

## **Connecticut Debate Association**

**March 23, 2013**

### **State Finals, Wilton High School**

**Resolved: NAFTA should be expanded to permit the free movement of labor.**

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#### **Taking a Nafta Approach to Immigration**

By Argeo Paul Cellucci and Stephen R. Kelly, 11 March 2013, The Wall Street Journal

A bipartisan Senate proposal on immigration reform has drawn praise, including from President Obama. But a key feature of the proposal -- how to handle the 11 million foreigners living in the country illegally -- has provoked a familiar objection: Why grant U.S. citizenship, that most precious of rights, to those who broke the law to get here?

We believe there is a simpler, fairer and more efficient solution that won't get bogged down in the "path to citizenship" debate. Rather, it will unlock the enormous potential of North America's labor pool:

Take the final logical step of the North American Free Trade Agreement -- and allow the citizens of the U.S., Canada and Mexico to work legally in any of the three countries, making the U.S. border as open to workers as it has been for nearly two decades to goods and investment.

In one market-based move, which President Obama could negotiate with America's Nafta partners and submit to the Senate for ratification, the U.S. could solve a huge part of its immigration problem while breathing new life into North American trade.

When Nafta took effect in 1994, it was a precedent-setting regional trade agreement that created the largest free-trade area in the world. Merchandise trade between Canada, Mexico and the U.S. has more than tripled since 1994 and now exceeds \$1 trillion annually, or more than \$3 billion a day.

The U.S. sells more goods to Canada alone than to all 27 countries of the European Union combined. Nafta-facilitated foreign direct investment has also soared over this same period, with two-way U.S.-Mexican investment alone more than quadrupling from 1994-2011.

For all its benefits, however, Nafta did little to facilitate the movement of people. Apart from creating a narrow category of visas for professionals, the treaty said nothing about workers. This silence didn't stop millions of them from following the jobs that Nafta helped create, whether they had the legal status to work or not.

Now is the ideal time to address this omission. Citizens of the U.S., Canada or Mexico should be able to work legally in any Nafta country in the same way that citizens of European Union countries can work anywhere in the EU. This mobility would allow the North America labor market to function as efficiently as the industrial, agricultural and financial markets that Nafta has created, matching workers with jobs in a seamless continental web.

Allowing markets, rather than immigration officials, to decide where people can work would likely boost economic growth by reducing labor shortages, providing greater flexibility to employers, and giving more options to unemployed workers willing to relocate.

According to the Pew Hispanic Center, some 58% of the 11 million illegal immigrants now living in the U.S. are Mexican. With permission to work here legally, they could have their status regularized overnight. They would become legal not because the U.S. grants them citizenship but because they are citizens of Mexico, a Nafta member. If they want to pursue U.S. citizenship at a later time, they will have to follow the same procedures as any other foreigner. But with this group of more than six million undocumented immigrants taken care of, finding solutions for the remaining illegal population would be far less daunting.

In communities where the newly legal Mexican workers live, the benefits would be immediate. Since they would no longer be paid off the books, they would pay more taxes. They would also qualify in many cases for health insurance, easing the current financial burden on hospital emergency rooms.

With permission to live and work legally in the U.S., they would probably choose to return home more often and perhaps even leave their families in Mexico, further easing the strain on local services. After all, before the fortification of the U.S. border with Mexico over the past decade, many Mexican workers circulated to jobs in the U.S. during harvest season and then returned to Mexico. When crossing the border became more difficult and expensive, workers tended to put down roots in the U.S. and bring their families to them.

Clearly, opening U.S. borders to Nafta workers would cause some disruptions, just as opening those borders to the free movement of goods and capital has. When the EU expanded in 2004 to include the eight former communist satellite states of Central and Eastern Europe, many existing EU members feared an avalanche of cheap labor from countries with much lower average incomes. Similar concerns exist about lower-paid Mexican laborers flooding the U.S. and Canadian labor markets.

But the EU opening didn't prove as disruptive as some expected. There is little evidence that the movement of people from east to west drove down wages or displaced local workers after an initial adjustment period. Several studies, including a November 2008 EU report headlined "Free movement of workers is good for Europe's economy," suggest that both the sending and receiving countries benefited from a more rational allocation of labor.

While the EU has serious economic problems at the moment, labor mobility isn't one of them. And if workers weren't free to go where the jobs are, unemployment in hard-hit countries such as Spain might be even worse.

We believe the same benefit would occur in North America, and that it would necessarily be reciprocal, with many Americans finding opportunities in Canada and Mexico, especially in the energy and financial sectors. This would permit North American labor markets to adjust to fast-changing economic situations.

It also would help solve a large part of the most pressing social and humanitarian issue facing the U.S., and in a uniquely American way: by giving people already living among us the chance to work legally.

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Mr. Cellucci was U.S. ambassador to Canada (2001-05) and governor of Massachusetts (1997-2001). Mr. Kelly is associate director of Canadian studies at Duke University and a former U.S. diplomat who served in Mexico City and Ottawa.

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## **Solving the Immigration Puzzle**

By Jeb Bush and Clint Bolick, 25 January 2013, The Wall Street Journal

The nation's capital is awash with ideas about how to fix America's immigration policy. The sudden ferment on this issue, which was largely dormant since efforts at comprehensive reform were torpedoed five years ago, is as welcome as it is overdue. The growing consensus on both sides of the political aisle that something needs to be done should not be squandered, for such opportunities are rare and fleeting.

Some policy makers are calling for piecemeal changes -- such as issuing visas for high-skilled workers and investors, or conferring legal status on immigrants who were illegally brought into the country as children. Congress should avoid such quick fixes and commit itself instead to comprehensive immigration reform.

