.

It is unique, we suggest, because in constituting our group, we cast a very wide net. We did not narrow the range of opinions in order to reach any kind of prefabricated agreement. It was a broad and genuinely deliberative group, and when we put it together, we honestly did not know where things would come out at the end, and we weren't even sure at the beginning that we would come out anywhere, to be quite frank.

We included, and very deliberately included Democrats and Republicans, liberals and conservatives, immigration expansionists, and immigration restrictionists. And having put the ingredients in the pot, we then turned up the heat to see what the dish would be. And this represented an effort which stretched over more than a year, if you include the planning time, and half a dozen spirited and long meetings, to locate a point of political and policy equipoise among the individuals in the group and the sharply divergent views that they represented. And to a surprising extent, surprising at least to me, we succeeded, and the report is a representation and a record of that successful effort to build a broad range of consensus on key issues.

Now, we understand fully that it will be much more difficult for elected officials to reach agreement than it was for us. We all have

people that we have to answer to, but we don't have people on whom we depend for our offices and positions. And so we recognize and honor the very difficult work that public officials, responsive public officials, democratically elected public officials, you know, the limitations under which they have to labor and the pressures that have come to bear upon them.

Nonetheless, with all these caveats, we think we've provided a road map for progress for those who want to address the problem rather than exploit the politics of the problem. And we are optimistic enough to hope, and I share this optimism despite having been in Washington for almost 30 years, that most members of Congress fall into the former category rather than the latter, but stay tuned. Now on to the main event. Let me introduce the co-conveners who will present the major findings and recommendations of our report, and then walk you very briefly through the proceedings to come.

The first presenter will be Noah Pickus, who's the Nannerl O. Keohane Director of the Kenan Institute for Ethics at Duke University and Associate Research Professor of Public Policy at Duke University. He co-directs the Brookings/Duke immigration policy roundtable, and is the author, pertinently enough, of *True Faith and Allegiance, Immigration and American Civic Nationalism, Becoming American, America Becoming*, and also *Immigration and Citizenship in the 21<sup>st</sup> Century*.

Peter Skerry, the third co-convener and the second presenter, is a Non-resident Senior Fellow at Brookings and Professor of

Political Science at Boston College. His book, Mexican Americans, the Ambivalent Minority, published by Harvard University Press, was awarded the 1993 LA Times book prize. His most recent book is Counting on the Census? Race, Group, Identity and the Evasion of Politics, published, I'm proud to say, by Brookings. After Noah and Peter make their presentations, they'll sit down, I'll sit down, and we'll be mic-ed up, and I will then identify the three commentators and describe their biographies briefly. They'll offer their comments from diverse points of view on the report. Then there will be a little bit of cross talk on the panel, moderated by me, following which we will turn to questions from the floor. Without further adieu, Noah Pickus.

MR. PICKUS: Thank you, Bill. Welcome to everybody. If I could tell you what the central point of this whole report is, not the substance, but why we did it, I would tell you that it is our goal that when the immigration debate and legislation genuinely gets moving again, whether it's next month, next year, or three from now, that it starts from a different place from where it left off.

Our point is that the problem with the comprehensive immigration reform efforts in the past were not just the absence of the political ability to bring it to pass, but actually with the policy proposals put together. I don't by that mean to say that the proposals were bad or flawed at their core, but they were flawed enough and problematic enough that we wanted to see if we could build on some other reports that have

come out recently to help reset the bar on the conversation that would help get both the policy and the politics right.

The last efforts of comprehensive reform in some sense were not comprehensive enough, they didn't deal sufficiently with legal admissions, they didn't look carefully at what the future overall numbers of legal immigration would look like, they didn't deal sufficiently with the simulation and integration.

There were a lot of things that were left out. And at the same time, the really tough and difficult things that they did wrestle with, enforcement, legalization, guest worker programs, whatever the quibbles over the particulars there, they weren't, at least in my view, linked together enough that the American people could trust what they actually saw.

And so our effort is to build on those comprehensive efforts and the more recent reports from other institutions to try and get a not completely new start, but sufficiently different to broaden the conversation and actually get us to yes. Let me sketch for you very briefly the broad areas that we make recommendations in, and then I'll go into two of them for a moment and ask my colleague, Peter Skerry, to go into the others. The first area that we talk about is work place enforcement and its linkages to a legalization program. The second broad area has to do with holding constant the overall number of legal admissions into the immediate foreseeable future while shifting the mix of those admissions from an extended family unification policy to a more employment based policy.

The third area is recommendations for improvements in our temporary worker program and for significant new efforts on assimilation and integration. And the fourth and final broad area has to do with taking some long term measures, in particular a commission, a standing commission on immigration, for adjusting future flows of immigration and ways of engaging Mexico and the region in an ongoing way. Those are the broad contours of the recommendations in the report that you have before you.

I'm going to focus for a few minutes on enforcement and legalization and assimilation and integration. Peter will talk about the legal admission system currently and into the future. And we're happy to come back to anything that we haven't addressed in the questions and answers. The enforcement and legalization I think is, in some sense, straight forward, it's not rocket science, what we are proposing. But we think that it is centrally built on notions of building trust where there is no trust right now.

The current debate on immigration and the way it's been for several years now has been that those who are concerned that we don't sufficiently enforce our laws say why do a legalization when we know that that's just going to happen in a roving kind of way, and every 20 years we'll say we're going to do enforcement, but it won't really happen.

And those who are proponents of a legalization say we can't put off legalization for too long, there's too much at stake, there's too

much at risk for those who are here illegally, as well as for the nation as a whole.

And our response to this, after going back and forth for the better part of a year and digging into the principal stands why those who are concerned about enforcement have their concerns and those for legalization was to end up by an emphasis on saying how do we link these together, in particular, how do we give incentives for both those – those on both sides of the debate to want to bring the other side along. And so we propose, quite simply, that work place verification, the absolute centerpiece of what we think our enforcement regime should be, not saying that the border enforcement isn't important, but shifting the focus to emphasize work place enforcement would be set up in such a way that once you established, audited by the GAO, an effective and sufficient use of a system like E-Verify, for all its problems, that it is far enough along that it would then trigger setting in motion a legalization program, which would then be audited again for fraud, such that it would continue so long as the agreed upon initial standards were met.

And the idea here is simply to give those in favor of legalization a reason to want to move work place enforcement along as quickly as possible, and those in favor of work place verification, to have an incentive to actually agree to some form of a legalization program.

Now, you might think there's a question here – well, I should also say that all of this would then be undergirded by a secure ID. No secure ID, no serious work place enforcement, no policy that we, the



American people, can trust into the future. The other area that I want to talk about is assimilation and integration. And there are two ways that our recommendations in that area relate to what we do in enforcement and legalization. The first is to recognize that any program of legalization is not nearly about the economic or the legal dimensions about it. It is, in our mind, ultimately about citizenship and commitment and inclusion, and that means that you need to reassure Americans that those people who are becoming legal, as well as all legal immigrants, want to become Americans, and you want to help those who are joining the polity to get there.

The problem is that our system right now to deal with assimilating and integrating immigrants is makeshift, it's divided in a variety of different ways, there's no real bully pulpit for it, there's no coordination amongst agencies at federal, state, local or with civil society. We say we want people to become Americans, but we really do not have intentionality behind our policies.

