



## **Feds Not Enforcing Legal Immigration Laws**

By Alex Nowrasteh

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House Republicans have declined to schedule a vote on any immigration legislation this year, citing a lack of trust in President Barack Obama.

“The American people, including many of my members, don’t trust that the reform that we’re talking about would be implemented as it’s intended to be,” House Speaker John Boehner (R-Ohio) said in February. “It’s going to be difficult to move any immigration legislation until that changes.”

Democrats have countered by pointing to the president’s aggressive enforcement of certain aspects of the law, such as record deportations and employer fines. But Republican supporters of reform are not just talking about enforcement of the immigration laws. They want to roll back unnecessary regulations that hamper legal guest worker visas.

Tea Party Congressman Mark Meadows (R-N.C.), who favors giving “legal status” to immigrants here illegally, is very concerned about regulations that obstruct guest worker visas.

“One of the big concerns that many have is if we pass another law, will it be fully enforced?” he said last month. “The H-2A [Ag] program doesn’t have a cap, and yet we have agricultural workers who are here undocumented. There is no cap on that kind of program. Why is it not working?”

It’s not working because the H-2A visa is stymied by regulations promulgated and “enforced” by four different federal agencies.

As George W. Bush’s former Secretary of Labor Elaine Chao said, “Many who have tried [the H-2A visa] report such bad experiences that they stopped using it altogether.”

However, since Chao’s statement, the Obama administration has piled even more rules on to the H-2A farm program. On one hand, the United Farm Workers union said that it was “deeply thankful” for the regulations that they viewed as protection. But farmers tell a different story.

In a recent survey of Georgia farmers, only 3.4 percent of respondents used the H-2A program. Most were not eligible to apply because of overbearing regulations. The rest didn’t even bother because they had heard negative things about it. As one farmer wrote in the survey, “My H-2A workers visa [sic] were cut from 75 requested to 35. This is an impossible program the way it stands.”

Rep. Raúl Labrador (R-Idaho), another Tea Partier, argues the same.

“The president has a year to prove to us that he is willing to actually enforce the [existing] law,” he said at a February event. “The Labor Department continues to make it harder and harder to use the H-2A program, so . . . it’s easier to hire illegally . . . And this administration is doing it on purpose because they are trying to protect the labor unions.”

But the Obama administration continues to ignore the problem. The Labor Department recently rolled out new regulations on the H-2B guest worker program, for seasonal non agricultural workers, which will force employers to pay even higher wages regardless of the worker’s experience and productivity. The intention is to protect American workers, but the actual results will further stymie the legal immigration system.

Even if immigration reform becomes law in this legislative year, and a new lower skilled guest worker visa system is created, many Republicans are worried that they will quickly be choked by new rules and regulations promulgated by the Obama administration.

As Rep. Labrador said last year, “My concern is that this administration, even if we make a [worker] system that works, is going to make it through regulation much more difficult for businesses to actually utilize the program.”

Republicans want other security laws implemented like biometric exit tracking at airports, something the last Homeland Security Secretary called unnecessary. Reform may ultimately prove to be too controversial to take up before the November elections, but if the Obama administration deregulated current guest workers visa programs then a path could be built for broader immigration reform.

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