In some conservative circles, the word "comprehensive" in the context of immigration reform is an epithet -- a code word for amnesty. People who oppose such reform declare that securing the United States border must come before moving toward broader reform.

Such an approach is shortsighted and self-defeating. Border security is inextricably intertwined with other aspects of immigration policy. The best way to prevent illegal immigration is to make sure that we have a fair and workable system of legal immigration. The current immigration system is neither.

The immigration system is like a jigsaw puzzle. If one or more pieces are out of whack, the puzzle makes no sense. To fix the system, Congress must make sure all of the pieces fit together, logically and snugly.

To do so, several realities must be faced squarely, including:

It is not law enforcement but the law itself that is broken. The nation has changed dramatically since the Immigration and Nationality Act of 1952, and that legislation has not held up well. It has been patched over so many times that it is hopelessly complex and incoherent. We need to start from scratch.

The nature of the border-security problem has evolved. The only tried-and-true method of reducing illegal immigration is a bad economy. Thus, with a dismal American economy and an improving Mexican one, the net immigration from Mexico is now zero: As many Mexicans are leaving the U.S. as are entering it.

The far greater border-security threat is paramilitaristic drug cartels that often are also involved in human smuggling, increasingly from Central American countries. The U.S. needs to coordinate closely with Mexico and focus its resources on defeating the cartels. The nation also needs to continue harnessing technology to identify risky foreign visitors and swiftly deport those who commit crimes or overstay their visas.

The driver of immigration policy is "chain migration." Since the 1960s, the vast majority of legal immigrants have come pursuant to a very broad definition of "family reunification" -- which includes not only spouses and minor

children but parents and siblings. Family preferences account for two-thirds of all legal immigrants, crowding out work-based immigration and placing increased pressure on social services.

When extended family members obtain legal status, they too are entitled to family preferences. This chain migration does not promote the nation's economic interests.

There is no "line." Critics of comprehensive reform often argue that illegal immigrants should return to their native countries and wait in line like everyone else who wants to come to America. But unless they have relatives in the U.S. or can fit within the limited number of work-based visas, no line exists for such individuals.

For most aspiring immigrants, the only means of legal admission to this country is an annual "diversity lottery" that randomly awards visas to 55,000 foreigners. There are roughly 250 applicants for each visa every year. The absence of a meaningful avenue of access increases the pressure for illegal immigration.

The U.S. needs workers of all types. The birthrate in this country has fallen below the level necessary to sustain the population at the very time that millions of Americans are leaving the workforce and expecting retirement benefits. The nation needs energetic young workers to spur the economy and support an ever-increasing social-welfare burden.

The only alternatives to increased immigration are mounting debts or reduced social services. A practicable system of work-based immigration for both high-skilled and low-skilled immigrants -- a system that will include a path to citizenship -- will help us meet workforce needs, prevent exportation of jobs to foreign countries and protect against the exploitation of workers.

America especially needs high-skill workers. The K-12 education system is not producing nearly enough graduates with the skills needed for a vibrant 21st-century economy. This country has attracted, and still does attract, the best and brightest from throughout the world to its universities and businesses. But once here, even the most talented students are not assured that they will receive visas enabling them to work following graduation, and high-skill workers and entrepreneurs have no sure path to citizenship.

Other nations -- including Canada, New Zealand and even China -- are luring away students, workers and entrepreneurs with more sensible and welcoming immigration policies. If we do not adapt, we will be increasingly unable to compete.

Amnesty promotes illegal immigration. The U.S. must find a fair way to deal with its 11 million illegal immigrants without sending the message that America's laws can be broken with impunity. Crossing the border illegally must have consequences. At the same time, we must recognize that children who were brought here illegally have committed no crime and in most instances know no other country.

Immigrants replenish the American spirit. Most immigrants come here to secure a better life for themselves and their families. They cherish the values of hard work, faith, family, enterprise and patriotism that have made this country great. Meanwhile, many who were lucky enough to have been born here have grown complacent or even disdainful of these values. America's immigration system should provide opportunities for people who share the country's core values to become citizens, thereby strengthening the nation as have countless immigrants have before them.

Despite a polarized polity, the country has a historic opportunity for bipartisan reform. It is time to seize the moment.

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Mr. Bush, the Republican governor of Florida from 1999 to 2007, is chairman of the Foundation for Excellence in Education. Mr. Bolick is vice president for litigation at the Goldwater Institute. Their book, "Immigration Wars: Forging an American Solution," will be published in March by Threshold Editions/Simon & Schuster.

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## **Europe's Arizona Problem**

### **The New York Times, June 11, 2011, By CHRISTOPHER CALDWELL**

ALONGSIDE Greek debt and the Libyan intervention, European Union countries are bickering over another issue, one that could well determine the future of their would-be megastate: immigration and internal borders. A growing number, including Italy, France and Denmark, want to carve out exceptions to the agreements under which member states open their borders to one another.

The issue has been simmering for years, but unrest in the Middle East and North Africa and fears of a new wave of migrants have brought it to a boil. Of course, closing off Europe to newcomers violates the cosmopolitan vision on

which the European Union was built, and doing so could kill the project altogether. But as the continent's leaders are now learning, it's also possible to kill Europe by opening its doors wider than its citizens will tolerate.

The present crisis started when refugees began fleeing Tunisia by boat in the wake of January's revolution. Italy was a natural destination: its island of Lampedusa lies south of Tunis and just 70 miles off the African coast. These refugees were joined by others from Libya, and by late May almost 40,000 had arrived.