And even worse, it's not simply makeshift, it's divided. Think about the words I've been using, right, you're all suspicious now, why does he keep saying assimilation and integration. I keep saying it because in our group, as in the nation at large, if you listen carefully to people, that's what they sound like. Those who speak about assimilation are concerned that immigrants commit to our values, connect to our history, become citizens, and commit to being full members of the American experiment. It's about values, identities and principals.

If you listen to those who use the word integration, they talk about educational advancement, social advancement, civic engagement. And all of you on this, as well, there's not – it's not kumbaya, it's not as if you can simply put all these together neatly, both have a lot to offer, both represent important parts of what it means to bring any new person into a new nation.

And what we've tried to emphasize is that we can overcome a makeshift and divided approach to this by linking an emphasis on identity and commitment and values with an emphasis on greater outreach and help on the civic, the social, the educational, and the economic, and that if we take that new combined approach and we create a new office of new Americans in the Executive Office of the President, we can coordinate the efforts across the nation for a more intentional policy that invests more in newcomers and expects more of them, in our schools, in our communities, in terms of learning English, in terms of citizenship, and moves beyond simply you go assimilation, I go integration, and we'll just do our own thing, but actually helps immigrants and helps the nation and reassures everybody that we're on the right track. Those are confidence building measures that we think can be linked, and not only to themselves, but back to the question of illegal immigration and enforcement, and ultimately to the future contours of our legal admissions policy.

And on that note, I'll ask my colleague, Peter Skerry, to talk about the future of our legal admissions policy.

MR. SKERRY: Thank you, Noah. Noah gave you some of the poetry involved with immigration, I'm going to give you more of the pros, some of the particulars of our policy particulars that flush out what Noah was just sketching.

As he said, the core of our proposal is a kind of tandem, which is that we are proposing that our overall numbers of legal permanent residents admitted each year, which has been running about 1.1 million for the last five years, that that be held constant, at least for the foreseeable future, as you'll hear me say more about in a moment. But at the same time, we also believe that within that overall constant figure of 1.1 million legal permanent residents over a year, that the balance needs to be shifted. As I'm sure most of you are aware, the major thrust of our policy is on family sponsored immigrants, something like 65 percent every year coming under that basis.

We're proposing that that get shifted somewhat toward more employment based, especially high skilled or skilled immigration. Currently, something like 180,000 of the 1.1 million every year come in on employment bases, and we're arguing that that should be increased, something of the order of 150,000 per year, and that's the core to the tandem I'm suggesting, that we tilt in that direction, for a total of something like 330,000 overall employment based immigrants per year.

The question is, how do we pay for that if we're going to hold the level constant? We do that in two ways, and this is where it's important that we – I think we try to face up to some difficult choices here.

We argue that the diversity Visa program that has been in existence since 1990, that that be ended, which would afford about 45,000 fewer immigrants per year, and at the same time, we argue that the – we should limit the family sponsored preferences system to nuclear family members. As you are probably aware, the family sponsored preferences that exist now extend to the adult children and siblings of both citizens and legal permanent residents. We're arguing that that should be reduced to the nuclear family members. And in so doing that, saves us, if you will, another 115,000, which is how we pay for the increase in employment based immigrants, that's the first component.

But as soon as we address this, we're talking about skilled immigration more generally; a big part of the picture here is temporary skilled immigration, above and beyond the 1.1 million permanent legal residents that come every year. Something like 600,000 temporary skilled immigrants come in on temporary Visas and eat the maze of 25 separate Visa categories under which these come in, all tailored to specific employers and sectors.

We're proposing that that temporary skilled Visa system be transitioned to a provisional Visa system. Right now the temporaries come in, it's not clear, some of them get renewed, some of them don't, substantial numbers wind up remaining either as continued temporary, some of them remain illegally, it's a very open ended and not very well monitored system. We're arguing that the system should become a provisional Visa system where workers come in on provisional Visas for

five years and then either stay and remain on the way to becoming permanent legal residents and citizens or they leave. That obviously leaves a question, how we incorporate such temporary – such provisional Visa holders into our overall constant of 1.1 million, and for that, I'll tell you more in a moment about our standing commission on immigration which would address that and other problems.

So those are the principal leading components of what we're talking about for the present, but there's some legacy costs, as my colleague, Bill Galston, was – constantly referred to them when we're dealing with immigration, two big overhangs from the past, if you will.

There's a huge backlog of relatives, of legal permanent residents and citizens who have been waiting for Visas for years, in some cases for more than 20 years. This amounts to a total of five million people waiting to apply for Visas to come here to join their relatives.

We think that this has to be addressed, and our proposal to address this is to come back and emphasize our holding on firmly to the principal of nuclear family unification. Again, as I'm sure you're aware, that much of our policy is based on family unification, but it's a very broad stroke conception of family, including distant relatives. We're arguing that we should focus on family, but on nuclear family unification. And under that rule brick, we would argue that that five million gets paired down to 600,000 Visas per year – 600,000 Visas to nuclear family members only of legal permanent residence. That's an enormous bite from five million to 600,000, but that's what we think is needed to face up to this problem of

people who have been waiting for years and to also face the difficult task that we have to make some difficult choices here. So that's one of our legacy problems.

The other is illegal immigration, of course, of which there are somewhere between 11 to 12 million illegal immigrants in the U.S. today. And we propose a legalization program for undocumented, who have been here five years or more.

Now, that works out to something like – when we – to meet that cut, and when we look at the relatives, the spouses and children of those illegals who will be legalized, and abiding by our principal of nuclear family unification, we think that should be brought in. We also take into account possible complications of fraud and so forth, but this all works out to a total of about 11 million undocumented immigrants who would be legalized under our proposal. Now, the last component of our proposal that I want to talk about is designed to address several of the points I've already suggested as not totally resolved. We didn't see ourselves addressing all aspects of immigration or dealing with all these questions, we dealt with the hard ones that we thought we could tackle.

But as I've already suggested, our provisional Visa program raises questions about exactly how those additional numbers would be factored into the overall constant that we've put forward of 1.1 million, should that be raised, should it be lowered over time.

There's questions about work place enforcement and the protections of workers who come in, and those protections, how they

apply to U.S. workers. A whole raft of important questions there about the scrutiny that's applied to employers who apply for overseas workers, how diligently have they looked for American workers.

All those kinds of questions and others having to do with assimilation and integration that Noah was talking about we think could be addressed well by a standing commission on immigration. Now, this is a body that would be set up with seven year appointments by an odd number of members appointed by the President, confirmed by the Senate, helped and aided by a permanent professional staff of social scientists and other immigration analysts. We see it playing a critical function primarily or notably producing biennial reports to Congress specifically addressed to questions of the categories and the content of the various Visa programs for permanent, as well as provisional immigrants, and a broader purview to look at a variety of questions that America is dealing with with the largest influx of immigrants in its history.

Now, we see this commission not as preempting politics, this is not some sort of technocratic fix to get around Congress or get around politics, we don't conceive of it that way at all, we see it as a way to bring the inherently political questions of immigration policy that are inherently properly political in a somewhat different forum that would be less heat intensive and would bring more light to bear on the process, making recommendations to Congress that Congress could adopt and mend as it sees fit or completely change.

