



Framework for Immigration Reform

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Starting from a blank slate, any immigration reform proposal should adhere to the conservative principles of respect for our Constitution, adherence to the rule of law, and encouragement of the free market. With those guiding principles, our immigration reform framework entails the following items in this order of implementation:

1. Visa Reform: America should strongly encourage the world's best, brightest, and risk takers to come here to work with us, rather than go somewhere else to work against us. Instead of having a visa system based on arbitrary caps set by government bureaucrats, we should construct a visa system that is based on demonstrated need – meaning, each calendar year, employers would inform the federal government how many foreign workers they expected to hire for that year. Prior to receiving a visa for a foreign worker, the employer would need to certify that it first tried to hire an American citizen and detail the efforts it made to do so.

The focus of America's visa system should be on identification issues: who is applying, where are they going, and when did they leave. This system would require some level of background checks of applicants, an obligation on employers to periodically verify continued employment, and an exit notification process that tied future visa eligibility for employers and workers on compliance. This system should allow individuals to apply for a visa from America and employers should be able to keep workers via reapplication for multiple years under this system. If the visa holder loses his job, he should be provided a short time period to find a job with another employer before his visa is revoked and he is required to exit America.

2. Border Security: Border security should not be aimed at intercepting individuals trying to cross the border illegally to work. With visa reform as described above, the demand for illegal labor will plummet, thereby greatly reducing the traffic along the border of immigrants attempting to cross in search of work. Border security should focus on apprehending criminal activity, especially terrorists attempting to bring weapons of mass destruction to America, human traffickers, and drug smugglers. Because the borders are in states and each state faces unique elements along its border, governors should have a powerful role in identifying how best to secure the border and in any statement that the border is in fact secure.

3. Interior Enforcement: Any interior enforcement system that does not recognize the rights of states and localities to control what occurs within their sovereign

jurisdictions does not respect the Constitution. The proper focus of interior enforcement activities should be the apprehension of criminal illegal immigrants and those who overstay their visas and the efficient processing of those individuals for deportation to their home countries. Any illegal immigrant apprehended for criminal activity of any sort or overstaying their visa should not be eligible for a visa in the future.

A key component of this reform is fixing America's grossly inefficient deportation system where lawyers and judges can arbitrarily delay deportation, including the continued use of the *Orantes* injunction and other outdated legal obstacles to deportation. Most fundamentally, when a state or local law enforcement entity apprehends an illegal immigrant, the federal government must be capable of taking possession of that illegal immigrant, housing him, and getting him through the deportation system as rapidly as the Constitution will allow.

4. Birthright Citizenship: Citizenship must be about something greater than the location where someone was born. The idea that an individual born in the United States is automatically granted citizenship his parents lack fails to appreciate what it means to be an American and the value citizenship means to Americans. That being said, the constitutionally questionable policy for over a hundred years has awarded citizenship in this manner.

In order to put an end to this practice while recognizing what has occurred in the past, we should pass a constitutional amendment clearly ending the practice of birthright citizenship but, consistent with America's strong tradition of promoting family unity, the amendment also should grant citizenship to the parents of the individuals who received citizenship via birthright citizenship. The former grant of citizenship does not happen unless the practice of birthright citizenship is ended. This "Grand Bargain" requires advocates on both sides of the issue to compromise to get a lasting solution. If we fail to deal with this reality, we will not solve a key element of America's illegal immigration problem.

5. Minors Brought Here Illegally: Outside of the issues listed above, the only remaining issue to resolve is what to do with the individuals who were brought here as minors but who were born outside of the United States. For this group, concurrent with the reforms above, individuals over the age of eighteen should be eligible to apply for a work visa or an educational visa. For minors, a special educational visa should be created that permits those individuals to remain in the United States so long as they are full-time students in the K-12 system and a parent is in the United States under a visa provided under section one. Once they graduate from high school, those individuals should be fully eligible to receive a work visa.

Because we want to reap the fruits of the investments we've made in educating these individuals, we should grant them citizenship if they (a) serve in any branch of the United States military and are honorably discharged, (b) graduate with a four-year degree from college, or (c) start a business that remains a going concern after three years of operations.

All visa recipients should remain eligible to apply for citizenship or naturalization at any time and follow the same process used by foreign citizens who apply for those statuses without coming to the United States to work. Assuming there are roughly 12 million illegal immigrants currently in the United States, that figure should drop substantially once the reforms listed above are put in place. We should reevaluate the status of the illegal population, if any, once all the reforms are in place after a period of five years and institute additional reforms, as needed.

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