Under ordinary circumstances, if you make it to Lampedusa, you can get to Paris or Berlin with few questions asked. The Schengen agreements, signed in 1985 and 1990, permit passport-free travel within 22 continental countries of the European Union (Britain and Ireland are among the exceptions), as well as non-Union signatories.

Along with the euro, Schengen is Europe's symbol, a milestone in its integration — on a continent long hemmed in by nationalism and bureaucracy, an Italian can travel to Paris without showing papers or changing money. And it's growing: the European Parliament this week voted overwhelmingly to recommend extending Schengen to the European Union's two newest members, Bulgaria and Romania.

The union's treaties assume that whatever country receives migrants will also process their asylum applications and look after the migrants during the adjudication of their status. But Italian bureaucrats are overwhelmed by the tens of thousands of applicants, and the Italian public, like most of the rest of Europe, does not like mass migration.

With the slyness that is his political calling card, Silvio Berlusconi, the Italian prime minister, issued six-month residency permits to 8,000 of the newcomers this spring, allowing them free movement within the European Union. The Tunisians, who are largely Francophone, then headed for France, turning Mr. Berlusconi's political problem into that of the French president, Nicolas Sarkozy.

In April Mr. Sarkozy shocked European leaders by re-establishing Franco-Italian border controls for several hours. Under Schengen, countries may re-man their borders only if there is a "grave threat to public order or internal security" — say, soccer hooligans. But Mr. Sarkozy and Mr. Berlusconi recently wrote a joint letter that called for putting the agreements on hold in case of a big refugee influx.

Any time Europe's external borders look porous, individual countries get nervous. Denmark's prime minister, Lars Lokke Rasmussen, has called for refortifying the country's borders with Germany and Sweden, prompting accusations that he means to undo Schengen. It's not all that surprising; Denmark is the Arizona of Europe — the European country most hostile to mass immigration — and Mr. Rasmussen is behaving as Arizona Gov. Jan Brewer did last spring, taking federal enforcement responsibilities into local hands.

Such steps are signs of an even broader movement. Populist parties, anti-immigrant and anti-elite, are rising in many European countries. The National Front in France, the Freedom Party in the Netherlands and the True Finns have all polled at 20 percent or more in recent elections. After years on the fringe, they have become mass parties, putting the heat on center-right governments like those of Mr. Berlusconi and Mr. Sarkozy.

Establishment politicians look askance at the public's concerns about Schengen; Germany's foreign minister, Guido Westerwelle, has called it "such a success that it should not be renegotiated."

Things look different from the populist point of view. Under the current system, individual countries are responsible for policing their share of the continent's external borders, which is great for, say, Luxembourg but unfair to countries on the union's southern edge. It is also an incentive to abuse: migrants can enter through the most lenient port of entry and then, thanks to Schengen, move toward the country most welcoming to immigrants or most generous with welfare benefits.

What to do about it is a harder question. Since Schengen is about convenience for Europeans, stopping travelers at the old national borders would defeat its purpose altogether. Limiting enforcement to those who "look foreign" may not survive contact with human-rights litigators, as the experience with Arizona state law and airport security has shown.

The only alternative, if Europe wants to keep Schengen intact, is to beef up the woefully underfunded European border patrol, Frontex. With a budget of only 88 million euros (about \$128 million), it is cobbled together out of various nations' unneeded naval vessels and military personnel.

The European Commission received the Berlusconi-Sarkozy complaint in a bureaucratic spirit, expressing a desire to "replace the unilateral re-introduction of border controls by a community mechanism." This is the commission's response to everything: to urge that the union's prerogatives be further consolidated. As the euro has faltered, for instance, the commission has urged more European control of countries' fiscal policies. In an American context, this would be like responding to the Tea Party's complaints about big government by promising to create a vast, deficit-funded federal bureaucracy to deal with them. It is a dangerous heaping up of political tinder.

"We want Schengen to live," Mr. Sarkozy said recently, "but for Schengen to live, it must be reformed." He has the right idea of what is at stake. Until recently, "building Europe" was easy. European citizens, after grumbling a bit, would reconcile themselves to the plans of pan-European visionaries. They are getting less easygoing by the day. Building Europe now depends on taking an occasional step back, even if that means reassuring member states of their right, in an emergency, to keep watch over their own borders.

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## **The New Border: Illegal Immigration's Shifting Frontier**

*ProPublica, Dec. 6, 2012, by Sebastian Rotella*

TUXTLA GUTIÉRREZ, Mexico — ...Oscar and Jennifer Cruz knew that crossing the border would be the easy part.

The Salvadoran brother and sister made their way over the international line between Guatemala and Mexico with the help of a smuggler who guided them through the jungle. But soon afterward, Mexican immigration officers arrested the clean-cut teenagers on a bus in Tuxtla Gutiérrez, the capital of the southernmost Mexican state, Chiapas.

Like many other Central American youths who migrate on their own, Oscar, 16, and Jennifer, 13, were pushed by the danger of street gangs and pulled by hopes of joining their parents, who left El Salvador when their children were very young and settled in Las Vegas. The brother and sister embarked on the trek to the United States despite the horror stories about migrants getting robbed, raped, kidnapped or killed in transit across Mexico.

"We wanted to be with my parents," Oscar, a devout Christian, said in an interview at a detention center. "And there was also the threat from the gangs. Once I started high school, they tried to recruit me. What worried me most were the threats. The gangs fight for turf, do extortion, threaten families and deal drugs. The police are scared of them — kids my age."

Oscar and Jennifer crossed a lawless, long-neglected border between Guatemala and Mexico, a 540-mile boundary snaking through mountains, jungles and rivers. It is a hotbed of threats: smuggling of people, drugs, arms and cash; abuse of migrants by criminals and security forces; violence and corruption that menace institutions and create fertile turf for mafias.