But the fact that this commission would be producing its reports every two years, its recommendations to Congress, we see as having an important agenda setting function that would help us all to deal with immigration policy in a more consistent and deliberative fashion, avoiding the sort of ups and downs, the sort of dramatic swings that we all go through with immigration policy over the long period that we've been dealing with this, to help cool it down, and to bring some more deliberative emphasis to the process.

We think that the commission could do an excellent job in that direction and help us all escape the kind of adversary culture in which immigration policy has suffered over the last several years. So with that, I'll stop and turn it over to our respondents.

MR. GALSTON: We now proceed to the next phase of the event, live and unrehearsed commentary on this report. We honestly don't know what our commentators are going to say, but we're interested to find out. And let me introduce them in the order in which they'll be making their presentation, which, by no coincidence, is the order in which they're seated, from my immediate left all the way over.

We'll begin with James Gimpel, who has many accomplishments. He was a member of the Roundtable, which reminds me, I'd be remiss in my duty if I didn't recognize other members of the Roundtable who are present today and who will be available for discussion, along with everybody on the stage, Gary Burtless, who is a colleague of mine, an economist here at Brookings, Audrey Singer,



likewise, a colleague of mine here at Brookings who focuses on immigration policy, Bob Lakin, who hails from the Immigration and National Security Program at the Nixon Center, and Von Rango from United Neighborhood Organization, which I believe is based in Chicago, and they – each one of them has made important contributions to the final report from their different areas of expertise.

Now back to Jim Gimpel for just a minute. He's a Professor of Government at the University of Maryland, College Park, where I used to teach – around dissertation committees together, if memory serves. Prior to joining the faculty at UMD, he worked for former Senator Dan Coats, a republican from Indiana, did a brief stint at the Department of Housing and Urban Development.

Among his many other accomplishments, he's the editor of American Politics Research, which is a scholarly journal specializing in the empirical study of American political behavior and institutions.

Second is Angela Kelley, who is currently Vice President for Immigration Policy and Advocacy at the Center for American Progress, where she's responsible for overseeing and coordinating the Center's work on immigration. She previously worked as Director of the Immigration Policy Center, which is the research arm of the American Immigration Law Foundation, and before that as Deputy Director at the National Immigration Forum.

And finally, Reihan Salam is Schwartz Fellow at the New America Foundation. He writes on politics, culture and technology, he's

had previous gigs at the Atlantic, NBC News, the *New York Times*, Council on Foreign Relations in the *New Republic*. He is the co-author, along with now *New York Times* columnist Ross Douthat of *Grand New Party, How Conservatives Can Win the Working Class and Save the American Dream*. As you can see, it's a diverse team of commentators we have lined up, and Jim, the floor is yours for the first comment.

MR. GIMPEL: Okay, thanks. Well, my ticket into roundtable participation was that I had written a book on the congressional politics of immigration reform a few years ago. In fact, looking out here in the audience, I can see a number of people that were kind enough to grand me interviews during the writing of that book and taught me a lot about the subject matter. And so with my social scientist cap on, I look at the congressional politics, interest group politics and the layout here in town and, you know, think about the history of immigration policy-making as it's come up in Congress repeatedly and sort of track how the proposals should wind their way through the process, the interests that came to bear on them, and then ultimately the policy outcome.

And so that's the perspective that I brought into the group, that was my ticket in. And I can say that this report, from what I can discern from my studies of the interest group configuration here in town, is probably not going to fully satisfy either the restrictionist groups, hard line restrictionist groups, or the folks who are on the admissionist or expansionist I think, as Bill put it, side.

This report is the product of a recent deliberation from a very diverse set of participants. So, you know, remember that interest groups in town, right, they're here to mobilize bias, okay, and that's what they do, okay. And so, you know, to produce a report that would fully satisfy, you know, the groups on either side I think would have been difficult in any case. So, you know, as you read the document, you need to bear that in mind. I think particularly the major problem for the restrictionist side, as you read through the report, will be the legalization proposal. I think that the restrictionist side has been pretty consistently opposed to any kind of legalization. Even though our legalization proposal is not by any means without conditions, okay, and I think that's important, we do not propose some kind of unconditional amnesty, okay, and I think that's important to underline that.

I think that there may be some objection from the restrictionist groups to the standing commission proposal. The idea that Congress might see some or, indeed, much of its authority to a commission, an independent commission that might have the authority then to adjust immigration levels on the fly, on an as needed basis.

That could be controversial, although something like this was proposed back in 1963, to advise President Kennedy and then Johnson. It never made it into the '65 Act.

I think that on the expansionist side, they will have things to complain about, too, I suspect. So I've mentioned some things that the restrictionist side will probably have a hard time swallowing, but some of

the things that Peter and Noah talked about here in the last few minutes are likely to, you know, create some nervousness among those on the interest group side favoring more expansionist policy.

Now, the elimination of diversity visas will be controversial, eliminating some of the more distant family preference categories will be controversial. After all, both of those things have been proposed by the restrictionist side in the recent past, and so, you know, I don't think we can expect those proposals to be easily accepted without some controversy.

So I guess from the interest group standpoint, what I would say is that, you know, while the Brookings Institution has this long standing reputation as a liberal think tank, and it's a big place, so, you know, maybe in some parts of it, that's true, in other parts, less true.

I don't think that this is a particularly liberal document, okay. And, you know, we'll see what the others say, having read it. But that's my take is, I don't see that this is a particularly liberal product, okay, of this group or of this organization or institution. As for the congressional politics, the interest group side – interest groups aside, that's going to be very difficult, as well, because I know from having studied the congressional politics of the issue, that it often takes several Congresses to get this legislation through, any immigration legislation.

I don't think that we should expect, even if it's introduced soon, legislation to wind its way through in just a single Congress. Remember URFA in '86, five years, introduced incidentally in '82 during the Reagan recession, okay. So I mean the fact that we have economic

downturn right now doesn't necessarily mean something can't be introduced, but bear in mind that it might be a while before it passes, and I think that's because it takes a long time for members of Congress to become acclimated and to acclimate their constituents to some of these very controversial ideas.

I think the other thing about Congress these days, and Paul Krugman pointed this out yesterday, is that partisan teamsmanship is at its peak. Frances Lee, my colleague at Maryland, has a new book coming out, a great book from the University of Chicago Press called *Beyond Etiology*, and she points out, and it's a very interesting book, that teamsmanship in Congress, okay, that is one party sort of scoring points against the other, and you know, playing a kind of team politics, it's at its peak right now. Krugman is right about the Olympics, you know, and the celebration of the republicans that, you know, Obama's Olympic bid went down, okay, the substance gets lots, okay, it's about scoring points against the other side, okay, and that kind of politics is very much alive and well in Congress, all right, and that doesn't make it easy, okay, to get meaty, weighty, substantive proposals through.

So, you know, what can we expect of Congress on this issue? Well, you know, we cranked this proposal out, worked through a lot of difficult issues in less than a year. I don't think we're going to be able to expect that, you know, of Congress. But I think history has shown, you know, even going back to the very first pieces of immigration

legislation in around 1890, that Congress will eventually and slowing work through the deadlock.

So I think now it's our season to see if we can get something introduced. Even with this cloud of unemployment, which will stall things, okay, and then we need to watch and wait.

