

Avoiding Another Amnesty

A congressman explains why effective enforcement measures are crucial for curbing illegal immigration

BY REP. JOHN NATHAN HOSTETTLER (R-IN)

Editor's Note: As chairman of the Immigration, Border Security, and Claims Subcommittee of the House Judiciary Committee, Rep. Hostettler held a hearing on July 18, 2006: "Should we embrace the Senate's grant of amnesty to millions of illegal aliens and repeat the mistakes of the Immigration Reform and Control Act of 1986?" His introductory remarks are reprinted below.

Today there are approximately 11 million illegal aliens in the United States, making illegal immigration one of the most serious issues facing our nation. In May, the Senate passed legislation that would provide amnesty for most of the illegal aliens currently in the U.S., in a way that is eerily similar to the amnesty Congress granted in 1986.

At this hearing we have the opportunity to examine how the U.S. dealt with illegal immigration 20 years ago, why that approach did not work, and the direction we should take in light of our past failure. In 1986, there were approximately 3-million illegal aliens in the U.S. Congress responded by passing the Immigration Reform and Control Act, or IRCA. There are several key features to IRCA. First, it provided amnesty to 2.7-million illegal aliens in several different categories.

Aliens who had been illegally present since 1982 were granted a general amnesty, while agricultural workers who arrived more recently were granted amnesty under the Special Agricultural Worker Program. The amnesty was accompanied by a plan designed to stop employment of illegal aliens in the U.S. IRCA created an employer sanctions scheme for employers who knowingly hired illegal aliens, and required employers to check the identity and work eligibility documents of all employees, to ensure lawful immigration status. At the time, policy makers truly believed that it would be a one-time amnesty, and the problem of illegal immigration would be solved. Congress rejected recommen-

dations made by the Select Commission on Immigration and Refugee Policy in 1981, which stated, in part,

The Commission believes that a legalization program is a necessary part of enforcement, but it does not believe that the U.S. should begin the process of legalization until new enforcement measures have been instituted to make it clear that the U.S. is determined to curtail new flows of undocumented illegal aliens. Without more effective enforcement than the U.S. has had in the past, legalization could serve as a stimulus to further illegal entry. The Select Commission is opposed to any program that could precipitate such movement.

Then-Senator Alan Simpson (R-WY), co-author of IRCA, affirmed his commitment to amnesty in exchange by stating, "I firmly believe that a one-time only legalization program is not only good public policy, it is good sense, and it is fully in the best interests of this country." Time showed us that IRCA has utterly and completely failed, mainly due to the fact that Congress did not heed the warning of the Select Commission regarding the need for real enforcement prior to any discussion of such legislation.

Illegal immigration has not been controlled, but has increased significantly in the past two decades. Employer sanctions have been enforced in a farcical manner. Furthermore, the I-9 [Employment Eligibility Verification Form] system has proved to be a failure, because an illegal alien can cheaply and easily obtain counterfeit documents to show his or her employer. Employers, in a Catch 22 situation, cannot require additional proof that the documents presented are legitimate for fear of running afoul of discrimination laws.

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In May [2006], the Senate passed the Reid-Kennedy Amnesty, which is remarkably similar to the 1986 amnesty. The Reid-Kennedy bill also provides several categories of amnesty, including a general amnesty for anyone who can show that he has been in the country for more than five years, and including an agriculture amnesty. Again, proponents of the current proposals believe that this amnesty will solve the problem once and for all. But Congress and the administration have no credibility with the American people.

Why should Americans have any reason to believe that the supposed enhanced enforcement provisions in Reid-Kennedy will be effectively enforced by the administration any more than successive administrations have enforced IRCA? The administration will probably implement amnesty for millions of illegal aliens quite quickly. Enforcement will likely lag behind, if it occurs at all. We will find ourselves in exactly the same place we found

ourselves 20 years ago.

Amnesty sends out the message that the U.S. is not serious about enforcing our laws. It is an affront to the millions of immigrants...who wait their turn and use the legal immigration system. When the U.S. grants amnesty and forgives law breaking, it encourages more illegal immigration in the future. The grant of amnesty in 1986 did nothing to resolve the illegal immigration problem; it made the problem worse, as increased numbers of illegal aliens pour across the border waiting for their turn.



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[With] Reid-Kennedy [it is now] their turn, and a new wave of illegal aliens will come to wait for theirs. I believe that Benjamin Franklin once said that “The definition of insanity is doing the same thing over and over again, expecting different results.” We cannot expect to solve the problem of illegal aliens by encouraging law breaking through amnesty. It didn’t work in 1986, and it will certainly not work in 2006. ■