

ROLL CALL

3 Steps for Successful Immigration Reform

By Alex Nowrasteh, Jan. 29, 2014, 5:02 p.m.

Immigration reform is alive and well in 2014. Speaker [John A. Boehner](#), R-Ohio, recently said he would pursue it but, “one step at a time.” So if a step-by-step process is how immigration reform is going to get done, there are three critical components that must be included for it to be a success.

The first is creating a workable legal immigration system for low-skilled guest workers. Currently, there is little to no immigration opportunity for low-skilled immigrants. Instead, there are expensive, overly regulated and numerically limited guest worker visa programs that aren't working.

Take the H-2A visa for seasonal agricultural workers for example. Four different federal agencies regulate it, and the fines, fees and bureaucracy associated with it are so great that George W. Bush's secretary of Labor, Elaine Chao, said, “Many who have tried report such bad experiences that they stopped using it altogether.”

Just 65,345 H-2A visas were issued in 2012 but there are 300,000 to 400,000 unauthorized immigrants working in farming alone. That's not to say immigrants prefer to work illegally. In fact, when a workable legal channel was in place in the 1950s, immigrants flocked to it. Known as the Bracero program, it recruited upward of 450,000 workers a year during the height of that visa's use. The economy of 60 years ago consumed more than seven times the number of legal agricultural migrants than is allowed today.

Immigrants will continue to follow the laws of economics and come to America illegally if a better system is not included in immigration reform. A large scale, lightly regulated, and portable guest worker visa program for all sectors of the economy, modeled on a modified Bracero program, will allow lower-skilled immigrants the option to actually enter lawfully.

The second component of successful reform is fixing immigration enforcement, which would automatically be made more effective and less expensive by completing the first guest worker visa component. By funneling the vast majority of peaceful applicants through a legal channel, immigration enforcement could focus entirely on security and health threats.

In 2012, a net 200,000 unauthorized immigrants settled in the United States. With a large and legal guest worker visa program, there would be no reason for peaceful people to enter illegally. As a result, the number of border-crossers, and those who overstay nonworker visas, would greatly diminish. When the Bracero program was created, illegal border crossings declined by over 90 percent because they were channeled into the legal market.

Any decline close to that of the Bracero program would allow Immigration and Customs Enforcement agents to concentrate on finding noncitizens who are violent and property criminals, instead of separating families and raiding American businesses. Every dollar spent by ICE on tracking down otherwise peaceful people should be spent on finding legitimate national security and criminal threats instead.

The third component of successful reform is legalizing at least some of the peaceful unauthorized immigrants already here. This is a difficult but essential portion of reform. Unauthorized immigrants could come forward, pay a fee and a fine, and get checked against criminal and national security systems. If they are peaceful and pay some fines and fees, they should be able to work and live without fearing deportation. A long path to citizenship is preferable, but permanent residency, work authorization and no recourse to welfare benefits are the minimum conditions that should be met.

For immigration reform to be a long-term success, the nature of immigration must be understood. What drives immigrants across international borders is opportunity; a chance for a better life, higher pay and the ability to provide for their families. Immigrants will continue to come for these reasons regardless of stricter enforcement laws or a longer fence. That's why a legal system made up of the three components laid out above is a system that can really work.

Not only does the political will seem to be present for immigration reform to happen, history proves it can be done in an election year. The last several immigration reforms all happened during election years — 1986, 1990 and 1996. It can happen again this year. Moreover, if reform focuses on building a workable guest worker program, targeting enforcement to security and health threats and legalizing immigrants already here, 2014's reform could prove to be the last one for years to come.

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