

Chapter 10**PROPOSAL FOR IMMIGRATION REFORM
A GUEST WORKER PROGRAM**

The public is focused on the illegal immigration from Mexico. And, while Mexico is the single largest source of illegal immigration into the United States, consisting of both Mexican nationals and immigrants from Central and South America passing through Mexico, the reality is that there is a large number of illegal immigrants from many other countries who cross both the Mexican border and the Canadian border. There is also a large number of people who have entered the United States by way of a visa, and have overstayed their visa limits.

Before any other steps are taken to reduce the number of illegal aliens in the United States and deal with their situation, additional illegal immigration must be curtailed. At present, illegal immigration is estimated at 500,000 people annually, That figure is more than twice our legal immigration quota.

Without curtailing the present level of illegal immigration, any regulated immigration policy will be ineffective.

Traditional immigration seeks to control the number of immigrants in any given year, with quotas established for various countries. There is also policy in place to deal with refugees and other classes of people. Immigration control also seeks to prevent the importation of transmittable diseases into the United States. This concern has greatly diminished since the days of Ellis Island, still we do have vaccination requirements and health must still remain a primary concern. Immigrants, like others applying for a visa into the U.S., must be required to comply with vaccination requirements.

Presently, there is the heightened concern, even fear, of terrorists infiltrating across our borders, potentially hiding among the thousands of illegal immigrants who come here primarily for work. Without discussing the causes of the stated terrorist problem, and what might be done politically through changes in American foreign policy to ameliorate that situation, any internal security program is obviously severely compromised by a lack of security at our borders.

Many proposals have been suggested for strengthening border security and the debate continues. As a general rule, I believe the illegal traffic across our borders should be controlled by ICE, Immigration and Customs Enforcement, (formerly Immigration and Naturalization Service) an agency of the Department of Homeland Security, rather than controlled by active military forces, which would be an improper use of the military. Still, without resolving the issue here, I believe that ICE should once again become a part of The U.S. Customs Service. I say this because of my concern for the militarization of so many federal agencies in the form of large paramilitary elements within their departments.



Photo: Courtesy Department of Homeland Security / ICE

This is what Homeland Security looks like now.

We must move away from this before it turns on us and destroys our liberty.

Mexico and Canada must be asked to enhance their own border security. Legislation should be passed that will penalize Mexico and Canada monetarily by the imposition of limitations on trade, and/or severe punitive tariffs on that trade, if the flow of illegal human traffic across our borders is not stopped.

Mexico and Canada must also be asked to share the cost of returning illegal immigrants to their respective countries, even if those returned are citizens of nations other than Canada and Mexico.

We must closely examine the argument that certain business entities have a vested interest in the unfettered flow of undocumented immigrant traffic across our borders. We must also investigate why the increased number of manufacturing jobs in Mexico due to recent trade

agreements has not resulted in a reduction of Mexicans seeking employment here. Depending on the results, we may have to re-evaluate and modify the NAFTA agreements. It would be unconscionable if a small group of business interests is found to be profiting from the NAFTA agreements, while Mexican workers are not sharing in those profits, and American workers are losing jobs. The examination must look to see if the conduct of cross border business is indirectly or directly responsible for the increased illegal immigration.

No legislation should be considered until we know the economic causes of the illegal immigration, the economic ramifications of current trade policy, working conditions of Mexican workers in Mexico and the U.S. pay scales of illegal immigrants, and the general employment practices of those who hire them.

Our entire trade and import policy must be examined to gauge its effect on illegal immigration; and examine our tariff policy to gauge its contribution for the loss of American jobs to foreign countries.

Basic immigration policy

We must take whatever measures are necessary to persuade our neighbors to assist in eliminating illegal immigration.

The current US immigration policy is a mix of programs, each with limits on the number of immigrants that may enter the United States from specific countries. There are supplemental programs, which aim to balance inequities in the system, both personal and geographic, and which tend to admit those who have the potential to enhance business, industrial and scientific opportunities in the United States. In no way is the system perfect, but it is on the books, and has a stated methodology. I believe that there is a need to review the particulars of the policies; but in seeking improvements, the basic concept should not be severely skewed because of temporary political pressure toward one nationality or another.

Current US immigration policy gives preferential immigration to the relatives of those with Legal Permanent Resident status (LPR) or those who have gained full citizenship. One aspect that must be examined is the effect that proposed legislation that is aimed at granting a broad based amnesty to all or part of the estimated 11.5 million illegal aliens currently in the United States would have on existing policy. The potential total supplemental preferential immigration status given to illegal aliens currently here, an estimated 75% from Mexico, would severely outweigh immigration from other countries far into the future.