The border is also a window into the future. Profound shifts in economics, demographics and crime are transforming immigration patterns and causing upheaval in Central and North America. After decades in which Mexicans dominated illegal immigration to the United States, the overall number of immigrants has dropped and the profile has changed.

Although Mexicans remain the largest group, U.S.-bound migrants today are increasingly likely to be young Central Americans fleeing violence as well as poverty, or migrants from remote locales such as India and Africa who pay top smuggling fees. They journey through a gantlet of predators.

Mexico's southern frontier has become a national security concern for U.S., Mexican and Central American leaders. Interviews with U.S. and Mexican government officials, human rights advocates and migrants by a ProPublica reporter visiting the border showed how these converging trends are raising alarms.

"It is becoming imperative and urgent to immediately initiate and develop in the next few years a serious and coordinated regional strategic plan in the areas of security, control and development to prevent this border from sliding out of control and generating an experience with enormous gravity for the region," said Gustavo Mohar, a veteran immigration and intelligence official who ended his tenure last week as Mexico's interior sub-secretary for migration issues.

"The same way that it took the United States 30 years to reach a point of physical control on its border, Mexico needs a medium-range strategy," Mohar said. "But we will control it better with a strategic vision that part of the problem is Central American poverty and the drug trade."

The new Mexican administration of President Enrique Peña Nieto inherits repercussions of the transformation at the better-known, aggressively policed U.S.-Mexico border. Although the U.S. political debate often gives a contrary impression, illegal crossing at Mexico's northern border has plummeted.

Until 2007, the U.S. Border Patrol made an average of about 1 million arrests a year at the line, the overwhelming majority of them Mexicans. But there has been a marked decline since. Patrol statistics through July indicate U.S. agents made about 355,000 apprehensions at the border in the fiscal year that ended in September. An expected figure of about 260,000 arrests of Mexicans would be the lowest in more than a decade.

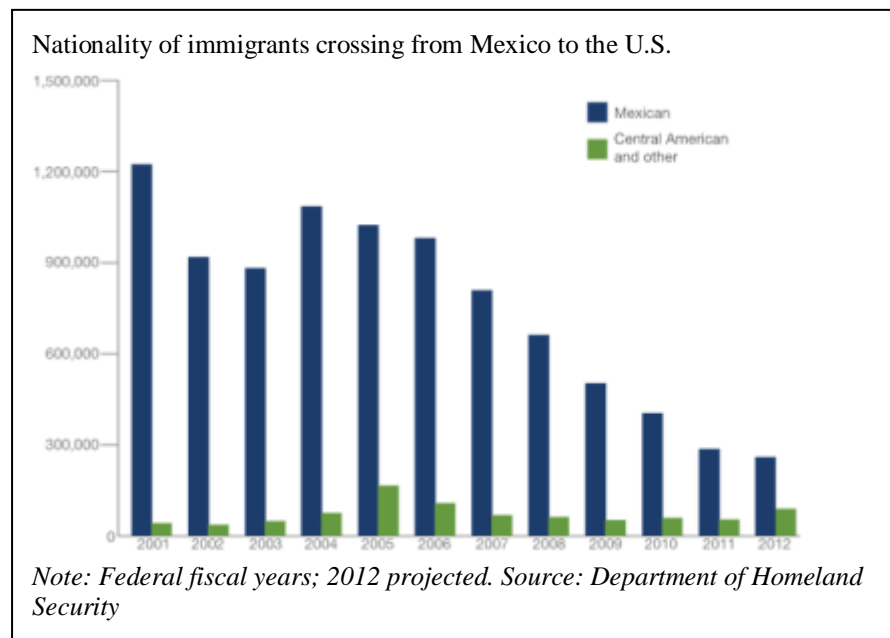
### **Caught at the Border**

Smuggling of people and drugs, especially marijuana, persists across the U.S.-Mexican border. But the changes seem dramatic. In April, a landmark study by the Pew Hispanic Center in Washington, D.C., determined that, after accounting for Mexican immigrants who return to their homeland, the net in-flow of Mexicans to the United States has dropped to zero. The reasons include tougher defenses, stepped-up deportations, a long-term decline in Mexican birth rates and the simultaneous slump in the U.S. economy and growth of the Mexican economy.

Even if the U.S. economy improves, the demographic and economic evolution of Mexico appears to have ended the era of massive Mexican migration to the United States, according to experts and officials.

"Everybody agrees there's going to be some vacillation in the numbers, but I don't know of any serious observer or analyst who thinks we are going to revert to pre-2008 levels of Mexican immigration," said Doris Meissner, a former U.S. immigration commissioner and now a senior fellow at the Migration Policy Institute in Washington, D.C. "I don't see any evidence of that happening, not in the structural changes in Mexico such as birth rates, not in the enforcement at the border, and not in the forecasts of what kind of economy is to come in the United States."

For years, non-Mexicans have accounted for only a small fraction of U.S. border arrests. The proportion has changed, however, and Central American migration has surged during the past year. Statistics indicate that U.S. agents caught at least 90,000 non-Mexicans at the U.S-Mexico border in the fiscal year, the great majority of them Central American. The number almost doubles the previous year's tally and equals more than a third of the arrests of Mexicans.



The non-Mexicans include a subset of migrants from Asia, Africa, South America and the Caribbean. The relative numbers are small, but the smugglers are especially powerful because they charge up to \$65,000 per client. Drug mafias have muscled in on the human smuggling trade. And U.S. counterterrorism officials worry that corruption and disorder could enable terrorists or foreign agents to use the region as a gateway to the United States or a base for plots.