MR. GALSTON: Thanks so much, Jim. Angela, the floor is yours.

MS. KELLEY: Yeah, thank you so much for having me here and giving me the chance to comment on this terrific report. It is like a road map and it's sort of like if you've ever used Mapquest, sometimes you get just the right direction and it gets you there no problem, sometimes Mapquest isn't quite so reliable and you end up going on roads that aren't going to get you where you're going.

And so I looked at this report through the lens of workability and political viability, and there were some places that we hit a lot of pot holes and some places that I think were spot on.

So let me start by talking about the legalization and E-Verify recommendations in the report, which has been said already, would legalize a lot of folks that are here without status, which I think makes a ton of sense, and I think the requirements that you put forward in terms of people paying taxes and learning English are completely reasonable.

I think a big political pot hole, if you will, in the report, though, is that it has a cutoff, so that if you've been here less than five years, you don't qualify for the legalization program in the report. So that would I

guess presume that those folks are going to leave, I don't think that that's realistic. We'll still have a huge pool of undocumented workers, it's about 3.6 million people that aren't covered by the report.

And ironically, the report, in its very fair numerical analysis, admits that over a million people will commit fraud in applying for a legalization program. So while one of the stated goals of the report is to restore the rule of law, what it does by having this cutoff day and leaving so many people outside eligibility to apply for the program, they will be breaking the law and committing fraud.

I think it would make a lot more sense to have a more inclusive program, have the tough requirements, require people to register, pay taxes, learn English, not have a criminal record, but I think the goal should be to reduce illegal immigration and to not have so many people living here without status.

A second observation about the linkage in the report between the legalization program not going into effect until the E-Verify program is up and running is that, there's two observations, one is that E-Verify is I think inevitable, it's a train that's left the station in immigration reform, but it's not a silver bullet train, it's got problems, it's going to be a long time before it's up and going, and any kind of reliable – any kind of E-Verify program has to be reliable, it has to be universal, it has to be non-discriminatory, has to cover everybody, and that's going to take a lot of time.

I think it would make a lot more sense – it sounds – it's a good sound bite to have the two together, legalization can't happen until you have E-Verify, I don't think it's sound policy, because what's happening now, even though you don't see the large scale range anymore, as was reported in the New York Times last week, because there's so many people who, frankly, are working with false social security numbers, a company like American Apparel had to let go 1,800 people because their documents didn't line up.

So if we wait for E-Verify before legalization goes into effect, we are going to have more and more illegal workers going deeper underground, those 1,800 workers that are right now paying taxes won't be paying taxes, and you're creating a bigger pool, frankly, with people who may not qualify for the program. I think it makes a lot more sense to develop as quickly as possible an infrastructure so that folks who are here without status are required to come forth, pay taxes and register for the program rather than wait for E-Verify. So I would actually – I think both need to exist in comprehensive reform, but I would decouple them.

My last observation about the legalization in E-Verify section is that it doesn't pay a lot of attention to how the program will run. We need to have it be streamlined, we need to have it be consistent, it has to be, frankly, inclusive, it has to be well funded, we have to find that sweet spot where we have a program that people will come forward and participate in, but at the same time, it's tough enough, right, that is politically viable.



And there isn't enough explanation in the report, quite frankly, about whether and how that's going to happen. One example that occurred to me as I was reading it is that there's a good moral character requirement in the report. That would mean that every single person of the millions that would be covered – want to have a good moral character.

It would be an individual determination. So you'd have to have a DHS official deciding whether he has good moral character or whether he has good moral character or whether I have good moral character. And guess what, we may have three completely different outcomes. So for a legalization program to work, we need to have very quick, reliable, consistent findings on the folks that are going to be impacted.

The next part of the report had to do with admissions, and this is why, frankly, there are some pretty radical changes that I want to talk a little bit about. One is that, my friend from Microsoft here – won the golden ticket in this report because there's a big increase in employment based users for high skilled workers, that may be a good outcome.

But what this report doesn't do, and I tell my kids all the time, you need to do this, is show your work, explain to me why in one paragraph you eliminate three out of four family preference categories, three out of four. Three point three million people who are currently waiting in line to join family members who have followed the rules, who have paid fees, will get those fees back with interest, according to the report, but they are out of luck.

And those people include, not just the relatives, but unmarried children, adult children, because they turn 21, of U.S. citizens. So my 13 year old just celebrated her birthday last weekend; eight years from now, am I going to think of her as some distant relative that I wouldn't want her to live in the states because she's turned 21? And what if she marries that very next year and now she's my married adult child, am I not going to think of her as a relative anymore?

So without explanation, the report – the void of a values frame, it reaches the conclusion that we need a lot more high skilled workers and increases those numbers dramatically. That may be the right thing to do, but it doesn't explain why.

It also doesn't take into account research on family immigration, that we know that family based immigrant's incomes grow faster than employment based immigrants. We know that some of these immigrants are highly entrepreneurial. We know that family based immigration means that you have a social network, that you have psychological support, that you have family members to rely on, and that you integrate faster because you have your family here.

That finding is – that goal of integration which is the – in the report is underlined by eliminating three out of four family categories. There's also uneven treatment in the report towards family members. They eliminate a lot. They say we want to focus on spouses and on minor kids, and so for the spouses and minor kids of green card holders who are stuck in the backlog, they move them out of the backlog, and I applaud

that part of the report, but they keep them in the family preference category without telling us how many numbers they're going to have.

If we really want to honor the spouses and minor kids and put them up on a pedestal and make sure that those folks are reunited quickly, well then you should be able to do that whether you have a green card or whether you're a naturalized U.S. citizen, and the report doesn't do that.

So it does get rid of the backlog, but it still keeps the spouses and minor children of green card holders waiting in a preference category, and frankly, you don't know what those numbers would be.

My next observation in the report has to do with the provision of Visas that the report says folks should have who are here working and making the provision of worker Visas so that they're portable, so that you can change jobs, which I think makes a lot of sense, so that you're not pinned down by one affair. The problem with the report, though, is that it seems to provide that portability, that ability to change jobs with your provisional Visa if you're a high skilled worker. It doesn't speak to what it does for low skilled workers. In fact, the whole – report seems to be that we're not going to need low skilled workers in the future. And the concern I have is that that memo isn't going to reach into Mexico. And folks in Mexico aren't going to know that they're not supposed to come anymore.

So there's an incoherence to the report in terms of workability as to whether or not there's going to be any kind of line, any

kind of ability for people who are in low skill categories, worker categories to come to the U.S. legally.

So if you want to, in fact, talk about end of illegal immigration or significantly curtailing it, we have to come to grips with the fact that people are still going to want to come when there are jobs, and I'm not sure that the report takes that into account.

As was mentioned in – commission, which has been widely discussed by lots of organizations, the AFLCIO has put out that idea of a commission that would establish future immigration – saying the same thing. And I think that's an idea worth exploring, creating a commission – that makes no sense. Clearly, the status quo is not working and it didn't make sense to have like a static number and we know that our economy is, in fact, a survivor, and any changes in terms of its –

But what I'm not, you know, what I want us to be honest about is that we don't really know how a commission would work. This hasn't been done in a place like the United States with such a big economy and such a different labor market.