Illegal aliens already here – Guest Worker Program

Guest Worker Program

A major question today surrounds the proposal being made to initiate a guest worker program in the United States, similar to programs in many other countries. The social and economic ramifications of this program must be examined before any program is accepted. Under no circumstances should this type of program create a type of second class citizenship for those coming here to work. If foreigners are brought here to do unskilled and semi-skilled labor, they must be rewarded in some manner commensurate with American workers doing the same jobs. There, of course, would still be economic benefit to employers who choose to use this type of labor, but care must be taken to prevent the development of a foreign underclass. Also, any guest worker program must be seriously examined as to how it might affect pay and work standards of the American worker.

Jobs no Americans want

It is said that the illegal aliens are doing jobs no Americans want. This is a statement that has yet to be demonstrated as true. Perhaps many younger people working at minimum wage jobs in the service industry would do just as well or better working at traditional farming, construction, and industrial jobs. America reached its manufacturing zenith when many rural young worked on farms and in factories. This employment has now been replaced by low paying corporate service jobs, which are really temporary or dead end jobs for most youth, and most of the factory jobs have disappeared.

Possibly, we should be looking at a newer type of vocational training for those who do not have the skills to occupy the positions that the illegal immigrants are so quick to fill.

Also, we need to consider long term federally supported investments in industries like

localized recycling based energy and alternative energy industries, mass rail transit, and other forward thinking projects that would absorb those who now find themselves without an opportunity for an industrial job.

There is a farming crisis in the United States, and the family owned local farm is under tremendous pressure and disappearing. I suspect that conglomerate agro-businesses are the largest beneficiary of the illegal migrant worker situation. Cesar Chavez, former president of the United Farm Workers union, opposed the continuing immigration of illegal workers, as he felt that they were negatively impacting the resident migrant worker, whose conditions were bad enough without the pressure of unfair competition by those who were working for sub standard wages and conditions.

Force wages up if Americans won't do the jobs – is not a bad result.

It is said that Americans would only do jobs being done by illegal immigrants if the wages were higher. This is not necessarily a bad thing. The problem in the United States today that is pulling jobs overseas is not the decent salary that American workers require to keep up with the cost of quickly rising cost of living, but the lack of efficiency of the American manager, and his unresponsiveness to the needs of the market. The problem is not the lack of worker productivity. It is as much or more American management's lack of creativity, as well as inordinately large management salaries, bonuses and the focus on stock profits garnered through stock options. The multilateral corporate story today is not about profit - it is about more profit. It is about short term profit culled from the stock market and the use of underpaid labor outside of the U.S.. The American worker has not shared in this increase in American corporate profit; he is not included in the profit equation. Excessive corporate greed and a lack of true political concern for the American worker, supported by favorable import regulations is the reason that American wages have been suppressed.

When America did its best, the American worker shared to a greater degree in the profits than he does today, to the degree that there was a growing middle class, and increased buying power for the average worker. During the period of the growing American standard of living, most Americans, though admittedly not all, had the choice of purchasing from the merchants they preferred, and were not forced to buy at discount stores because they had to. They often willingly paid more for better service and local convenience.

The typical American today is quickly losing this choice, and we are losing more and more locally owned retail stores and jobs. Lowering retail prices and limiting the choice of goods is a poor substitute for better paying jobs for the average worker.

I focus on the plight of the American worker, because I believe that were the American workers better employed and paid more, there would be an even larger demand for guest workers; and rather than being a substitute for American workers, they would be a supplement to the indigenous work force - filling jobs for which there would be no American workers available to fill.

Even as I was in the midst of writing this, I passed by a local McDonalds being renovated and saw a half dozen men who appeared to be Mexican or Central American on the job site working alongside workers who were obviously native born. I stopped and spoke to some of the Spanish speaking workers and conversed with them in Spanish. Knowing the construction labor pool in this region, I am quite sure they were undocumented or falsely documented; which is the pattern here. The sad reality is that most of the "undocumented" workers with whom I have worked give a full effort to the job: and their work habits are in some cases superior to American workers. It is obvious from their habits that they are here to work.

The decision to be made

Whether or not a guest worker program is established in the United States is a decision that can only be made after a full examination of the effects that this readily available supply of labor will have on the American workforce.

The guest worker program should be established only for the length of time and in a manner that benefits the American economy and does not negatively impact the American worker. It cannot serve to weaken the bargaining power of the American worker or serve as a tool to weaken the trade unions.

The last thing America needs is an inflexible guest worker plan, and if one were established it would need to be reviewed on an annual basis.

If a Guest Worker program is established

Those who choose to register

Illegal aliens already in the United States would be offered the opportunity to join a Guest Worker Program. Participation in this program would be for a 2 or 3 year period, renewable for an additional year. Participating in this program would yield the Guest Workers no particular advantage towards eventual US citizenship other than showing that he or she had been gainfully employed while in the United States. Once the Guest Worker's employment time ends, these individuals would be expected to return to their country. They may re-apply for another guest worker period after returning to their native country.

