



SPEAKING OUT

Immigration Policy for the 21st Century

BY DAVID SEARBY

On the morning of my Foreign Service oral exam back in October 1986, I sat down at my kitchen table with the *Washington Post* and a cup of coffee. (It's a good thing I did, or I might not be writing this piece!) The lead story was the passage of the Simpson-Rodino Bill, officially called the Immigration Reform and Control Act of 1986. Later that morning, I sat nervously with two FSOs in an aesthetically challenged Rosslyn office that provided fair warning of my environs to come. One of the examiners asked me, "What can you tell us about recent U.S. immigration reform?" I breathed a sigh of relief and then went over the points of the *Post* article. I was off to a good start.

In many ways, the debate has changed little in the last 20 years. The two key elements of Simpson-Rodino were an amnesty for long-time illegal aliens and employer sanctions to prevent new illegal workers from coming, though the sanctions were never aggressively enforced. Both ideas are still around, but in the post-9/11 era the emphasis is definitely on border security. The Secure Fence Act passed by Congress and signed by President Bush, almost exactly 20 years after President Reagan signed Simpson-Rodino, authorizes a 700-mile fence along the most porous parts of the 2,000-mile border with Mexico — though there is real doubt the structure will ever be built as proposed. But even if the fence does go up, the legislation does not address the plight of the millions of illegal immigrants

Before we embark on grand redesigns of immigration policy, it would be wise to develop a limited pilot project.



already living in the United States.

Unlike the Senate, House Republicans rejected the president's call for a more nuanced approach to controlling illegal immigration that includes an expanded guest worker program and a path to "legalization" (amnesty having become a "Scarlet A"). By the time you read this, we will know whether their bet on reinforcing their activist base will enable the GOP to hold onto control of Congress. But even if it does, over the long term an anti-illegal immigrant stance looks more and more like a vote-loser — particularly among Latinos, the fastest-growing segment of the U.S. population.

The current deadlock suggests that before we embark on grand redesigns of immigration policy along the lines of Simpson-Rodino, it would be wise to develop a limited pilot project that could be tested and evaluated before being carried further. Here are some ideas for such a new approach.

The Missing Piece: Development Abroad

Conspicuous by its absence from the immigration debate is a focus on

reducing the "opportunity disparity" in countries of origin that fuels illegal immigration. The Millennium Challenge Account is a study in both foreign and domestic realpolitik, but it does not target illegal immigration; nor does it focus on problem countries like Mexico. And even if it did, U.S. foreign assistance levels to many countries are going down, not up.

So is there no way to fund development that might help slow illegal immigration? Actually, there is. The simple answer is that the new source of funding would be the intending illegal immigrants themselves.

Many poor illegal immigrants somehow raise thousands of dollars for often-dangerous entry into the U.S. to compete for low-paying jobs with no labor protections. Such persons willing to play this high-stakes crapshoot would pay even more for safe, certain and legal access to the U.S. job market for a period of time, particularly if they were seen as boosting their local communities and would get their money back in the end.

I propose to create a new category of legal entry that combines our immigration objectives with our foreign assistance objectives to control illegal immigration and play a small role in closing the opportunity gap that underlies illegal immigration. More important, the program would immediately deter illegal immigration by raising reasonable hopes for temporary, legal entry into the U.S. in a way that is less objectionable to those Americans who want to shut the door on all immigration.



Program participants would post a sizable bond and pay an administrative fee to help keep the program revenue-neutral (aside from startup costs). Selected participants would be given the right to work in the U.S. for a limited time (perhaps 10 years). The bond would be returned upon the participant's relinquishing of legal residency in the U.S. Each year, participants would contribute to their existing bond to further boost development in their home country and progressively increase their incentive to return home. Participants could extend their stay here for a limited time by paying a higher annual bond supplement. The size of the bond and the annual supplement could be adjusted periodically on a country-by-country basis to be high enough to ensure that most participants would return home. At the same time, these bonds would remain comparable to the cost of illegal entry to attract a large number of applicants, perhaps two to three times the actual number of annual participants.

During the participant's time in the program, the bond would be invested in a secure U.S. fund or, possibly, in financial institutions in the participant's country of origin, with interest used to finance development grants and loans. Participants who return would be given preferential access to the aid program if this would help create jobs. Those who fail to return home at the end of their work permit would forfeit their bonds and bond supplements, which would then be directed toward development in their country.

Exceptions would only be made in case of the death of the participant. If participants gain legal permanent residence in the U.S. via other means, such as marriage, they would still lose at least a portion of the bond for violating their unconditional pact to return. In any case, programmatic

"failure" — when a participant did not return — would plant seeds for future success in reducing immigration pressures. Funds generated would be used to create jobs and promote growth in the country of origin via projects in job training, Internet connectivity, trade capacity building, cooperative sales organizations, microfinance and rural development programs. USAID would likely administer the program.

The best method for selecting participants would be a simple lottery with a low entry fee, a system that would play well into the psyche of the intending illegal immigrant. Foreign Service officers who have seen many a hopeful, hapless face in a visa line know that many intending illegal immigrants are just waiting for that one lucky break and may delay illegal entry attempts in the hopes of winning the lottery the next year. Thus, the deterrence effect on illegal immigration would extend beyond actual program participants.