And so it does need to be something that we have to be very thoughtful about. And I think the commission should inform a political process, I don't think it should replace a political process. And if I read the report correctly, this commission, in fact, would make its recommendations over two years and then they would go into effect. And Congress would give it a – no, it doesn't go into effect automatically?

**SPEAKER:** Congress can adopt them and/or reject.

SPEAKER: Adopt and – yeah.

MS. KELLEY: Okay. So I think that makes a lot of sense.

But – Congress seating authority, so I'm happy to hear that. But I do think that a commission is definitely worth exploring. But I just want to be certain that it's the commission that would take into account not simply voter market analysis, but, you know, broader in terms of what are going to be the demands of people coming from Mexico and ensuring that we're creating at least some sort of a minimum number of users for people who are coming in in low skilled categories.

My last observation has to do with – and I know that there were, you know, limitations to how long the report should be and how much it could cover, but there's a lot that's missing from the report, and it really has very much to do with due process issues, how enforcement has been carried out recently, the fact that there are a number of agreements that are being reached between local police and the Department of Homeland Security as to, frankly, terrorizing people in the community.

And, you know, even today there was a report issued by DHS on how they're changing their detention centers, which I think is a very good thing. So there is an entire body of policy and practice that has developed in a very fierce way in the last eight years that's very enforcement oriented, that has really changed how people and communities are experiencing the relations of the government, and I think all that – should have been included in the report that I would urge, if you get the chance to do a second report, that you would include that, as well.

In terms of the – of reform, it is an issue, it's not going to happen overnight, but it isn't the first time we're talking about this, right.

I mean in 2006, the Senate passed a very generous, broad immigration bill with 22 republican votes. The House had passed a – by James Sensenbrenner that would have made felons of undocumented immigrants. That precipitated people going out into the street; that precipitated people saying no, I'm not a felon, and that people who work – who I work with – documented, and they're not felons either, and that surprisingly, those two bills were not reconciled in the conference committee.

In 2007, as you all know, there was another reference on the Senate floor to pass the bill – I'm actually very hopeful, and I suspect that this issue will be taken up and it will be resolved, and I'm very hopeful that it's going to happen early in 2010, because I think that – at the table before the mid term elections.

I also think if that doesn't happen, that going into 2012, for this administration, given how the – changed in 2008, where you saw Nevada, Colorado, New Mexico, Florida flip from red to blue, in large part because – turnout. That is something that the Obama Administration – have to think about it very carefully, because the legacy right now and as we project forward, from the community's respective, is – haven't really changed its stripes very much. And that isn't the narrative, that isn't the story that the administration is going to want – going into the next election.

Thank you.

MR. GALSTON: Well, thank you for the very comprehensive and spirited remarks which I suspect will garner a lot of conversation.

Reihan.

MR. SALAM: Like James and Angela, I intend to discuss some of the difficulties and ironies of various proposals laid out, but I'd like to begin by saying that I think that it's a very mature, sober and smart way of addressing the broad set of issues, partly because when you're looking at the immigration debate, you have certain intense, small, vocal minorities, for example, high technology employers, you have lots of folks in the foreign population, we're very interested in what the mix is going to be, what the immigration laws are going to be, and you have this kind of – I mean, of course, you have folks who are incredibly concerned about border enforcement and focused on the exclusion of all other issues. But then you have this kind of large majority of Americans who want to develop some kind of workable compromise that reflects, you know, kind of our values as a country and also our economic needs as a country.

And my sense, and though I wasn't part of the deliberations, is that there was a real effort to kind of look beyond some of the most vocal and intense constituencies on this issue, and I think that that's very admirable.

One of the kind of stylized ideas that I think is implicit in this report is that the scale mix of the immigrant population shapes patterns of wage dispersion in the United States. And when you look at the scale mix now, including both the undocumented and documented population, there

are a lot of folks who argue that it's impacted folks at the bottom of the income scale differently from how it's impacted folks at the top.

When you're looking at folks on the top, you're looking at lots of people who are consuming in person services. And at the bottom, you're looking at lots of folks who are potentially competing with low skill, low age immigrants for work. That's an over simplified view in a lot of ways, but I think that it is a powerful one and one that resonates a lot with Americans, particularly folks who haven't completed their high school educations, who don't have college education.

And so when you're looking at tilting the legal immigrant mix in favor of folks who kind of have higher skills, the idea is that you are exposing folks who are upper middle class, folks who are relatively comfortable to somewhat more competition, whereas you're easing the competition on folks at the lower end of the scale, and I think that that is, broadly speaking, a legitimate end, though it's one that certainly will rancho many people and one that actually does have distinction, you know, normative downsides.

But with regard to the difficulties and ironies, one problem is that when you're looking at URKA, for example, in terms of its employer verification approach, it actually proved very problematic in that it actually intensely increased the amount of wage discrimination, not only against undocumented immigrants, which was, of course, the intention of that approach, but also against Latinos more broadly.



It also led to a big shift in terms of immigration, in terms of the way that employers handle immigration concerns by shifting from direct hiring to more indirect hiring, and that's something that you see not only impact Latinos, but actually people across the low end of the labor force, and that's arguably weakened that kind of labor market bargaining position of low age workers in a whole series of complicated ways.

So, again, you know, in the stylized view of wage dispersion, we could see this more aggressive approach to employer verification and border enforcement as aiding folks who are at the low end of the labor market, but there's a way in which it actually might prove pernicious for them, as well. So that's one of the ironies of this approach that I think we ought to be sensitive to.

One thing that we haven't discussed much of is the kind of broader global perspective on the issue. One of the most potent arguments for a relatively less a fair relatively open immigration policy is on humanitarian grounds. Many of the folks who are arriving, particularly folks who are not necessarily in those high scale categories, are people who are, you know, huddled masses, who want to, you know, embrace America's economic opportunity and get ahead when you're looking at a lot of the way that we characterize, the way that we informally discuss immigration. You hear a lot of people say that, well, many of our kind of brightest, most entrepreneurial and most promised immigrants didn't arrive as kind of high scaled adults, rather they arrived as children to parents who were relatively low scale.

But the issue is that if you wanted to emphasize that kind of humanitarian approach, it's fairly obvious that we're not doing this in the kind of soundest, most coherent way.

You know, for example, the Mexican influx represents a very, very large share of the total influx into the United States, and yet when you're looking at a more kind of coherent development friendly approach to immigration, it would presumably not exclusively focus on one middle income country that has a great deal of poverty, but not comparable to the kind of poverty that one sees in Haiti, that one sees in Bhutan, that one sees in Bangladesh and a variety of other impoverished countries, let alone Zambia, the Central African Republic, other areas where actually it's simply difficult to get to the United States.

Juan Pritchett, an economist at the Harvard Kennedy School, has talked a lot about these issues recently in the context of global trade. When you're looking at an incredibly sweeping version of trade liberalization, let's say we have the perfect storm for the Doha round, and you said the end of all barriers from goods coming from the developing world to the developed world, you would see a benefit to the developing world on the order of something like \$20 billion, fairly important, but now the less trivial amount to what you would see if you saw a college development friendly reform that would increase labor mobility on a global scale.

Now, realistically, this is not an issue that's going to fly with Congress, as I'm sure that James would remind us, but it's a sort of more coherent way to think about this.

