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Report: Even before immigration reform, why not try these changes

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Report: Even before immigration reform, why not try these changes?

By Patricia Zapor Catholic News Service

WASHINGTON (CNS) -- Whether a comprehensive immigration reform bill makes it to the front of Congress' agenda any time soon, there are plenty of things the three federal immigration-related agencies can do in the meantime to deal with some problems, according to a new study.

Homeland Security Secretary Janet Napolitano, under whose jurisdiction the three agencies fall, asked Jan. 30 for a review of a wide range of often-criticized elements of immigration policies and procedures, ranging from how criminal aliens are handled to detention practices and backlogs in applications for legal benefits.

But before those reports can be submitted, the Migration Policy Institute has prepared its own analysis of some of those areas and other problems with current policies and practices. It's available online at: www.migrationpolicy.org.

Among the recommendations included in the institute's dense, 110-page report are:

- Halting construction of the multibillion-dollar wall along sections of the Mexican border pending a review of the effectiveness of the wall and of electronic security systems.

- Continuing an employer-verification program of immigrants' eligibility to work.

- Focusing immigration enforcement on major criminal enterprises and terrorism, including developing guidelines for whether to conduct work-site raids. Those guidelines should weigh the potential harm of raids to local communities and U.S. families, the report said.

- Suspending programs for "zero tolerance" prosecution of noncriminal border crossers, making sure detained immigrants facing deportation have access to legal counsel, and dropping an arrest-quota system.

- Redesigning the system of fees for various applications, which have risen significantly and are considered a deterrent, keeping some people from using the legal immigration system.

The report released Feb. 11 was written by Migration Policy Institute senior fellow Doris Meissner, former commissioner of the Immigration and Naturalization Service, and the institute's vice president for programs, Don Kerwin, former director of the Catholic Legal Immigration Network.

Another former INS commissioner who is now an institute fellow, James Ziglar, explained that the report drew from four round tables convened in the fall with a wide range of "stakeholders" in immigration matters.

The panels included representatives of immigrant service providers, law enforcement, congressional staffers, legal aid organizations and the Department of Homeland Security, which includes the three immigration agencies: Customs and Border Protection, Immigration and Customs Enforcement, or ICE, and Citizenship and Immigration Services, or CIS.

Meissner explained that the report "is not a complete inventory" of immigration-related concerns. She described it instead as an analysis of opportunities. It looks at "what can executive branch leaders accomplish with their existing authority," as opposed to what might be changed with congressional action, she said.

Although advocates for a comprehensive reform of immigration law hope to bring a bill to the forefront this congressional term, they acknowledge that the global economic crisis will likely keep that on the back burner for Congress and the White House until at least late this year.

The report complimented some efforts of the agencies in recent years, such as improvements in service for some kinds of applications and strengthening security in the visa and immigration processes. Criticism ranged from the lack of certain kinds of record keeping to disproportionate funding. Some of the harshest criticism in the report was directed at ICE.

Kerwin noted that ICE's mission is "to detect and prevent terrorist and criminal acts by targeting the people, money and materials that support terrorist and criminal networks." Yet ICE enforcement efforts have had "only modest impact in their primary goal of disrupting the infrastructure that supports illegal immigration," the report said.

ICE has recently ramped up highly visible workplace raids, though prosecutions of organizations that operate large-scale illegal immigration schemes have decreased since the 1990s, it said.

Between 2003 and 2008, ICE issued final orders for civil penalties against just 85 employers. Between 1991 and 1998, INS, the precursor to ICE, issued between 500 and 1,100 such orders annually, and 200 to 350 annually from 1999 to 2001.

The report said targets such as Agriprocessors, a Postville, Iowa, meatpacking plant raided last year, are "the right kind of corporate target," because of its history of labor and immigration violations, including child labor, procurement of false documents, illegal withholding of wages, verbal and physical abuse, tax fraud and use of hazardous equipment.

But that raid "had an immense, deleterious impact on the local immigrant community," it said. Instead of simply deporting workers without legal immigration status, the local U.S. attorney pursued federal criminal charges that carried a sentence of two years in prison. Concerns also arose over whether the workers' legal rights were protected.

The report said the raid that netted 389 arrests cost ICE \$5 million, nearly \$13,000 per person. The figure did not count the expenses to other agencies that assisted or the impact on local social service agencies and churches that stepped in to support families affected by the arrests and deportations.

Meissner said the report also urges CIS to begin preparing now for new mandates sure to come with eventual legislation. The possibility of a program to legalize many of the estimated 12 million people in the country illegally, the likely expansion of employer-verification procedures and changes in how legal immigration quotas adapt to labor market demand would all cause huge workloads at CIS, she said.

"Setting the table is extremely important," said Meissner.

END

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