



Immigration Bill 'Could Create DMZ' Like Korea

By: Mark Koba – May 24, 2013

Immigration reform took a big step when a bipartisan bill passed through the Senate Judiciary Committee this week. The 844-page measure—which also gained the endorsement of a group of pro-business economists—goes to the full Senate for consideration.

While traditionally pro-immigration analysts and business interests applauded the effort, the current measure as it stands has set off alarms over one of the bill's biggest provisions—border security.

"The bill doesn't say it clear out, but in my opinion It creates a DMZ like North and South Korea, except [it's] between the U.S. and Mexico—our third largest trading partner," said Mark Noferi, an immigration law professor at Brooklyn Law School.

"The bill has a provision that extends the concept of 'the border' to 100 miles [within] the southern U.S. border, but I think that DMZ could conceivably extend along our northern border as well, through most of Vermont as it now stands," Noferi said.

The bill itself calls for increased training for any U.S. agents within 100 miles of "any land or marine border of the United States." The also bill calls for more Border Patrol stations within the 100-mile band, for improved communications there, and for the use of surveillance drones.

Noferi noted the \$6.5 billion allocated in the reform bill to secure the border is on top of the \$18.5 billion spent each year on U.S. border security. It's a lot of money for efforts that are already keeping U.S. borders secure, he said.

"They have to hire more agents, build more fences and deploy drone airplanes," Noferi said. "Some of these measures will not be in the northern part of the U.S. but both our borders will be more militarized."

"Our southwestern border is already more secure than it's been in decades." said Michael Wildes, an immigration attorney with Wildes & Weinberg. "Billions of dollars for beefing up border security is wasteful overkill."

Increased security measures could have a negative impact on the U.S. economy, according to a 2012 study by the conservative Cato Institute.

"Tourism, business travel, crossings at the land borders, and other legal entries into the U.S. have all been flat or falling over the past decade" from current security measures,

the report says. "The loss of tourist revenue and the discouragement of foreign investors and business travelers are certainly costly, especially in a weak economy with catastrophically high unemployment."

Beyond border security, one of the biggest points of contention for immigration reform has been what to do with some 11 million undocumented immigrants. The current bill would create a 13-year path to citizenship.

"I applaud the effort, but the path is obstructed with a lot of ifs, like merit points and fines and a language requirement," said Jamie Longazel, a University of Dayton sociology professor who has written on immigration issues.

That path starts six months after the bill becomes law when those in the U.S. illegally can obtain "registered provisional immigrant status"—but only if certain conditions are met.

Applicants must have arrived in the United States before Dec. 31, 2011, and maintained continuous physical presence, must not have any criminal conviction of more than two misdemeanors on their record, and pay a \$500 fine.

The registered provisional immigrant status lasts six years and is renewable for another \$500. After a decade, individuals could seek a green card and lawful permanent resident status if they are up to date on their taxes and pay a \$1,000 fine and meet other conditions still being worked out. Individuals brought to the country when they are young would be able to apply for green cards in five years.

"It's good they came to an agreement on a path to citizenship, but that time period seems long and it's overly burdensome in my opinion," said Wildes.

Foreign Worker Visas, Economic Stimulus

The Senate bill also addresses the issue of foreign worker visas. The number of highly skilled workers admitted to the country would rise from 65,000 annually to 110,000, with the possibility of a further rise to 180,000, depending in part on unemployment levels.

Firms where foreign labor accounts for at least 15 percent of the skilled work force would be subject to tighter conditions than companies less dependent on H-1B visa holders.

"To increase the number of skilled workers into the country can fuel the economy and make the country more globally competitive," said Wildes. "This is a very good part of the bill."

Others committed to immigration reform include conservative economists. Some 111 of them signed a letter sent to Congress Thursday supporting reform. The economists cited the nonpartisan Congressional Budget Office in noting that an immigration overhaul could increase average economic growth over the next decade by 0.1 percent and reduce the federal deficit by more than \$300 billion.

It's clear that whatever bill gets passed, there will be something for nearly everyone to dislike.

"Right now, It brings more government intrusion into American lives," said Noferi.

"It requires most Americans to undergo electronic immigration checks when starting work, and if you want to challenge mistakes, you have to go to court to be hired," the law professor said. "It will resemble the stricter voting laws in many states, only Americans' ability to make a living will be at stake."

"And immigrants will remain the only group the government locks up without providing a free lawyer, whether they are here legally or not," he added. "Americans, particularly more conservative, libertarian-minded Americans, may look back with regret on some of these provisions a decade from now."

Some say the bill is not tough enough when it comes to security. The leaders of unions representing workers at the federal Immigration and Customs Enforcement and the U.S. Citizenship and Immigration Services said in a letter sent to lawmakers this week that the Senate measure is too weak on securing the borders in part because it doesn't provide for enough agents.

But analyst say the final reform bill will have enough to please the skeptics.

"Republicans want to improve their image with Latino voters, and companies that rely on immigrant labor also seem to have their interests taken into consideration," Longazel said. "The bill has a chance to become law because it serves the interests of many of the parties that might otherwise be against it."