Now, the reason why we kind of talk about the issue the way that we do is because our bilateral relation with Mexico is actually vitally important, and that's one of the parts of the report that I found very, very admirable.

As some of you might know, there's a lot of anxiety in the country, both from the left and the right, about the prospect of a North American union, about the prospect of an – about the prospect of a kind of European unionization of NAFTA, and I take the rather bizarre view that this would not be an entirely bad thing insofar as when you're looking at our relationship with Mexico, which is, again, a vitally important bilateral relationship, we need to look to what is the scale mix in Mexico, how is the kind of agricultural policies that we are building – New Mexico, how are those shaping future migration patterns.

Mexico is also a rapidly aging society. There are a lot of these issues that we don't really engage and we think exclusively about border enforcement, that we would be I think wise to think about more broadly.

But again, those are two separate things. And I think that when you're talking about being broadly sympathetic to our foreign born population, with vis-à-vis family unification policies, we are going to make

some sacrifices in terms of the development friendliness of a broader immigration agenda.

My sense is that something much like the report's recommendation would actually be very good and would be broadly political popular. But I also think that, in terms of that humanitarian dimension, we need to think about tilting away from the countries that, you know, are closest by in terms of advantaging those folks and think more about populations in Africa, et cetera, in terms of having some kind of temporary status that would allow people to transfer skills and also transfer remittances in a way that really would lead to a pretty significant income gain. So that's a lot of different ideas, I hope it made sense.

MR. GALSTON: Well, my thanks to all three commentators for putting such a rich smorgasbord of ideas on the table. You know, is the report admirable or not so admirable, is it politically feasibly or not so feasible, I mean, you know, all conceivable positions have been enunciated very crisply and very persuasively. Of course, they can't all be right.

We had planned a third piece of this event that was going to be cross talk on the panel, but it seems to me that we've been coming at you, a very large and high quality audience for an hour now, and we ought to go straight to you without further adieu. And I have three short pleas as we do.

Number one, when you – before you ask your question, please identify yourselves by name and appropriate institutional affiliation.

Number two, and I say this based on almost four years of experience at Brookings, please ask a question. And number three, again, an experienced based plea, please keep it as short as possible in deference to many other members of the audience whose questions are as important to them as yours is to you. And with that, we'll have a couple of hand mics rotating through the crowd, and who would like to ask the first question? Yes, the gentleman in the yellow shirt.

MR. ALTMAN: I just have a question about the immigration of the high technology people.

MR. GALSTON: And you are?

MR. ALTMAN: Oh, sorry, I'm Fred Altman. And those people are not going to come over without their family. When you're talking about those people, are you considering the family, as well as the people themselves?

MR. SALAM: The short answer to your question is, yes, the number I put out is 150,000 increased per year includes family members, so it's actually not that – an increase, probably half of that would be family members, so yes.

MR. GALSTON: Next question, please.

SPEAKER: Hi, I'm Dave – from the Congressional Budget Office. A lot of undocumented aliens have paid social security taxes, some of them under their own social security numbers before they became undocumented or illegal, I should say, some have paid them under false social security numbers, but they could still demonstrate that

they pay those taxes. What do you think should be done about that if you were to grant amnesty to undocumented workers? Do you give them credit for social security taxes they paid when they weren't here illegally?

MS. KELLEY: Well, they're going to have to pay taxes, so they're going to have to straighten out the records, right. You know, at that point there would have to be a judgment made about, well, you've now established that you've paid taxes for the last eight years under a different name and we're not going to give you that money, so that's – I mean that's the – or do you give it, right, and that's been the subject of amendments in the past. So that will be an argument that will be settled on the Senate floor. You can imagine the debate.

MR. GALSTON: Further responses from the panel. There is, of course, a legal doctrine which applies in other areas that we call the fruit of the poison tree, and, you know, some might think that, you know, that money paid under false pretenses falls into that category, but I absolutely agree with Angela, you know, this is one of the many questions that would have to be answered on the floor. Next question; yes.

MS. SHARM: Hi, my name is Joanna Sharm from the Religious Action Center. This is a question for Mr. Salam. The comments that you made about it shifting the skilled worker visas to give more competition to middle class workers and ease the burden on lower wage workers, I'm just wondering if there's any statistics relief on how much of the current competition for low skilled workers is due to legal immigration versus illegal immigration.

MR. SALAM: There's a lot of debate about this, and I'd be happy to kind of send you some of the various studies, but unfortunately there's no real consensus. And, for example, if you look at, you know, Douglas Massey, he argues that when you're looking at the kind of various ways in which we've tried to enhance immigration enforcement, that actually redounded to harming lots of native born workers, particularly Latino workers, but also more broadly.

So, again, that was designed to ease the burden on those kind of lower wage workers, and it didn't actually prove very effective. But I think that the idea that, you know, for example, Dean Baker, a kind of left wing economist, kind of has argued that you want more competition folks in this college educated upper middle class workers, but this is also particularly with regard to people with medical degrees and a lot of other kind of services, where the fact that you have very kind of straightened quotas, you know, kind of for skilled employees actually seem to be a way of kind of insulating kind of protective native born guilt. So I mean there's a lot of debate about this and I couldn't give you an answer off the cuff, sorry.

MR. GALSTON: Let me just say on behalf of the roundtable, that we spent an enormous amount of time reviewing the literature on that question, and it was a matter of spirited debate among the economists in our group who, of course, the best informed as to the empirical studies.

And I think we probably reached a rough and ready consensus to the effect that there has been a measurable downward

effect based on the competition from, you know, choose your terminology, illegal or undocumented immigration, that it's almost certainly in the single digits of percentage points rather than the double digits, but we couldn't get much closer to precision than that. It wasn't for want of trying, I can assure you, we really wrestled with exactly that question. The next question, yes, please.

MR. OWENS: My name is Richard Owens. I believe there was reference to a verification program and the reference was to an E-Verify that isn't yet up and running, and my question is two-fold, are we talking about a national identity card here applicable to everyone? And how would the government operate this when it can't properly operate the terrorist watch list?

MR. SALAM: If I may address that briefly, I think that Bruce Snyder has done a lot of stuff about the prospect for creating a truly secure identify card, and I think that his view, which seems persuasive to me, is that it's essentially impossible. We -- rely on a single data base for making all hiring decisions domestically. It would be a nightmare if it were down for say a two to three hour period.

So the idea of -- when you want to get something secure, you want to be resilient, so that it can actually fail effectively. And the danger of doing something like this is that it would not actually fail very well. And I think if you're looking at the British experience and trying to create an identity card along these lines, they've had tremendous difficulties. They've encountered huge cost overruns. The trouble is that



actually you probably do need something like this that would be effective for something like this to work, the problem is that that might be impossible, so this is, again, one of the ironies and difficulties of this otherwise sound approach.

MR. GALSTON: Other than that, it's – go ahead.

MS. KELLEY: So there is – I was just going to give a little bit of background. There is a verification system in place now known as EEVS, Electronic Employment Verification System, or E-Verify. It started as a pilot program and it's been expanding.

