

MEMORANDUM

**To: Invitors of January 19th Meeting on Blueprint for Immigration Outline
And Invitors to February 3 Phoenix Summit Meeting**

From: Peter Schey

Date: 01/10/07

**Re: "Beyond Smoke and Mirrors" by Massey, Durand and Malone -
Immigration Reform**

Below are Massey, Durand and Malone's suggestions for immigration reform. These are among the best academics in the country studying migration. We don't agree with all of their conclusions (as noted below), but most of them seem to hit the nail on the head. This is worth reading. The authors' suggestions for effective immigration reform are based on five major principles (p.155):

1. People should be free to leave their country of birth or citizenship for whatever reason without state interference.
2. Once migrants are accepted into a receiving nation in a recognized status, that should receive full rights and access to the judiciary system. Specifically, they should receive labor rights equivalent to those of natives, social entitlements from which they would otherwise benefit as native taxpayers, and reasonable access to citizenship and full political participation.
3. Although clandestine migration cannot be eliminated, reasonable steps should be taken to minimize the number of people living and working in undocumented status through a combination of regularization programs, temporary visas, and moderate border and immigration enforcement.
4. Sending nations should guarantee reciprocal rights of entry and legal protection to citizens receiving societies.
5. Immigration policies should not be imposed unilaterally but developed cooperatively through multilateral agreements similar to those used to govern international flows of capital, goods, commodities, and information. In an integrated world, nations have responsibilities beyond their border, and unilateral actions taken by one nation can have serious negative repercussions for others linked to it in the global system.

The authors' also make specific suggestions for effective immigration reform, focusing on the relationship between the United States and Mexico.

Increased Allocation of Visas for Mexico

The authors' suggest that there should not be an equal allocation of visas for all countries (as there is now – a really absurd policy instituted about 30 years ago that limits all countries to the same number of visas regardless of demand in the “preference categories” – the categories that have to wait in line – more than 10 years if you're married to a lawfully permanent resident from Mexico -Peter) (p.156-7), visa numbers should instead vary according to demand. Possible criteria for this variance should be based is trade relations, treaties, or other historical ties (p.157). The authors emphasize that Mexico, which now has a significantly low quota of 20,000 immigrant visas should be changed to a more realistic figure of at least 60,000 (p.159).

Visa allocations are regulated by 8 USCA §1151 (INA 201). According to the Visa Bulletin for January 2007, “Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.” (http://travel.state.gov/visa/frvi/bulletin/bulletin_3100.html).

Temporary Worker Visas

The authors suggest that temporary worker visas be put in place to permit Mexicans to enter, live and work in the US without restriction for a period of two years. These visas would be renewable once in the lifetime of the migrant, but only after he or she has returned home for at least one year. Visas would be distributed by a binational agency managed by the governments of the US and Mexico (p.160).

Temporary Visas would be an opportunity to raise funds. Recipients would be charged \$300 for each visa payable to the US Treasury. The fee along with federal taxes withheld from the paychecks of temporary workers and the reduction in the personnel and resources devoted to border enforcement would raise funds, which would be used to offset immigration costs. Funds would go to mitigate the cost of migration for the US, Mexico's economic development, federal revenue sharing to states with large immigrant populations, with the remainder to benefit migrants. Migrants would be benefited by facilitating the improvements of markets to Mexico and assisting the country in building a social welfare net to support its citizens in the event of market failure (p.160-1).

Repeal Provisions of IRCA That Criminalize The Hiring of Unauthorized Workers

The authors suggest that instituting a guest worker program would obviate the need for employer sanctions and therefore suggest the repeal 8 USCA §1324a (INA 274A) & 8 USCA §1324b (INA 274B).

Regularize The Status of Undocumented Immigrants With a Record of Peaceful, Long-Term Residence in the United States

The authors suggest that a temporary worker program would be one step the U.S. of the underground economy but regularizing the status of undocumented immigrants in the U.S. would go further in extinguishing this economy. Since migrants are already present in the U.S., an amnesty would have no effect on population growth but instead would facilitate the assimilation immigrants and their children to U.S. society (p. 160).

Border Patrol Reduction

The authors suggest a reduction in the size of the Border Patrol to permit a shift of resources from the border to the interior of the U.S., resources would be targeted instead at regions and economic sectors known to employ large numbers of immigrants workers. Rather than focusing on the identification and apprehension of undocumented immigration, however, inspections would enforce the tax, labor, environmental, health, and safety laws of the United States, reducing the incentives for employers to hire undocumented migrants as a means of circumventing these regulations (p.162).

Eliminate the 5th Preference Category – Adult Siblings

8 USCA 1153(a)(4) [INA 203(a)(4)] is a preference category which allocates visas to qualified immigrants who are the brothers and sisters of citizens of the U.S., if such citizens are at least 21 years of age. According to the authors, this category is not essential for humanitarian reasons and only promotes chain migration (p.162-3).

Non-Immigrant Visas to Older Mexicans

The authors suggest that many elderly Mexicans are now forced to become permanent residents when all they really seek to do is visit their children and grandchildren in the U.S. Rather than be forced to apply for LPR status, the authors suggest that it become easier to for the elderly to be granted tourist visas. Being more flexible in granting non-immigrant visas to older Mexicans with children in the United States would do a lot to reduce migratory momentum, with no change in legislation (p.163).

Facilitate Return Migration and Political Rights

Mexican government should guarantee the secure, rapid and efficient passage of migrants wishing to return home, and it should ensure the political rights of those Mexicans choosing to remain in the US (p.163).