

IMMIGRATION UPDATE 6

February 12, 2007

COST OF NEW COLORADO LAW OUTWEIGH SAVINGS TO DATE

House Bill 1023, passed in 2006 during the special legislative session on immigration, was hailed as the nation's toughest law barring unauthorized migrants from receiving any benefits other than those that federal law mandates be provided (e.g., K-12 education, police and fire protection). After less than six months in force, the bill's initial cost to savings ratio is approximately \$2 million to zero.

The legislature's Joint Budget Committee asked state departments to report how much had been spent on implementing the law, as well as how much had been saved due to stopping benefits to unauthorized migrants. Twelve departments reported implementation costs of approximately \$2 million. No departments reported savings. Many of the costs are believed to be one-time start-up costs rather than ongoing expenditures.

For more information about the Joint Budget Committee's findings and legislators' reactions, see http://www.denverpost.com/search/ci_5081255.

NON-CITIZENS IN THE MILITARY

If asked to estimate, how many non-citizens would you guess are currently serving in the U.S. Armed Forces? According to a February 1, 2007, article in *The Economist*, the number is approximately 30,000 on active duty and 11,000 in the reserves. Nearly all have green cards; that is, they entered the United States lawfully. The immigrant soldiers hail from 200 countries. In 2002, President Bush issued an executive order making non-citizen soldiers eligible for expedited citizenship after serving only one day on active duty (previously immigrant soldiers had to serve several years). According to *The Economist*, thousands of soldiers have been naturalized since 2002, including 80 who received their citizenship posthumously.

With the need for additional troops, many people think that recruiting of non-citizens is appropriate; some even suggest that migrants without green cards should be recruited because of the need to increase the size of the Armed Forces. Immigrants can also bring desperately needed language skills to the military. In contrast, others argue against the practice, saying that immigrant soldiers are essentially mercenaries. Still others oppose recruiting non-citizens, but for a different reason—because it places great burdens on the soldiers of those who do not have equal access to our nation's benefits.

A November 2006 report on the role of immigrants in the military is available from the American Immigration Law Foundation is available at http://www.aifl.org/ipc/infocus/infocus_11206.shtml.

LAWSUIT FILED RE DELAYS IN PROCESSING CITIZENSHIP APPLICATIONS

In the December 30 Immigration Update, we reported on the long delays that many applicants for citizenship are experiencing. Now, a lawsuit has been filed by eight immigrants in the San Francisco area who, despite passing a criminal background check and meeting all other requirements for citizenship, have waited years for action on their applications. The delay seems to be due to a new check added to the process after 9/11—a name-check procedure by the FBI. The complainants are asking that government obey the law that says a decision will be made on a citizenship application within 120 days of the applicant's interview.

Respondents in the lawsuit include the FBI, the Department of Homeland Security, and other government agencies. A spokesperson for the U.S. Citizenship and Immigration Service defended the delays, saying that "The American public expects that as an agency we won't grant a benefit such as citizenship to someone who is not qualified."

For more information, see <http://jurist.law.pitt.edu/paperchase/2007/02/immigrants-file-lawsuit-against-us.php>.

PRESIDENT'S GUEST WORKER PLAN UPDATE

In his 2007 State of the Union address, President Bush again called for immigration reform that includes a guest worker program. He said:

Extending hope and opportunity in our country requires an immigration system worthy of America -- with laws that are fair and borders that are secure. When laws and borders are routinely violated, this harms the interests of our country. To secure our border, we're doubling the size of the Border Patrol, and funding new infrastructure and technology.

Yet even with all these steps, we cannot fully secure the border unless we take pressure off the border -- and that requires a temporary worker program. We should establish a legal and orderly path for foreign workers to enter our country to work on a temporary basis. As a result, they won't have to try to sneak in, and that will leave Border Agents free to chase down drug smugglers and criminals and terrorists. We'll enforce our immigration laws at the work site and give employers the tools to verify the legal status of their workers, so there's no excuse left for violating the law.

We need to uphold the great tradition of the melting pot that welcomes and assimilates new arrivals. We need to resolve the status of the illegal immigrants who are already in our country without animosity and without amnesty. Convictions run deep in this Capitol when it comes to

immigration. Let us have a serious, civil, and conclusive debate, so that you can pass, and I can sign, comprehensive immigration reform into law.

(For full text of the State of the Union, see <http://www.whitehouse.gov/news/releases/2007/01/20070123-2.html>.)

In the February 11, 2007, issue of the Washington Post, the president of the National Council of La Raza, Janet Marguia detailed why NCLR favors a guest worker program, despite negative experiences with the *bracero* program and years of opposition. A key point made by Marguia is that the 1986 reform—which included two reform elements currently under debate, stronger enforcement and a legalization program—failed because it did not acknowledge that the flow of immigrants to the United States would continue. A temporary worker program with appropriate safeguards for both immigrant and American workers, she argues, would provide a system for dealing with the continuing flow of immigrants. The complete article can be found at http://www.washingtonpost.com/wp-dyn/content/article/2007/02/09/AR2007020901947.html?nav=rss_print/outlook.

To date, the new Congress has not acted on legislation that includes the guest worker plan.