You know, a certain state, for example, Arizona, now has it so that all employers who are making new hires have to run people through E-Verify. The problem is, quite frankly, is that it has to rely on a number of different data bases, right, the Department of Homeland Security, but if, you know, I'm a U.S. citizen, I was born here, so I'm not in the DHS data base, but I'm in an SSA data base, Social Security Administration data base, that agency has expressed a lot of concern about a massive expansion, where it would have to cover every single new hire by every employer everywhere in the United States, because that's going to back up SSA, which is, you know, increasingly facing a huge workload because more people are retiring because they – get older.

So it is right now in a pile up stage expanding in different ways. The administration is also seeking to expand it. But what we're talking about as the report is written is that it would have to be like expanded fully to all employers, every single person in the U.S., before

legalization could start, so that's how the – if I understand the report correctly, how we're doing.

SPEAKER: Yeah, it's close, but not quite right in that our argument is that it is building, it's expanding, as you said earlier, it's going to happen. The question is really, how long will it take, how effective, how much do you build in privacy safeguards. Everyone can acknowledge its complicated effort.

Our view is that could take forever, we could never get there if enough people oppose it, if there are too many doubts about it, if we can't find a way to deal with the secure ID, in which case the jig is up. We should all go home right now because we're not really going to be dealing seriously with the tradeoff between legalization and work place verification. So what we've tried to do is think through a way that says the train is leaving the station, it's moving along well, the engineers have checked it, it's safe, but there's enough that needs to be worked on before it gets up to speed, how do we make sure we have everyone pulling for it, giving it the resources it needs?

Well, part of that story is to get those in favor of legalization on board with wanting to see it to succeed. And you're absolutely right, Angie, it would delay illegalization.

On the other hand, illegalization, whatever is being promised right now, I think is unlikely simply to materialize absent some serious effort at work place verification.

So the trick here is how to get these linked and working together in a way that actually gets us to – sooner so that we're not simply stalling whether those aren't illegalization sides, we're worried about the enforcement provisions, or those on the enforcement side who got any kind of legalization can throw enough standards into the work, that's where our group has tried to put forward an idea which may need lots of work and other additions and such, but something which points a way forward that is actually serious.

MR. GALSTON: Next question. Yes, the gentleman in the row.

SPEAKER: Craig – independent consultant in immigration. In your discussion, I kind of got from the last remark that I was – I was curious, is there any thought about combining the work of labor DHS state into one rather than having them separated into three separate departments?

As Angela indicated, the consistency to have a decision made in a consistent manner as opposed to having it distributed across three separate departments, was there any discussion about consolidation of the processing?

SPEAKER: I think the answer to that question is, no, I don't think we've spent any time – I think it's probably because, you know, there was an argument about this before that led to DHS, and I think we see the deconsolidating different agencies into one larger agency doesn't necessarily get you what you think, because some of these differences

reflect basic fundamental differences and perspective of people who do different jobs, as well as different bureaucratic rationales. I'm not saying that it's a totally bad idea, but it just doesn't – I don't think it came up because it didn't strike any of us as sort of the best point of leverage at this particular point in time in light of recent history with DHS.

MR. GALSTON: Do you have anything to add?

Having said that, let me offer a generic answer to the kind of question of what yours is an instance, and that is that I think everybody in the group recognizes that this is sort of the high altitude sketch. Whether you like it or not, it's a high altitude sketch of a problem that has an enormous number of details as you get closer and closer to the ground, having to do with institutional arrangements, having to do with implementation procedures, et cetera, et cetera.

This is not one of those policies where you can sort of wave a wand and then things happen on the front lines, and so there are probably hundreds of different questions akin to yours that will have to be thought through if and when Congress really decides to address the problem as opposed to simply the politics of the problem. So your question is an important one for the challenge that it points toward. Next question. Yes, I see a couple of hands in the back.

MS. MURPHY: Hi, Tiffany Murphy from the Institute for the Study of Diplomacy at Georgetown. And I was just curious about the rational behind obviously increasing skilled labor visas and replacing the per country limits for one single overall limit, what the rational behind that

was, and why not just increasing the number of skilled visas and maintaining the diversity, because there is, as we all can see, a large tendency, I forget the exact numbers, but a lot of the skilled worker numbers are actually being sold by Indians right now, and whether we want to maintain that diversity or what was the rationale behind that.

SPEAKER: I think that – I mean the general argument for the increase of skilled visas is that we have a significant family tilt right now, and so we – I mean Angela's point is right, we are not – right at the edges, we're making significant changes here, but we think that tilt needs to be put more in balance with employment and family.

I think that within that, the per country idea, was the notion that you – I mean the point you made about diversity is an important one, and at the same time, you have a per country cap for China say, which is a huge country, and there are a lot of people who are never going to even come close there, whereas you may have a cap for a smaller country, so you're preserving diversity, but you're keeping a lot of other people out, people who on balance may better serve our needs. And so the idea was that we ought to look at that without direct regard to the diversity dimension of it.

I think it's fair to say that for the group, that was not as strongly felt a recommendation such that the balance – the issue you raise could be accounted for in further deliberations in terms of is there a way that could tilt too far in the direction of if everyone coming in was from

China or India, I think that would not be something the group would have supported.

MR. GALSTON: Yes.

MR. LO BIONDO: I'm Gasper Lo Biondo from the Woodstock Theological Center at Georgetown University. Doctor Skerry, I wonder if you'd have any response to Angela's critique of the nuclear family unification idea?

MR. SKERRY: Sure, I welcome that question. I think my response to Angela's critique is that it's not either or. I think she paints a picture where she defines family criteria in a way that sounds like we don't acknowledge family unification whatsoever. I think – this can't be a bifurcated choice, this has to be a difficult cut point, where you make some decisions along a continuum. And I think we take family unification seriously, but limit it to nuclear families because we – you have to draw some lines here, and this would be a larger criticism that I would make of Angela's response to our report.

I mean I appreciate the directness and the clarity of her views and the way she states them, but I don't think she responded to our report in the spirits in which it's offered, which is to say we wrestled mightily with these questions among ourselves and made some difficult choices, and I would ask Angela, what difficult choices she has faced up to in either responding to our report or in her own proposals, because as far as I can hear, it's just more of the same, and I think it's based on a bet that she's making, and her advocate colleagues are making, that, you

know, in 2008, it's a different ballgame with the election of the new administration because of the support Latinos have given to Obama.

And I would suggest to her that she may be misreading the evidence, that, in fact, Latino supported Obama, not because he stood out on the immigration issue, we all know that he didn't, it was John McCain who did. Latino resembles other Americans in this respect. They supported Obama because of his views on the economy, his views on the war, his views on health care. That's a very positive assimilation story, one that I think Angela should pay more attention to.

MS. KELLEY: Well, thank you, Peter. I don't know how much Spanish language press you watch or read during the election, but I can tell you because my family is from South America and we do watch it, and there was a lot of attention paid by the Latino community to the immigration issue, and there was a lot of money spent by both candidates trying to outdo themselves in terms of who was, in fact, going to be more pro-immigrant. And why did they do that?

Yes, it's true that Latinos care about health care and the economy and they're worried about the wars, but they look at the issue of immigration as one about how they're talking about me. And I can tell you that my family, who is all now here legally, are many are naturalized citizens of many decades and don't risk being deported, are gravely insulted by how we have been talked about in the debate. And though John McCain was an avid supporter of immigration reform, and he did partner with the late Senator Kennedy on it, he also walked back from the

bill and he said he wouldn't support his own bill, something that Latinos are very aware of.

