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Immigration Reform Five Years Later

by Theodore M. Hesburgh

With some fanfare last month, the Immigration and Naturalization Service announced that it had apprehended 131,500 aliens trying to cross our borders in January. This was a staggering 50 per cent increase over the number of apprehensions in January 1985. The message, in short, was that illegal immigration is out of control and getting worse.

For those of us who served on the Select Commission for Immigration and Refugee Policy, the news came as no surprise. In its final report, issued five years ago this month, the Commission warned that our current immigration policy was inadequate to deal with growing worldwide migratory pressures.

That report has become the basis for the immigration reform legislation now pending in Congress. In its study, the Commission attempted to walk the fine line between honoring this country's tradition of being a land of opportunity for the world's downtrodden and dealing with the harsh realities of the late 20th Century. Immigration reform is, to say the least, a difficult and thorny issue, but one that we can no longer afford to avoid ~~dealing with~~.

The essential recommendation of the Commission was that we ought to open the front door of legal immigration a bit wider while we shut the back door of illegal immigration. America must recognize the realities of a tumultuous and impoverished world and maintain a generous policy towards those wishing to come here. But we cannot accommodate everyone and we must regain control of our borders.

[There is a moral dilemma that gnaws at the conscience of anyone who examines this issue. To face it squarely, I undertook my role as chairman of the Select Commission by asking this question: Why should immigration be a problem? Why not let down the barrier and let people move freely?

After two years of comprehensive study, the question answered itself. It is not enough merely to sympathize with the aspirations and the plight of illegal aliens. We must also consider the consequences of not controlling our borders. What about the aspirations of Americans who must compete for jobs, and whose wages and standards are depressed by the presence of large numbers of illegal aliens? What about the aliens themselves, many of whom are victimized by unscrupulous employers or who die in the desert at the hands of smugglers, America's modern day slave traders?]

Unfortunately, nothing has happened in the last five years to alleviate the conditions that cause illegal migration. Like every other difficult issue that Congress has chosen to ignore, the problem has not gone away.

A good deal of the Select Commission's time was spent focusing on the phenomenon of illegal migration. We concluded that the key to curtailing the flow of illegal immigrants was to remove the lure of jobs in this country. It is the magnet of economic opportunity that attracts people and until that lure is removed the flow will not abate.

The cornerstone of both the immigration reform bill passed by the Senate last fall and the one now under consideration in

the House, is a provision that would penalize employers who hire undocumented workers. Under our present law, it is illegal for an undocumented alien to be in this country, but it is not a violation of the law for an American to hire one.

It was also the strongly held opinion of the Commission that those aliens who have been otherwise law-abiding residents of our country for a reasonably long period of time should be granted the opportunity to legalize their status here. Compassion dictates that these people be allowed to emerge from the shadows of our society.

Our alternatives are limited. Failure to act quickly and responsibly to control the flow of illegal immigrants to this country will inevitably lead to a quasi-military solution none of us wants. Just as continued budgetary irresponsibility led to Gramm-Rudman, failure to address the immigration problems will force drastic solutions down the road.

Neither the Select Commission nor any of the other responsible proponents of immigration reform want to see immigration stopped. Controlled, legal immigration has always been and can continue to be beneficial to the nation. But as Congressman Peter Rodino, the chief sponsor of the House bill recently observed, "It is a mistake to let this problem go unaddressed. What's going to happen if we don't act is that a psychology will develop that says, 'Don't let anybody in.'" Or, have the military round up those here illegally and push them back across the border.

The pressure on our border is staggering. Recently, the Mexican government candidly admitted that its economy would probably be unable to create jobs for more than half of its new labor force entrants over the next fifteen years. Based on the number of people already born, that's a shortfall of nearly 5 million jobs. And the pressure will not come from Mexico alone. The situation is much the same throughout Central and South America, The Carribean, and the rest of the Third World.

During the next fifteen years, assuming a persistently strong economy, the United States will create about 30 million new jobs. Can the United States afford to set aside more than 20 per cent of its new jobs between now and the year 2000 for foreign workers? The answer is obviously no. It would be a disservice to our own poor and unemployed to try.

We needn't wait until we are faced with a choice between immigration chaos and closing our borders. Crash solutions to crises are always the least desirable ones. Most of the recommendations of the Select Commission are embodied in the Simpson-Rodino bill. If Congress acts now to enact these reforms, our nation can continue its proud tradition of sharing our way of life with new immigrants. If it does nothing, in the end we will all lose.