



Will Unanswered Immigration Questions Be Addressed In State Of The Union?

By: John Rosman – February 12, 2013

Tuesday night President Barack Obama will give the State of the Union address. One of the main topics to be discussed could be immigration reform.

Immigration is likely to be a key talking point for Republicans as well. Marco Rubio, the Florida Senator of Cuban descent, will deliver the official G.O.P response. He will be doing it partly in Spanish.

The immigration reform conversation has already started. In both speeches, two phrases will likely be used: “Securing our border” and “back of the line.” Reforms like “work visas” and “employment verification” could be briefly discussed.

But beneath each of these phrases is an iceberg of unanswered questions.

How will we know if our border is secure?

The foundation of the immigration debate was laid out by a bipartisan group of Senators called the Gang of Eight. In their proposal the first step to reform is securing our borders.

In a two-day border tour, visiting San Diego and El Paso, Homeland Security Secretary Janet Napolitano stated she believes the border is "secure." This is different from what Gang of Eight Senator John McCain suggested on *Fox News Sunday*.

“We do need to have a secure border ... that's our commitment and I owe it to people who live in the southern part of my state where drug smugglers are coming across their property every single night.”

But apprehensions in certain sectors, like San Diego, are at an all-time low.

And the way to measure border patrol effectiveness needs to be addressed, as does the influx of border patrol shootings. A recent Mexican autopsy suggests a Mexican teen was fatally shot by officers in the back or after he was down.

The Gang of Eight proposal suggests electing a group of Southwest leaders to dictate when the measures of security are achieved. But different leaders across the southwest have varying opinions of their neighbors south.

Arizona Governor Jan Brewer insists the border is not secure, while they mayors of Tucson and San Diego want the border to be more friendly to shoppers and commuters.

The pathway to citizenship begins “at the back of the line” behind everyone who’s legally waiting.

As you can likely imagine — there isn’t one line. There are many lines to obtain visas. The most popular visas are from the family category. But the problem is wait times for individuals from certain countries hoping to obtain a family visa are so long, they can actually move backward.

According to the State Department some of these lines have 20-year waits — but for certain countries that’s completely inaccurate.

For countries like Mexico and the Philippines, certain relationships (adult child of a U.S. citizen or a sibling) face a wait and backlog of 100 years.

Work visas for guest workers

Overhauling the nation’s guest worker program as part of an immigration reform package has become a top priority for the nation’s farm lobby. They say making it easier to bring in foreign labor is more important than ever as domestic farm labor has become scarce in recent years.

The current system is so complicated many farmers opt-out of using it.

To participate in H-2A, farmers have to prove to the Labor Department that they tried to hire U.S. workers but couldn’t. They have to transport guest workers from their home country, provide housing and three meals a day. They also have to show their guest workers won’t depress local wages, among other requirements.

All this means lots of money, paperwork and often, attorneys.

“Consequently nobody uses it,” Larson said. “I think we have one farmer in San Diego County that uses the H-2A for about eight workers, where in reality we have 10,000-12,000 farm workers in San Diego County.”

Employment verification

Preventing employers from hiring undocumented immigrants is a key part of the immigration reform. Lawmakers point to Arizona’s E-Verify model as potential foundation for a national standard. But there are lingering problems with E-Verify.

A third of new hires in Arizona weren’t checked through E-Verify according to an analysis by the libertarian think tank, Cato Institute.

E-Verify was queried 982,593 times in Arizona in 2011, while census data shows there were 1.48 million new hires in that period.

... E-Verify isn't immune to fraud, particularly identity theft, though U.S. Citizenship and Immigration Services is working on improvements. Currently, some undocumented immigrants do pass by using the identity of a legal worker.

"We had one name that was used 266 times in the country to pass E-Verify and let them work," Pace said.