My criticism of your report in family is that while I'm sure you debated the issue robustly, it didn't come out in the report the value judgment as to why you threw 3.3 million family members under the bus. It just – it wasn't explained. You made a judgment on high scaled immigration, I get that, but there is a lot of evidence, and I cited a little bit of it in my commentary, that would suggest that family plays a really important role.

And to the very first question that we got, when the gentleman said, if a high scale person wants to come and work at Microsoft, can they bring their family, I think – say yes if they're under 21. So if I'm that terrific high scale worker who wants to come work at Microsoft, and my daughters are 21 and 24 years old, and I can't bring them, am I going to come? I don't know. So, yeah, we have to make tough choices, but I don't know that, you know, we've – and we'll have to talk about the numbers. But your numerical analysis is 1.1 million, why, because that's what it's always been and that's what we could agree to, and I just don't know that that's right.

SPEAKER: We don't think it's right either, but it's what we could agree to. I mean that's – as you know, that's how it often works.

SPEAKER: Just if I may briefly, both of my parents are immigrants from Bangladesh, my sisters are also immigrants from Bangladesh, and, you know, in New York City, in Brooklyn and Queens,



there's an enormous spike in the number of immigrants post 1986 because of the diversity visa lottery.

The diversity of visa lottery has been a huge boom to large numbers of people from a wide variety of countries who otherwise would have no access to the United States because, again, they didn't have the kind of family connection that you would have otherwise.

And I think that, you know, many people, myself included, would strongly agree that these immigrants who arrived, again, many of them with high school diplomas and a little more in the way of education have revitalized lots of communities across the country. I also think that the kind of compromise they made actually makes sense. I don't think that it's an attractive compromise. I think that there are – there is a strong normative case that political philosophers that Joseph Carins and a number of other folks have made for actually unlimited legal immigration. The best way to solve the illegal immigration problem is to declare all immigration legal after all, but I think that there are tradeoffs that, you know, kind of we have in mind, and I think that there are a lot of constituencies that are impacted unevenly.

David Cameron gave a wonderful speech in Britain regarding immigration; it was actually a very shroud speech because a lot of the immigration rhetoric there had been, you know, seemed very insensitive, seemed very kind of ethic in its origins, but he gave a speech that was really talking about Greenbelt, so it was really talking about transportation, congestion a variety of quality of life issues.

And again, I think that, you know, different people are going to care about different things, but I think that, you know, the folks on the commission were trying to weigh a lot of these different issues, and though I really – the number of people in Ukraine who apply every year for a diversity visa lottery, it is 600,000, that is a country with a population in the neighborhood of 50 million, 600,000 of them every year apply, and it's not the same 600,000 from year to year, you're looking at a variety, you know. It hinders on -- these numbers are staggeringly high. And then think about how many folks in some of these developing countries even have high school diplomas are even minimally eligible. It is a staggeringly large number of people. This is something that is tragic from that perspective.

But again, I think that, you know, there are a lot of ways we can splice this, and the people who happen to be foreign born living – relatives in other countries are, by the way, not the most desperate and impoverished and needy people in the world.

So, again, if you're thinking about that as your normative framework, it's not obvious that emphasizing their concerns is the right way to think about it. So I just kind of caution that, again, strong limited case for opening the borders completely, if we do not do that – short of that, you know, what is going to be the normative framework under which we're going to decide how to do this?

And one thing that seems to make sense, the one that they use, which is let's look at the back end vulnerable populations in the

United States, let's look at the impact on our future prospect for economic growth, et cetera, and emphasize that.

MR. GALSTON: We have time for one last question, and I see a hand in the back far corner.

MS. STICLE: Sherry Sticle from the National Conference and state legislatures. I was very happy to see the attention to integration in the recommendations and the discussion of sorting out of roles, but I want to know more about financing, because I see – envisioned a fairly large role for state and local government, but no discussion of financing or how that would work especially related to education.

SPEAKER: You have found the soft spot, or not necessarily the sweet spot that we were looking for. Look, we were able to agree that one needed better coordination, one needed a bully pulpit, one needed a different way of framing, so this wasn't merely assisting, but neither was it merely demanding. We have specifics that flow from that, we think there's a lot of stuff happening at the state and local level which can be, if not replicated, shared in terms of best practices elsewhere. We did not come to a final conclusion on the big ticket item of, well, is this body going to have a big chunk of change that it's handing out, and if so, how would that operate. And that's not a small thing to leave out. We fully recognize. I think our belief is that there's a whole lot of ground to be cleared just on the very principal of what's needed and the mechanisms, and I think even without a major funding mechanism, this could be enormously affective and helpful.

But the question of money behind it, well, to put it bluntly, it could help and it could hurt a lot depending on how the rest of it is set up. And our view was, let's get the other things identified first and then we can talk about whether it would be a funding mechanism or not.

There was certainly those within the group who thought it would be a critical thing that it play that role, but not everyone showed that comment.

SPEAKER: One of the things that we discussed with respect to states and localities, and I think we had widespread consensus on, if not unanimity was the notion of impact – okay. You know, there are some locations that are disproportionately hit by burdens associated with immigration and we acknowledged that. I mean, you know, Howard Berman and others have repeatedly come to the floor, namely from California, to say, hey, you know, where's the impact – California is being decimated by ways and ways of illegal and legal immigrants, and the federal government has sort of advocated the responsibility at the border, you know, why can't we redistribute some aid this way. I think he was absolutely right, I think we all acknowledge you had a good case there. Of course, getting Congress to go along with redistribution like that is always really difficult. But at least on the – it seemed like there was a reasonable case for some kind of impact dated formula.

MR. GALSTON: Let me bring this to a close with three brief comments. First of all, the – as Jim I think rightfully said, the Constitution of the United States does reserve to the government of the United States

and not to the states both the right and the responsibility of establishing a uniform immigration policy.

And because that responsibility is so clearly located at the national level, it is the federal government's responsibility to pay attention to – impacts of state and local levels, I think there's no question about that. The government has honored that principal in other areas, it has – to honor that principal in this area, and we do believe that it's time to catch up. Concluding point number two, on behalf of the group, Reihan, I will plead guilty. We did assume the normative presence and weight of political community, what's called a nation status, which are, let us be blunt, a – collective self-reference, not pure self-reference, but considerable self-reference, and so in thinking about what to do, we have to balance the presumptive legitimacy of political communities against the sorts of universalistic considerations that both libertarian economists and universal political philosophers like Joe Carin articulate.

Third and finally, we have heard I think just in the past hour and a half a spirited welcome debate. And let me just underscore what both Noah and Peter said in their presentations, it was our effort in putting together such a diverse group to locate a point of equipoise, you know, a point of compromise and common ground to which people, not only at the Center, but a click to the left and a click of the right to the Center could repair without having a sense that they had abandoned their integrity or their constituents.

We fully recognize that what we put on the table satisfies no one fully, doesn't even satisfy a single member of the roundtable fully. It represented our best effort to chart a way forward that might conceivably garner a majority of the people whose sworn duty it is to represent their constituents. We may have gotten it wrong, but that's what we tried to do, and for that effort, I think it is fair to say we are unrepentant, everything else is negotiable. Thank you very much.

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## CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

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