#### **Apprehensions of Central American Immigrants in the U.S.**

Still, most non-Mexican migrants today come from three small and poor nations: Honduras, El Salvador and Guatemala. U.S. Border Patrol apprehensions of Hondurans rose from 12,197 in fiscal 2011 to 27,734 through August; Salvadorans from 10,471 to 20,041; and Guatemalans from 19,061 to 32,486.

Mexican authorities this year have detained 40,971 illegal immigrants, most of them Central Americans, a rise of about 15,000 during the past two years, according to the Mexican National Institute of Migration, that country's immigration service. Detentions of unaccompanied Central American minors also increased, Mexican officials said.

The motivations are not just economic. El Salvador and Honduras have the highest homicide rates in the world; Guatemala is extremely violent. Ingrained inequality, migration and strife devastate family structures and state institutions. Crime generates a conflict-driven migration that recalls the refugee exodus from the region's civil wars in the 1980s.

"They are expelled from their countries by fear," said Father Flor Maria Rigoni, a cerebral, bearded Italian priest who directs the Casa del Migrante shelter in Tapachula on the southwest corner of the Mexico-Guatemala border. "They are seeking the possibility to survive. The violence there drives them. The migrants don't talk about the economic situation of the U.S. — they just bet on the future."

Central American street gangs have become formidable transnational mafias active in the United States and allied with Mexico's powerful drug cartels, which are expanding in Central America. Half the cocaine headed for the United States is off-loaded at the coast of Honduras, according to intelligence reports cited by U.S. officials.

For all those reasons, the southern border of Mexico is becoming a priority for security officials in Washington as well as Mexico City.

"We must continue to work together to prevent illegal flows of drugs, migrants, contraband, weapons and stolen goods across shared land borders," Homeland Security Secretary Janet Napolitano told Central American leaders at a conference in Panama in February. Her visit was part of a push by the Obama administration to beef up security, train border forces and improve regional cooperation.

The current immigration debate in Washington should be based on a realization that both the United States and Mexico are dealing with a new reality at their borders, officials and experts said.

"Changing demographics in Mexico make this situation a 'new normal' with profound implications for our southwest border," said a senior U.S. official who monitors Mexico and Central America and requested anonymity because he is not authorized to speak publicly. "This means that any demand for labor in the United States in the mid to long term would be met by other than Mexicans, at the outset principally by Central Americans. Proposals to reform our immigration laws should take that into account."

Peña Nieto met with Napolitano and President Obama in Washington last week. The Mexican president's advisers have announced plans to beef up defenses at Mexico's southern boundary and create an entity whose existence would reflect how much times have changed: a Mexican border patrol....

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## **Immigration Audits Drive Illegal Workers Underground**

By Miriam Jordan, 15 August 2011, The Wall Street Journal

MINNEAPOLIS -- In 2009, Alba and Eugenio were making almost twice the federal minimum wage, plus benefits, cleaning a skyscraper for a national janitorial company. With two toddlers, the Mexican couple enjoyed relative prosperity in a tidy one-bedroom duplex in a working-class neighborhood here.

Late that year, federal agents audited employee records of ABM Industries Inc., forcing it to shed all the illegal workers on its payrolls in the Twin Cities. Among them was the couple, undocumented immigrants who had worked at ABM for more than a decade.

Shortly after, Alba and Eugenio, who declined to have their surname published, landed at a small janitorial concern, scrubbing car dealerships for about half the pay, without benefits. Earlier this year that employer, too, was hit by an immigration audit. In late February, Alba and Eugenio were let go.

Today, the couple is struggling to make ends meet, working part-time and often relying on handouts from food banks to feed their family.

The journey from prosperity to the economic margins followed by Alba and Eugenio is an increasingly common path for thousands of undocumented workers pushed out of their jobs by the federal government's audits of U.S. businesses, according to immigration experts, business owners and unions.

The audits, started by the Obama administration in 2009, put the onus on business to police workers, requiring companies to turn over employee records to federal agents. If the papers aren't in order, the workers are quietly let go without penalty while the companies are punished.

The audits, conducted by Immigration and Customs Enforcement, or ICE, a unit of the Department of Homeland Security, were initially hailed by some immigrant advocates as more humane because they eliminate deportation raids, the norm during the Bush administration.

But it has become increasingly clear that the policy is pushing undocumented workers deeper underground, delivering them to the hands of unscrupulous employers, depressing wages and depriving federal, state and local coffers of taxes, according to unions, companies and immigrant advocates.

Indeed, the audits draw flak from both proponents and opponents of an immigration overhaul. Rep. Lamar Smith (R., Texas), a leading voice among foes of giving illegal immigrants amnesty, deems audits ineffectual because they don't result in deportation.

"This means the illegal immigrant can walk down the street to the next employer and take a job that could go to an unemployed, legal worker," said Rep. Smith, who is chairman of the House Judiciary Committee.

Many employers say the administration is depriving them of foreign workers who do jobs Americans refuse, even during an economic downturn, without proposing immigration reform that would supply a stable, legal labor force.

"All the audits do is keep employers in certain industries awake at night, while driving immigrants into work environments and arrangements that are indefensible," said Bill Blazar, a senior vice president of the Minnesota Chamber of Commerce.

Audits hit national burrito chain Chipotle Mexican Grill last year and garment maker American Apparel in 2009, among thousands of other employers. This year, ICE said it has audited more than 2,300 companies who employ tens of thousands of workers -- in construction, agriculture, food processing, restaurant and critical-infrastructure sectors -- from upstate New York and Alabama to Texas and Washington.