Illegal aliens who do not register

Those illegal immigrants who choose not take advantage of this program would be expected to return to their native country immediately.

If they desire to apply for citizenship at the time the first GWP is offered, they would need to return to their country and make the initial application there. They could, though, return immediately to the United States to begin their stint as a guest worker. The offer to remain here as a guest worker would not be lost just because they return temporarily to their country. Their participation in the Guest Worker Program would be irrelevant to their citizenship application process. For those illegal immigrants who leave voluntarily, their current illegal entrance into the United States would not be held as a mark against them in any future application for citizenship.

Illegal aliens who remain here illegally

Those individuals who are in the United States illegally and choose to remain here illegally, run the risk of being picked up by the immigration authorities and deported. This immigration violation notation would count as a negative mark against them if they eventually desired to obtain US citizenship or participate in a Guest Worker Program.

The illegal aliens who choose to remain here without US immigration guest worker status and are apprehended would not be charged with a felony, but would be arrested and deported as quickly as possible, unless there are special mitigating circumstances, which would jeopardize their safety because of the political situation in their native country. The United States does not need to house thousands of illegal aliens in our prisons.

Subsequent immigration violations would result in misdemeanor charges being filed against them. Agreement on the penalty for these subsequent violations would have to be agreed to.

Illegal aliens who have had children while in the US

Currently US law and interpretation of the Fourteenth Amendment recognizes any child born on U.S. soil as a U.S. citizen, with full rights. This extends to children born on ships within the 12 mile territorial limits and even to one born in an aircraft flying above U.S. soil.

I believe this interpretation is wrong and needs to be challenged, even if another amendment to the Constitution is required. US citizenship should only be granted to those children born to those who have immigrated to the United States legally, and are in the process of obtaining Legal Permanent Resident or Citizenship status.

Those illegal immigrants who have children born in the United States would still be expected to return to their native country unless they enroll in the Guest Worker Program. Their children are by law US citizens and, as citizens, have every right to remain in the U.S., to live where they please; or if they choose to return to their parent's native country with their parents, or because of age they have to return to their parent's native country with their parents, of course, would be able to return to the U.S. any time they wanted. Any future change of the law would not affect their claim to US Citizenship. Many people around the world currently have dual citizenship because of various situations.

Deportation reprieve for undocumented college age children of illegal immigrants

Children of Illegal aliens who were brought into the United States illegally, but who are now enrolled in college, or have been accepted to a college, will have a reprieve from deportation and will be allowed to continue their undergraduate college education until graduation; any undocumented children already enrolled in a post graduate school or have been accepted to attend a post graduate school, will have a reprieve from deportation and be allowed to

continue their education until graduation.

The parents of college age students would still be expected to return to their native country if they don't enroll in the Guest Worker Program, or to leave when their Guest Worker Program expires.

Identification and driver's licenses

All people participating in the GWP will receive a federally issued identification card with an assigned GWP number. This card will have both photo and modern biometric identifying capability, and should be as tamper proof as possible.

No American citizen will ever be required to have such a national ID Card

This card and membership in a special federally sponsored collision and liability insurance program, private automobile insurance or sponsored insurance from an employer, will allow them to obtain a special driver's license in any state in the United States.

Any member of the GWP involved in a serious automobile accident causing extensive damage to another vehicle or injury to another party who does not have membership in the Insurance Program or another form of insurance coverage will be liable for felony charges and will immediately be deported either before or after serving time in jail.

Health care and workers benefits, minimum wage laws

As part of their participation in the American labor pool, guest workers should have available to them basic medical partial pay insurance when the need arises. This refers to illnesses and accidents on the job. A program needs to be established to help defer the cost of these services, which currently are being unfairly borne by local and state governments, and ultimately the state citizens. The program that will be established is not intended to serve as a general humanitarian program by treating pre-existing illnesses. Humanitarian efforts by the United States are and should continue to be managed through other programs.

Employee / Employer / Native Country contributions

To help defray the cost of this program, the guest worker will contribute seven percent of his / her salary to a general medical assistance fund. The employer and the native country of the guest worker will each contribute an additional five percent to this program. These contributions will be kept at the state level and used as part of the insurance reimbursement to the medical entity treating the worker.

Illegal aliens – the threat of disease

As part of any immigration program, and no exception should be made for those illegal aliens already here, a proper medical screening should be done on all applicants.

This screening will also alert immigration officials to applicants who have pre-existing conditions that are difficult and costly to treat. If the condition is not communicable, which would require their returning to their native country for treatment, some sort of larger personal/ worker – contribution to the medical plan in order to compensate for this additional cost might be established.

This proposal is not intended to be comprehensive, but should serve as an outline for the approach that I believe best serves the needs of Americans and those who have come here and worked alongside us, and for those who would like to come and work alongside us in the future.