A Pilot Program: The Dominican Republic

The need to define the project so as to be able to evaluate results in depth suggests that the project should be confined to a single country, preferably one that is a significant source of illegal immigration to the U.S. Because Latinos are the major source of illegal immigration, it would make sense if the pilot country was Latin American.

But which? Mexico is too big and politically sensitive. El Salvador, Guatemala and Honduras are next in line in producing illegal immigrants, but it would be difficult to choose one over the other two. The natural choice would be the next-largest Latin American source of illegal immigration, a country that stands apart but has much in common with the rest of Hispanic America: the Dominican Republic.

The Dominican Republic is a sizable source of illegal immigration. In 2000, what was then the Immigration and Naturalization Service estimated there were nearly 100,000 illegal Dominican immigrants in the United States. And the number is growing. Each year, the Coast Guard interdicts between 2,000 and 5,000 Dominicans attempting illegal entry into Puerto Rico through the treacherous waters of the Mona Channel (hundreds more die trying). However, many thousands more each year succeed in entering the U.S. illegally. Thus, for a pilot program for the Dominican Republic, let us assume the following figures:

- 10,000 program participants per year (a reasonable figure in a country of nearly nine million persons that received nearly 20,000 green card visas in 2005);
- A \$5,000-10,000 bond on each person (vs. smuggling fees of \$1,000-\$6,000 from the Dominican Republic);
- An annual bond supplement of \$1,000;
- A 5-percent rate of return (a conservative guess given that the Thrift Savings Plan currently offers a 10-year average return of 7.2 percent); and,
- An administrative fee of \$500-\$1,000 per participant to cover costs.

With these assumptions, a program in the Dominican Republic could generate \$5.5 million in first-year interest alone, an increase of 23 percent over current FY 2006 assistance levels of \$24.2 million. Ten years into the program, as more bonds earn interest, the additional assistance available would reach \$55 million per year, or \$88 million per year assuming a "worst case" 30-percent overstay/bond forfeiture rate, or an increase in foreign assistance ranging from 127 to 263 percent.

These estimates are just examples; a considerable amount of tinkering

SPEAKING OUT



with the details would be necessary. But the main point is that a pilot program in a smaller country would offer valuable lessons that could be applied to a broader program — or show that the concept is not workable.

Program Benefits

I believe such an approach would offer the following advantages:

- Besides the primary benefit of cutting illegal immigration, this program would reduce the magnet effect of immigration. Participants would be less likely to try to draw family members into the U.S. if they plan to return home.
- It would literally save hundreds of lives a year by lowering illegal boat passages.
- The program would promote the rule of law in the Dominican Republic

and the United States. It would undercut the big criminal business of human trafficking, a business that undermines Dominican law enforcement integrity and often works alongside narcotics trafficking. Once in the U.S., all participants would have to remain gainfully employed, out of jail, off public assistance and current in their U.S. tax payments, or they would forfeit their bonds.

- It would offer excellent U.S. public diplomacy opportunities, such as yearly graduation ceremonies for returning participants involving the U.S. ambassador.
- This approach would complement other temporary worker programs, like those targeting specific job skills, as well as our program for green card/legal permanent residence visas. It would also complement efforts to

secure our borders, which raise the cost of illegal entry and, thus, also the attractiveness of this legal alternative.

No Plan Is Perfect

There are, of course, some drawbacks to the idea, as well. The chief one is the fact that many participants will overstay and forfeit their bonds. Even so, a high overstay rate would raise more money for development and could be brought down by raising the bond. In addition, such individuals would already be fingerprinted, a big plus over most illegal immigrants.

In addition, bonds, such as those associated with tourist visas, are generally seen as distasteful, demeaning and difficult to administer. However, a bond that offered new opportunity specifically tied to development would be more politically acceptable, both in the U.S. and overseas.

Let me emphasize that this program should not be used as a new vehicle for importing skilled labor, which can be addressed through existing means. Accordingly, additional bond requirements for higher salaries above certain levels might be necessary.

Albert Einstein quipped, "I never think of the future — it comes soon enough." Twenty years from now, will we still be mired in today's immigration debate? Addressing illegal immigration will take time and a multifaceted approach, with some carrot and some stick. There are no simple solutions. Still, a new visa category that integrates foreign assistance and immigration objectives could be part of a compromise in today's polarized debate. ■

David Searby, a Foreign Service officer since 1988, has served in Santo Domingo, Rome and Mexico City. He is currently desk officer for the Dominican Republic. The views expressed in this article are the author's own.

All New Suites, Same Great Prices!



The Virginian Suites has just undergone a major room renovation. Everything's new, from floor to ceiling. We've heard the suggestions of our loyal guests and we've responded. Now you're not only staying just minutes from National Airport, the National Foreign Affairs Training Center, most government buildings, and Metro—you're getting a great price for a brand new suite!

- ◆ Spacious suites with full kitchens
- ◆ Pool and exercise facilities
- ◆ Free local phone calls, on-site parking, and cable TV with HBO
- ◆ Complimentary Continental Breakfast on weekdays
- ◆ Free shuttle to NFATC weekdays during rush hours

**Ask
about our
Room & Ride
Package!**

**The Virginian Suites**

1500 Arlington Blvd., Arlington, VA 22209
703-522-9600 • 800-275-2866 • Fax: 703-525-4462
E-mail: dos@virginiansuites.com
www.virginiansuites.com