The audits are an answer to calls by many members of Congress to strictly enforce current immigration laws before considering wholesale reform of the country's immigration system. Like his predecessor, President Barack Obama favors an immigration overhaul that would put illegal immigrants on the path to legalization.

The administration began targeting employers because they are the "magnet" for illegal immigration since they provide jobs that lure the undocumented workers, according to ICE chief John Morton.

ICE doesn't disclose the names of the audited companies, and it said it also doesn't keep tabs on how many workers lose their jobs. As of Aug. 6, ICE said 2,393 companies were being audited, the largest number in a single fiscal year.

It's impossible to track where workers hit by audits end up. But immigration experts say Minnesota offers a microcosm for how many immigrants respond.

Before the recession, millions of Latin Americans snuck across the Mexican border to take jobs in construction, cleaning and other blue-collar work. Alba and Eugenio were part of that wave, making the journey to Minneapolis in the late 1990s after hearing jobs were plentiful and the cost of living relatively low.

They settled in the burgeoning Latino enclave around East Lake Street, a commercial corridor dotted with orange, yellow and pastel buildings that are home to "taquerias," and other businesses that cater to the Spanish-speaking community. They would eventually have two children in the U.S. and send them to the local public school.

Both Alba and Eugenio got jobs at ABM, a publicly traded building-services contractor. For nine years, Alba was on a bathroom crew, swabbing toilets and wiping sinks in a 56-story tower designed by the famed architect I.M. Pei.

Alba made \$7.75 an hour, above the federal minimum wage at the time. She worked eight-hour shifts five days a week and was entitled to paid vacation and sick days. She received paid maternity leave when she had each child. "Each January, my salary inched up a few cents," she says.

Wages for Eugenio, who is currently 37 and also worked in the Capella Tower, also climbed each year.

In October 2008, Eugenio was promoted to shift supervisor, at an hourly rate of \$14.42, according to his last pay stub, which also shows Medicare, Social Security and tax deductions. The following month, the couple secured a bank loan and bought a 2005 blue Ford Explorer for \$17,000.

By January 2009, the month President Obama took office, Alba had been promoted to vacuuming and emptying waste baskets for \$12.97 an hour.

The family's monthly expenses at the time included \$565 for rent, \$200 for gas and \$50 for cellphone usage. The family dined at buffets on the weekends and Alba signed up for English lessons. Their children, Alexander, 6, and Narely, 8, wore crisp new clothes. The couple was sending \$100 to \$200 a month to relatives in Mexico.

"We had job security and never imagined what was coming," said Alba, 28 years old.

In February 2009, ICE took the new White House administration by surprise when it raided an engine factory of Yamato Engine Specialists Ltd., in Bellingham, Wash., arresting more than two dozen undocumented workers. Yamato paid a \$100,000 fine. The operation outraged some immigrant advocates who had expected a softer approach to work site enforcement from the new president.

Homeland Security Secretary Janet Napolitano ordered an internal review of the raid and on April 30 announced that ICE would follow a new approach "to target the root cause of illegal immigration." ICE later initiated audits of 654 companies.

The new strategy was showcased in Los Angeles that summer when ICE audited American Apparel. No agents stormed the premises. ICE delivered a written notice advising the company to turn over employee records -- including federal I-9 worker eligibility forms -- and warning it of potential fines. The clothing maker lost about 1,500 workers, more than a quarter of its work force, and paid about \$35,000 in fines, said Peter Schey, the attorney who represented the company during the audit for what he said were "paperwork violations."



Under federal law, employers are obligated to ensure their workers are eligible to work in the U.S. However, many complain that workers present fake documents and companies don't have the ability to patrol them. They also fear discrimination suits for demanding additional documents from workers they suspect are in the country illegally...

Later that summer, ICE sent an audit notice to ABM in the Twin Cities. Anxious workers huddled in the halls of the skyscrapers as word spread that "la migra," the Spanish term used to refer to immigration agents, was targeting their employer.

The workers feared being arrested and separated from their children. "This was uncharted territory -- the first big I-9 audit" in Minnesota, recalls John Keller, executive director of the Immigrant Law Center of Minnesota.

A few weeks later, ICE notified ABM that a number of workers' I-9 documents were suspect and asked that the workers provide different documentation, such as a valid social security number and driver's license, an ABM spokesman said.

"Our policy is full compliance with the law and we cooperated with the administration in this matter," the spokesman said.

By late October, 1,250 undocumented workers at ABM, including Alba and Eugenio, had been let go or left, union officials say.

ABM, which employs nearly 100,000 nationwide, paid \$108,000 in civil penalties, according to ICE, which declined to elaborate. It was able to replace all the undocumented workers, the spokesman said.

The effects of the audit reverberated through the East Lake Street immigrant enclave. Alba and Eugenio's neighbor, Marta, and her husband, lost their jobs at ABM and then lost their three-bedroom house, where they had lived for 12 years, to foreclosure. Marta's husband eventually got a job as a dishwasher making \$8 per hour.

Nearby, Brenda, the daughter of another ABM employee who lost her job, dropped out of high school so she could get a full-time cleaning job to help pay bills, including the mortgage on the powder-blue house that her parents had bought in 2006.

"When my mom got fired, that's when all the problems started," said Brenda, 20, who had planned to attend college and become a police officer.

In November, Alba and Eugenio landed jobs at ROC Inc. for a net sum of \$155 each per week to wash a Chevrolet dealership six nights a week in the St. Paul suburb of Roseville. Pay stubs don't show an hourly rate. The couple say they didn't receive benefits or paid time off.

