



Immigration parole, not amnesty

By: Ilya Shapiro – February 21, 2013

As a legal immigrant, I could be expected to object the loudest to the immigration reforms now circulating on Capitol Hill. After all, I navigated the bureaucratic morass — I finally got my green card four years ago after living in the country on temporary visas for 14 years — so why shouldn't everyone? Why should we "amnesty" people who didn't play by the rules I painstakingly followed?

The answer is simple, but our immigration laws are so schizophrenic that reform critics can't fathom that in this context it's the law's fault, not the law-breakers'.

First, there is no "line" to get into. Even for those like me who have earned multiple degrees in the United States, there's no way to simply apply for permanent residence (as my Russian parents did when they brought me to Canada as a child). Instead, unless they go the marriage route, even U.S.-educated scientists, engineers, and other professionals have to find employers willing to spend significant resources playing lawyer games with the Labor Department while the applicant's life is in a state of suspended animation. The wait takes years, particularly for those unfortunate enough to be from places that export skilled workers, like India.

Unskilled workers — your stereotypical Mexican day laborer — don't even have that. That's why it's so important that any immigration reform have a guest-worker component (which President Obama is resisting because union bosses oppose it). Give people the opportunity to earn an honest living and they'll take it — and then you can deport the criminals.

And that's the second point: "Amnesty" is a misnomer. None of the immigration proposals contemplate forgiving anyone who's committed any crimes here. Instead we're talking about hard-working people chasing the American dream.

Look at the subtle shift that Marco Rubio has made in addressing the issue: illegal aliens are human beings who make understandable choices given the options they face. They're not hurting people — immigrant crime rates are lower than for the native-born — or becoming welfare queens. Abuses of the social safety net, such as using the emergency room for primary care, are much higher among the native-born — and illegals aren't eligible for welfare or unemployment insurance.

All of those undocumented gardeners, roofers, busboys, and chambermaids would be happy to live life out of the shadows but, again, there's no way to do that under current law.

Moreover, the number of illegals decreased during the Great Recession because immigrants respond to economic incentives like anyone else. Ironically, the number of such "self-deportations" — Mitt Romney was mocked but he correctly identified the

phenomenon — would've been even greater if our “enforcement” didn't make it so hard for workers to return once the economy picks up again.

Indeed, our immigration laws themselves undermine the rule of law, not their under-enforcement — which in turn is bad for the economy and social order. If you brainstormed a process for how foreigners enter the country, how long they can stay, and what they can do while here, it would be hard to come up with something worse than our current hodge-podge of often contradictory regulations. This immigration non-policy serves nobody's interest — not big business or small, not the rich or the poor, not the economy or national security, and certainly not the average taxpayer — except perhaps immigration lawyers.

Instead, we have to recognize that there are 10-12 million illegal aliens in this country and that “rule of law” means changing the laws we now have rather than letting them sit on the books and paying lip service to the idea that we should spend a trillion dollars enforcing them.

Creating a line for people to get into — skilled and unskilled — isn't “amnesty” but “parole.” As long as we screen for criminal records, terrorism, and public health, America should stand for the idea of letting people in who seek a better life, in an orderly way: a funnel, not a necessarily leaky wall.

Liberalize the system, then crack down on those who ignore it. If you screw up, or if you go too long without a job, you lose your visa. But everyone gets a chance.

That's why President Reagan's 1986 reform failed: not because we didn't follow an amnesty with border enforcement, but because we didn't follow the parole we granted to those already here with a workable line (or funnel) for future immigrants.