ROC didn't give them an auto scrubber, a machine customarily used to wash large areas. Mike Chmielewski, the dealership's finance manager, confirms the couple swept and mopped the 10,000-square-foot area themselves. "They were very hardworking," he said. "They had personal pride in doing the job well."

People familiar with the company say that ROC, which has contracts with dealers selling major car brands, paid wages that dipped below the federal minimum wage.

To supplement their income, Eugenio found part-time work parking cars for an auto-rental company at the airport, earning minimum wage of \$7.25 per hour. He had no fixed hours. Alba said she began visiting the food pantries of community organizations for staples like rice, beans, canned corn and sugar.

Late last year, Chipotle in the Twin Cities, hit by an audit, dismissed hundreds of workers. In January, ICE audited ROC, which immediately placed ads for workers in the local newspaper.

An ICE spokesperson said the agency doesn't comment on investigations.

In a statement, ROC said it complied with ICE's request for information and hasn't received further contact from the agency. "ROC Inc. follows all laws and regulations regarding state and federal employment practices," said Peter Mogren, CFO of ROC. He declined to answer specific questions.

Alba said she and her husband learned about the audit in February. "We were distraught," she said. The company told them to take time off until immigration reported back the results of the audit, Alba said.

Mr. Chmielewski, the Chevy dealership manager, said the worker who replaced Alba and Eugenio was an American man who "had no pride in his work."

With complaints mounting, ROC fired many of the new workers and hired subcontractors to supply cleaning crews, according to people close to the company. Such a practice, which is common in the industry, enables companies to use workers who don't appear on the payroll.

In April a subcontractor called Alba and Eugenio and soon they were back cleaning the Chevy dealership, where managers said they were delighted when the couple returned. A month later, however, the subcontractor told the couple he couldn't employ them because of the ICE investigation of ROC, the couple said.

Alba found part-time work cleaning hotel rooms for \$10.33 an hour. Eugenio recently found a landscaping job that pays \$11 an hour.

With their children's future in mind, the couple says they plan to remain living in the East Lake Street enclave. Still, this summer they've sent the kids to Mexico to stay with relatives. "That way we can work," Alba said.

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## **Cross Country: Utah Seeks a Better Way on Illegal Immigration**

By Jason L. Riley, 5 March 2011, The Wall Street Journal

Salt Lake City -- Believe it or not, illegal immigration is dominating the final days of the legislative session in Utah, a place more readily associated with the Mormon Church and unsurpassed skiing. Even more remarkable, lawmakers in this reddest of states are considering an approach to the problem that contrasts sharply with neighboring Arizona's decision to double-down on enforcement.

In absolute numbers, Utah's immigrant population doesn't begin to approach that of traditional "gateway" states like California, New York and Texas. But Utahans have experienced a huge influx of migrants, mostly from Mexico, over a relatively short period of time. According to Census figures, the foreign-born share of Utah residents swelled to 8.3% in 2008 from 3.4% in 1990 -- a 144% increase inside of two decades. Between 2005 and 2008, the 15% growth in the size of the state's illegal population was more than double the corresponding national average of 7.2% over the same time span.

Utah's experience isn't unique. South Carolina, Georgia, Tennessee, Alabama, Mississippi, Kansas, Iowa, Nebraska and other non-border states have had similar demographic disruptions in recent years. What distinguishes Utah is its response. Other states, led by Arizona, are keen on deputizing police officers as border agents, burdening business owners with more regulations or even changing the U.S. Constitution to end birthright citizenship.

By contrast, Utah's Republican-dominated legislature is weighing several guest-worker measures that would let market forces determine the level of foreign labor in the state work force. Apparently, there are still some conservative lawmakers left who, in the tradition of Ronald Reagan, don't abandon free-market principles in favor of reactionary populism when the topic turns to immigration.

"Utah is not Arizona," said Republican Gov. Gary Herbert after Arizona passed its controversial immigration law last year. "I want a Utah solution." Guiding his thinking on the matter is the Utah Compact, a statement of principles on immigration reform compiled by the state attorney general's office, the Salt Lake City mayor's office, and the Salt Lake Chamber of Commerce, among others. "Utah is best served by a free-market philosophy that maximizes individual freedom and opportunity," reads the compact. "We acknowledge the economic role immigrants play as workers and taxpayers. Utah's immigration policies must reaffirm our global reputation as a welcoming and business-friendly state."

The immigration bill with the best chance of reaching the governor's desk before Thursday, the end of the 45-day general session, is sponsored by state Sen. Curt Bramble, a Republican from Provo. It would allow illegal aliens who are already in Utah and who pass a criminal background check to pay a fine of up to \$2,500 and then to apply for a temporary work permit through the state Department of Workforce Services.

Opponents have denounced the bill as an amnesty program. Others argue that it's a pragmatic response to the realities of the labor market. "Some undocumented people here are criminals, and criminals ought to be sent out of the country," says Mark Willes, CEO of Deseret Media, which owns the Deseret News. "But there are lots of others who want to work hard, are willing to work hard, willing to pay taxes. So how do we find a way to send the thugs home and give opportunities to work to those who really want to work?"

Guest-worker advocates say that the most responsible way to shrink the illegal alien population without hurting the local economy is by giving foreign nationals wider access to the state's labor markets. "Utah has a growing economy that's ready and able to put people to work," says Natalie Gochnour, chief economist at the Salt Lake Chamber of Commerce. "Our business leaders are saying, 'Let's not diminish our labor supply. Let's not reduce our customer base. Let's not raise business costs. Let's not detract from outside investment, convention business, tourism.'"

Immigration restrictionists aren't the only barrier to a state guest-worker program. Because immigration is the purview of the federal government, any such program presumably would require a federal waiver in order to be implemented. Whether the Obama administration would play along is an open question, but Utah Attorney General

Mark Shurtleff says that granting an exemption to his state would be the least that Washington could do in light of the fact that "it has failed to take care of this issue and probably won't for at least a few years."

It wouldn't be the first time that a state has pressed the federal government to condone a program that allows low-skilled immigrants from Mexico to meet labor shortages in the U.S. and reduces incentives for illegal immigration. Seventy years ago, the country faced labor shortages in agriculture, so growers turned to the Roosevelt administration for help. Pressure from the Texas and California delegations in Congress led to the creation of the Bracero Program, which allowed hundreds of thousands of Mexican farm workers to enter the country legally as seasonal laborers between 1942 and 1964.

As the program was expanded in the postwar years to meet the labor needs of a growing U.S. economy, illegal border crossings dropped dramatically. Between 1953 and 1959, illegal immigration from Mexico fell by 95%. A 1980 Congressional Research Service report notes that, "without question," the Bracero Program "was instrumental in ending the illegal alien problem of the mid-1940s and 1950s."

A guest-worker program alone will not stop illegal immigration. The Bracero era also saw stepped-up enforcement measures, like "Operation Wetback," which pressured Mexican nationals living in the U.S. to return home. But many in Utah are convinced that an expansion of legal immigration quotas should be part of any solution. History is on their side.

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Mr. Riley is a member of The Journal's editorial board.

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## **Britain facing new eastern Europe immigration surge**

**The Telegraph, By David Barrett, and Colin Freeman**

9:00PM BST 21 Oct 2012

Twenty nine million [Bulgarians](#) and [Romanians](#) will gain the right to live and work unrestricted in Britain in 2014 under European "freedom of movement" rules.

Last night forecasters said it could lead to a significant number of new arrivals, in the same way as when Poland and other Eastern European countries gained the same rights in 2004, with the scale likely to be increased by the economic crisis gripping the rest of Europe.

And a Government report was disclosed to show concern among official advisers that the British labour market will suffer "adverse effects" as a result.

Both the countries' citizens currently have restricted rights to come to Britain since they joined the European Union in 2007, but those limits end on 31 December 2013, opening the way for them to move freely.

The restrictions will be lifted at a time when there is increasing political tension over Britain's relationship with Europe and questions over whether European "freedom of movement" rules have harmed the job prospects of British people.

Theresa May, the Home Secretary, has already indicated she is keen to press for an end to the free movement of EU workers.

But there appears to be no prospect of Britain preventing the restrictions being lifted, as it would involve tearing up the provisions of the treaty signed when Romania and Bulgaria joined the EU.

The Home Office has made no official predictions of how many more Bulgarians and Romanians will seek to enter Britain when the current limitations end, and argues that most who want to come have probably arrived already, finding work on the black market if they cannot work legally.

However, critics believe that the Government's reluctance to issue predictions is because it grossly underestimated the numbers that came in the previous wave of migration in 2004, when citizens from eight new eastern European EU members, including Poland, were given full access to the UK job market.

Despite official predictions that less than 20,000 would arrive, some 669,000 people from those eight countries were working in the UK as of last year, according to the Office for National Statistics.

Experts on the government's Migration Advisory Committee agree immigration is likely to rise when the restrictions are lifted, and have warned it will have a negative effect on the job market in Britain.

It said in a report: "Lifting the restrictions would almost certainly have a positive impact on migration inflows to the UK from those countries."

“At one extreme the effect could be small (with the additional annual inflow being in the hundreds or low thousands, for instance) but it could be significantly higher.

“It would not be sensible, or helpful to policymakers, for us to attempt to put a precise numerical range around this likely impact.”

It said there was evidence Bulgarians would come to Britain because of this country’s higher rates of GDP, and also said it was “plausible” that Romanians would come for the same reasons.

Robert Rowthorn, emeritus professor of economics at Cambridge University, said: “The potential for immigration is very large because these are poor countries and they have populations of nearly 30 million between them.

“I think it will have quite a big effect. When Poland and other eastern European countries joined the EU in 2004 there was an unexpected surge and around one million of them are living in this country now, with net migration running at about 40,000 a year.

“I imagine a similar pattern will be repeated with Romania and Bulgaria, although the transitional controls have perhaps taken the edge off somewhat.”

GDP per capita in 2010 was £3,929 (\$6,325) in Bulgaria - the poorest country in the EU - and £4,682 (\$7,538) in Romania compared with £22,426 (\$36,100) in the UK. Both countries have falling populations due to emigration.

Already figures obtained by The Sunday Telegraph show the number of immigrants coming from the two countries reached a peak of just over 40,000 last year - suggesting that there is likely to be an even great number in 2015.

More than 130,000 immigrants from Romania and Bulgaria are living in Britain and Britain is one of the most popular destinations for Bulgarian migrants, along with Greece, Spain and Germany, while the Romanian Embassy says that Spain and Italy attract 80 per cent of their emigrants.

But the perilous state of the Greek and Spanish economies may mean that much larger numbers of Romanians and Bulgarians decide to come here instead...

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### CIA World Factbook (2012 estimates)

	Canada	Mexico	United States
GDP (\$Trillions)	1.77	1.163	15.66
Per Capita GDP	41,500	15,300	49,800
GDP Growth Rate	1.9%	3.8%	2.2%
Work Force (millions)	18.85	50.01	154.9
Unemployment Rate	7.3%	3.8%	8.2%
Poverty Rate	9.4%	51.3%	15.1%